

# CLAIMS RESOLUTION TRIBUNAL

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

## **Certified Award**

to Claimant [REDACTED 1]  
also acting on behalf of [REDACTED 2]

and to Claimant [REDACTED 3]

## **in re Account of Ida Marx**

Claim Numbers: 215115/KG; 601060/KG<sup>1</sup>

Award Amount: 49,375.00 Swiss Francs

This Certified Award is based upon the claim of [REDACTED 1], née [REDACTED], (“Claimant [REDACTED 1]”) to the account of Ida Marx and the claim of [REDACTED 3], née [REDACTED], (“Claimant [REDACTED 3]”) (together the “Claimants”) to the account of Rosa Weil, née Marx.<sup>2,3</sup> This Award is to the published account of Ida Marx at the [REDACTED] (the “Bank”).

All awards are published, but where a claimant has requested confidentiality, as in this case, the names of the claimant, any relatives of the claimant other than the account owner, and the bank have been redacted.

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<sup>1</sup> Claimant [REDACTED 3] submitted a claim, numbered B-01849, on 11 June 1999, to the Holocaust Claims Processing Office (“HCPO”) of the New York State Banking Department. This claim was referred by the HCPO to the CRT and has been assigned Claim Number 601060.

<sup>2</sup> The CRT notes that, on the February 2001 published list of accounts determined by the Independent Committee of Eminent Persons (“ICEP”) to be probably or possibly those of Victims of Nazi Persecution (the “ICEP List”), the name Ida Marx is listed four times, as: “Marx, Ida [France] [3],” “Marx, Mrs. Ida [Nice, France] [7],” “Marx, Frau Ida [1],” and “Marx, Frau Ida [1].” This Award is to the account of “Marx, Frau Ida [1].” In a separate decision, the CRT awarded the other account listed as “Marx, Frau Ida [1]” to Claimant [REDACTED 1]. See *In re Account of Ida Marx* (approved on 11 April 2005). In that case, unlike the present case, the Bank’s records contained biographical information about the Account Owner that clearly indicated that the account was owned by Claimant [REDACTED 1]’s relative. Moreover, upon careful review, the CRT has determined that the accounts published as “Marx, Ida [France] [3],” and “Marx, Mrs. Ida [Nice, France] [7],” were held by different individuals, whom neither Claimant [REDACTED 1] nor Claimant [REDACTED 3] identified as their relatives.

<sup>3</sup> The CRT will treat Claimant [REDACTED 3]’s claim to the account of [REDACTED], née [REDACTED], in a separate determination.

## **Information Provided by the Claimants**

### Claimant [REDACTED 1]

Claimant [REDACTED 1] submitted a Claim Form identifying the Account Owner as her maternal grandmother, Ida Marx, née Oppenheimer, who was born on 10 September 1877 in Würzburg, Germany, and was married to [REDACTED] on 23 December 1898 in Nuremberg, Germany. According to Claimant [REDACTED 1], the couple had two daughters: [REDACTED], who was born on 7 July 1906 and who died on 25 January 1996 and [REDACTED], née [REDACTED] (Claimant [REDACTED 1]'s mother), who was born on 17 July 1900 and who perished in Auschwitz on 7 August 1942.

Claimant [REDACTED 1] indicated that her grandmother, who was Jewish, resided at Wolfgangstrasse 20 in Frankfurt am Main, Germany, until 1934, at which time she fled to Switzerland, where she resided in the municipality of Muralto in Locarno at Via Sempione 8. Claimant [REDACTED 1] stated that her grandmother moved to London, the United Kingdom, in 1940 to care for her ill sister, and was not able to return to Switzerland until 1945. Claimant [REDACTED 1] stated that her grandmother died in Zurich, Switzerland, on 5 November 1962.

In support of her claim, Claimant [REDACTED 1] submitted documents, including her own birth certificate, indicating that her mother was [REDACTED], née [REDACTED]; her grandmother's marriage certificate, indicating that her name was Ida Marx, née Oppenheimer; a declaration from the municipality of Muralto, confirming that Ida Marx resided in the municipality of Muralto from 1934 onwards; Ida Marx's last will and testament, declaring her daughter [REDACTED] and her granddaughter, Claimant [REDACTED 1], to be her heirs; [REDACTED]'s death certificate, indicating that she was Ida Marx's daughter; and the birth certificate of Claimant [REDACTED 1]'s cousin, [REDACTED 2], née [REDACTED], indicating that she was adopted by [REDACTED].

Claimant [REDACTED 1] indicated that she was born on 20 January 1925 in Karlsruhe, Germany. Claimant [REDACTED 1] represents her cousin, [REDACTED 2], née [REDACTED], who was born on 8 September 1940 in Paris, France.

