

CLAIMS RESOLUTION TRIBUNAL

In re Holocaust Victim Assets Litigation
Case No. CV96-4849

Certified Award

to Claimant Ljerka Lea Schuster
acting on behalf of herself and Alexander Saša Haas

in re Account of Hugo Kollmann

Claim Number: 206732/TP

Award Amount: 149,500.00 Swiss Francs

This Certified Award is based upon the claim of Ljerka Lea Schuster (the “Claimant”) to the account of Hugo Kollmann (the “Account Owner”) at the Zurich branch of the [REDACTED] (the “Bank”).

All awards are published. Where a claimant has not requested confidentiality, as in this case, only the name of the bank is redacted.

Information Provided by the Claimant

The Claimant submitted a Claim Form identifying the Account Owner as her and Alexander Haas’ maternal grandfather, who was born on 8 February 1875 in Koprivnica, in what is now known as Croatia,¹ and married to Linka Kollmann, née Ullmann in 1910. The Claimant stated that Hugo and Linka Kollmann had only one child: Nada Ela Haas, née Kollmann, who was born in Zagreb, Croatia, on 8 February 1911. The Claimant further stated that she and Alexander Haas are the only grandchildren and surviving heirs of Hugo Kollmann and that they both were born in Zagreb, respectively on 14 January 1934 and 8 November 1936. The Claimant identified her grandfather as a Croatian Jew who lived and owned a shop at Ilica 71 in Zagreb. The Claimant also stated that her grandfather owned a house at Slovenska 1 in Zagreb. According to the Claimant, her grandfather’s assets were confiscated in 1941, and he left Croatia for Hungary in 1943. From 1943 to 1945, the Claimant’s grandfather and his family lived at the pension “Feher” in Budapest, Hungary. The Claimant stated that her grandfather returned to Zagreb in 1945 and died there on 28 July 1965, a few months after the death, in Zagreb, of his wife Linka. The Claimant finally stated that her and Alexander Haas’ mother died in Zagreb on 27 June 1997. In support of her claim, the Claimant submitted her and her brother’s birth certificates, as well as her grandparents’ birth and death certificates. She also provided her mother’s birth, marriage and death certificates, as well as her grandmother’s, her grandfather’s and her mother’s

¹ The Tribunal notes that the country now known as Croatia has had several different names over the past century. For ease of reference, it is consistently referred to as “Croatia” throughout this decision.

wills. It appears from the last document that the Claimant and her brother, Alexander Haas, are the only heirs of Nada Ela Haas, who herself was the only heir of Hugo Kollmann.

Information Available in the Bank Records

The bank records consist of a power of attorney authorization dated 16 October 1928, and printouts from the Bank's database. According to these records, the Account Owner was Hugo Kollmann, who lived at Ilica 71 in Zagreb, and the Power of Attorney Holder was Linka Kollmann. The bank records indicate that the Account Owner held a custody account.²

The bank records do not show if or when the account at issue was closed, or to whom it was paid, nor do these records indicate the value of this account. The auditors who carried out the investigation of this bank to identify accounts of Victims of Nazi Persecution pursuant to instructions of the Independent Committee of Eminent Persons did not find this account in the Bank's system of open accounts, and they therefore presumed that it was closed. These auditors indicated that there was no evidence of activity on this account after 1945.

The Tribunal's Analysis

Identification of the Account Owner

The Claimant has plausibly identified the Account Owner and the Power of Attorney Holder. The Claimant's and Alexander Haas' maternal grandparents' names match the published names of the Account Owner, Hugo Kollmann, and the Power of Attorney Holder, Linka Kollmann. Moreover, the Claimant has provided her grandfather's precise street address in Zagreb before the Second World War, which exactly matches the unpublished address contained in the bank documents.

Status of the Account Owner as a Victim of Nazi Persecution

The Claimant has made a plausible showing that the Account Owner was a Victim of Nazi Persecution. The Claimant stated that the Account Owner, her and Alexander Haas's grandfather, was a Croatian Jew who lived at Ilica 71 in Zagreb, where he also owned a shop. The Claimant further indicated that the Account Owner's assets were all confiscated and that he took refuge in Budapest, Hungary, from 1943 to 1945. In 1945, the Account Owner and his family returned to Zagreb, where he died in July 1965, a few months after his wife, Linka Kollmann.

²The bank records contain a power of attorney form that references a "*Titeldepot*" which is a custody account. Such forms were typically used by the Bank at the time regardless of whether the account in question was in fact a custody account. Although this power of attorney form therefore does not necessarily demonstrate that the Account Owner held a custody account, in the absence of evidence to the contrary, the Tribunal concludes that it is plausible that he held such an account.

The Claimant's Relationship to the Account Owner

The Claimant has plausibly demonstrated that she and her brother, Alexander Haas, are related to the Account Owner by submitting documents demonstrating that the latter had only one child: Nada Ela Haas, née Kollmann, the Claimant's and her brother's mother. Moreover, the Claimant has provided the Account Owner's and her own mother's wills, showing that she and her brother, Alexander Haas, are the Account Owner's only living heirs. The credibility of other information provided by the Claimant gives the Tribunal no basis to question the veracity of this information concerning her relationship to the Account Owner.

