

# CLAIMS RESOLUTION TRIBUNAL

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

## **Certified Award**

to Claimant Istvanne Eva Lente

**in re Account of Margit Langfelder**

Claim Number: 210188/MD

Award Amount: 45,425.00 Swiss Francs

This Certified Award is based upon the claim of Istvanne Eva Lente (the “Claimant”) to the account of Margit Langfelder (the “Account Owner”) at [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 in which she stated that Margit Langfelder was the sister of her paternal grandfather, that she was born in 1883 in Budapest, Austria-Hungary, and that she was the daughter of Vilmos and Rozalia Langfelder. Further, the Claimant stated that her great-aunt married Ede Langfelder, a mill owner, in 1904. According to the information provided by the Claimant, Margit and Ede Langfelder had no children.

The Claimant asserted that Ede Langfelder died in 1936. She stated that Margit Langfelder, who was Jewish, was relocated to a ghetto in 1944. She survived the Holocaust and died in Budapest in 1959. The Claimant submitted numerous documents, including birth, marriage, and death certificates, which support her claim.

### **Information Available in the Bank Records**

The bank documents indicate that the sole Account Owner was Mrs. Margit Langfelder, a widow, who lived in Budapest. The Power of Attorney Holder was her mother, Rosalia Langfelder. The bank records indicate that the account was opened not later than November 1930. The type of the account is not known. The bank records do not show when the account was closed, or to whom it was paid, nor do they indicate the value of the account. There is no evidence of activity on the account after 1945.

## **Tribunal's Analysis**

### Identification of the Account Owner

The Claimant has plausibly identified the Account Owner as her great-aunt. She provided her great-aunt's precise address in Budapest and submitted information about her relative's family (including her mother's name) which matches exactly the unpublished information about the Account Owner contained in the bank documents. In addition, the Claimant provided a sample signature of her relative which is similar to that of the Account Owner contained in the bank documents.

### Status of the Account Owner as a Victim of Nazi Persecution

The Claimant has provided plausible evidence that the Account Owner was a Victim of Nazi Persecution. Birth and marriage certificates of the Account Owner submitted by the Claimant indicate that the Account Owner was Jewish. Further, the Claimant stated that the Account Owner was relocated to a ghetto in 1944 when Hungary was occupied by the Nazi Regime.

### The Claimant's Relationship to the Account Owner

The Claimant has plausibly shown that the Account Owner was her great-aunt by providing specific information about her and by submitting documents, such as birth, death, and marriage certificates of her relatives, demonstrating her relationship to the Account Owner. According to the information provided by the Claimant, the Account Owner was predeceased by her husband and died without issue in 1959. The Claimant attached a copy of the Account Owner's will in which the Account Owner bequeathed her estate to the Claimant's father, Gyula Simon. The Claimant's father died in 1982. The Claimant asserts that her mother died in 1956, and that she is Gyula Simon's only child. The credibility of other information provided by the Claimant gives the Tribunal no basis for questioning her assertion that she is the only heir of the Account Owner.

### The Issue of Who Received the Proceeds

Since the Claimant would not be entitled to an award if the account 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 in this case 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 her heirs received the proceeds. The Tribunal notes that the Account Owner was confined in a ghetto during the Nazi occupation and could not have accessed the account. Furthermore, the Tribunal notes that it would have been extremely difficult and dangerous for the Account Owner to access her account after the Second World War, as she was living in a Communist country, and there is no evidence of such access by her or her heir prior to their deaths. Finally, there is no evidence in the bank records suggesting that the Account Owner closed the account and received the proceeds herself.

#### Basis for the Award

The Tribunal has determined that an Award may be made in favor of the Claimant. First, the claim is admissible in accordance with the criteria contained in Article 23 of the Rules. Second, the Claimant has plausibly demonstrated that the Account Owner was her great-aunt and that relationship justifies an Award. Finally, the Tribunal has determined that it is plausible that neither the Account Owner nor her heirs received the proceeds of the claimed account.

#### Amount of the Award

Pursuant to Article 35 of the Rules, when the value and type of an account is unknown, as is the case here, the average value of other accounts in 1945 is used to calculate the present value of the account being awarded. Based on the ICEP investigation, the average value of such account shall be 3,950.00 Swiss Francs. The present value of this amount is calculated by multiplying the balance by a factor of 11.5, in accordance with Article 37(1) of the Rules, to produce a total award amount of 45,425.00 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 and there is the possibility of other competing claims. 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 15,898.75 Swiss Francs.

### **Scope of the Award**

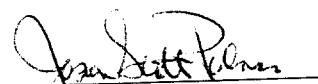
The Claimant should be aware that, pursuant to Article 25 of the Rules, the Tribunal will carry out further research on his claim to determine whether there are additional Swiss bank accounts to which she and her brother might be entitled, including research of the Total Accounts Database (consisting 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 accounts 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 should 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, 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 of the present Award by the Court for payment by the Special Masters in accordance with Article 37(3) of the Rules.

25 January 2002  
Date

  
Jason Scott Palmer  
Resident Claims Judge