The Issue of Who Received the Proceeds

Since the Claimant would not be entitled to an award if the account at issue was paid to the Account Owner or his heirs, the Tribunal must consider the question of what happened to the funds in this case.

The historical evidence developed by the Independent Committee of Eminent Persons during its investigation of Swiss banks (the "ICEP Investigation") demonstrates that the funds of Nazi victims in Swiss banks were disposed of in various ways. In some cases, the account owners and/or their families withdrew and received the funds. In other cases, Nazi authorities coerced account owners to withdraw the balances in their Swiss accounts and transfer the proceeds to banks designated by the Nazi authorities, and the funds fell into Nazi hands. For other accounts, no transfers occurred, but account values were consumed by regular and special bank fees and charges, which resulted ultimately in closure without any payment to the account owners. In still other cases, particularly after a period of inactivity or dormancy, the proceeds were paid to bank profits. Thus, if the funds were not in fact paid to the account owners or their family, as is apparently the case here as described below, there is a substantial likelihood that the funds went to the Nazis or to the Swiss bank.

Although the Tribunal cannot determine with certainty who received the proceeds of the account, the Tribunal concludes that a plausible showing has been made that neither the Account Owner nor his heirs received the proceeds. Certainly, the Account Owner could not access the account between 1941 and 1945, when he and his family lived in Croatia and Hungary. After the Nazis occupied Croatia in 1941, the Account Owner's assets were confiscated and he and his family fled to Hungary in 1943, where they hid until the Second World War was over. In 1945 after their return to Zagreb, the Account Owner and the Power of Attorney Holder, as citizens of the communist Federal Republic of Yugoslavia, would also have had difficulties in travelling abroad and accessing the account prior to their deaths in 1965. As to whether their daughter Nada may have accessed the account at any point, it is plausible that she was not even aware of its existence; it is not mentioned in the Account Owner's or his wife's wills. Moreover, there is no evidence in the bank records suggesting that the Account Owner or his family closed the account and received the proceeds.

Basis for the Award

The Tribunal has determined that an Award may be made in favor of the Claimant. First, the claimed account belonged to a Victim of Nazi Persecution. Second, the Claimant has plausibly demonstrated that the Account Owner was her and Alexander Haas' grandfather, and that

relationship justifies an Award. Finally, the Tribunal has determined that it is plausible that neither the Account Owner nor his heirs received the proceeds of the claimed account.

Amount of the Award

Pursuant to Article 35 of the Rules when the value of an account is unknown, as is the case here, the average value of the same or a similar type of account in 1945 is used to calculate the present value of the account being awarded. Based on the ICEP Investigation, in 1945 the average value of a custody account was 13,000.00 Swiss Francs. The present value of this amount is calculated by multiplying it by a factor of 11.5, in accordance with Article 37(1) of the Rules, to produce a total award amount of 149,500.00 Swiss Francs.

In cases where the value of an account is based on the presumptions of Article 35 of the Rules, or where the Tribunal has determined that an account may be subject to later competing valid claims, claimants shall receive an initial payment of 35% of the total award amount. In this case, the value of the account at issue is based on the Article 35 presumptions. After all claims are processed, subject to approval by the Court, claimants may receive a subsequent payment of up to the remaining 65% of the total award amount. In this case, 35% of the total award amount is 52,325.00 Swiss Francs.

Division of the Award

The Claimant is representing her brother, Alexander Haas, in these proceedings. According to Article 29 of the Rules, her brother is entitled to receive half of any payment made to the Claimant.

Scope of the Award

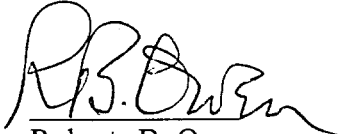
The Claimant should be aware that, pursuant to Article 25 of the Rules, the Tribunal will carry out further research on her claim to determine whether there are additional Swiss bank accounts to which she and her brother might be entitled, including research of the Total Accounts Database (consisting of records of 4.1 million Swiss bank accounts which existed between 1933 and 1945).

Certification of the Award

At this point in the Claims Resolution Process, the Tribunal has identified a number of cases in which a particular claimant has made out a strong case for entitlement to an award, but at this stage it is not possible for the Tribunal to have clear assurance that no additional claimants to the same account will be forthcoming. The Special Masters appointed by the Court to supervise the Claims Resolution Process for Deposited Assets Claims have stressed the importance of moving ahead quickly to begin to make awards to Holocaust victim claimants or their heirs. They have therefore instructed the Tribunal that in particular cases where the Tribunal is satisfied that the currently identified claimant has a strong claim and that the risk of future competing claims is low, the Tribunal shall prepare an award to that claimant and submit it to the Court for approval. This is such a case.

In this case, the Tribunal is of the opinion that the Claimant has presented a strong claim to the account at issue, thus substantially reducing the likelihood of competing claims. On this basis, and taking into account the instructions of the Special Masters, the Tribunal recommends approval by the Court of the present Award for payment by the Special Masters in accordance with Article 37(3) of the Rules.

27 Feb. 2002
Date


Roberts B. Owen
Senior Claims Judge