### Claimant [REDACTED 3]

Claimant [REDACTED 3] submitted a claim to the Holocaust Claims Processing Office ("HCPO") identifying the Account Owner as her maternal grandmother, Ida Marx, née Neumann, who was married to [REDACTED]. Claimant [REDACTED 3] indicated that her grandparents, who were Jewish, lived in Hohebach, Germany, where Claimant [REDACTED 3]'s mother, [REDACTED], was born on 8 August 1884. In a telephone conversation with the CRT on 28 August 2005, Claimant [REDACTED 3] indicated that she remembered meeting her grandparents as a child and that they both passed away some time before the Second World War. According to Claimant [REDACTED 3], in November 1941, her mother, [REDACTED], was deported to a concentration camp, where she perished.

In support of her claim, Claimant [REDACTED 3] submitted her birth certificate, indicating that her mother's name was [REDACTED], née [REDACTED].

Claimant [REDACTED 3] indicated that she was born on 5 February 1917 in Buchau am Federsee, Germany.

### **Information Available in the Bank's Record**

The Bank's record consists of a numbered account closing register. According to this record, the Account Owner was *Frau* (Mrs.) Ida Marx. The Bank's record does not contain any further biographical information about the Account Owner. The Bank's record indicates that the Account Owner held a numbered account, the type of which is not indicated, numbered 60231.

The Bank's record indicates that the account was transferred to the Bank's profit and loss account on 31 December 1950, at which time the balance of the account was 14.00 Swiss Francs ("SF").

### **The CRT's Analysis**

#### Joinder of Claims

According to Article 37(1) of the Rules Governing the Claims Resolution Process, as amended (the "Rules"), claims to the same or related accounts may be joined in one proceeding at the CRT's discretion. In this case, the CRT determines it appropriate to join the two claims of the Claimants in one proceeding.

#### Identification of the Account Owner

Claimant [REDACTED 1]'s and Claimant [REDACTED 3]'s respective maternal grandmothers' names match the published name of the Account Owner. In addition, each of the Claimants stated that their respective grandmother's married name was Ida Marx, which is consistent with the published term of address of the Account Owner as "*Frau*." The CRT notes that the Bank's record does not contain any specific information about the Account Owner other than her name.

In support of her claim, Claimant [REDACTED 1] submitted documents, including Ida Marx's marriage certificate, a declaration from the municipality of Muralto and Ida Marx's last will and testament, providing independent verification that the person who is claimed to be the Account Owner had the same name as the name of the Account Owner.

The CRT notes that Claimant [REDACTED 3] filed an HCPO Claim Form in 1999, asserting her entitlement to a Swiss bank account owned by [REDACTED], daughter of Ida Marx, prior to the publication in February 2001 of the list of accounts determined by the Independent Committee of Eminent Persons ("ICEP") to be probably or possibly those of Victims of Nazi Persecution (the "ICEP List"). This indicates that Claimant [REDACTED 3] has based her present claim not

simply on the fact that an individual identified on the ICEP List as owning a Swiss bank account bears the same name as her relative, but rather on a direct family relationship that was known to her before the publication of the ICEP List. It also indicates that Claimant [REDACTED 3] had reason to believe that her relative owned a Swiss bank account prior to the publication of the ICEP List. This supports the credibility of the information provided by Claimant [REDACTED 3].

The CRT notes that Claimant [REDACTED 1]'s relative and Claimant [REDACTED 3]'s relative are not the same person. However, given that the Claimants have identified all published information about the Account Owner that is available in the Bank's record; that the information provided by each claimant supports and in no way contradicts any information available in the Bank's record; that there is no additional information in the Bank's record which would provide a basis for the CRT to make any further determinations as to the identity of the Account Owner; and that there are not other claims to this account, the CRT finds that Claimant [REDACTED 1] and Claimant [REDACTED 3] have each plausibly identified the Account Owner.

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

Claimant [REDACTED 1] has made a plausible showing that the Account Owner was a Victim of Nazi Persecution. Claimant [REDACTED 1] stated that the Account Owner was Jewish, and that she fled Germany for Switzerland in 1934. Claimant [REDACTED 1] also indicated that the Account Owner's daughter perished in Auschwitz.

Claimant [REDACTED 3] has also made a plausible showing that either the Account Owner or one or more of her heirs were Victims of Nazi Persecution. Claimant [REDACTED 3] stated that the Account Owner was Jewish. The CRT notes that Claimant [REDACTED 3] stated that the Account Owner died before the start of the Second World War, but notes that it is unclear whether she was alive after the Nazis came to power in Germany in January 1933. Even if the Account Owner died prior to the Nazis' rise to power, one of the Account Owner's heirs, her daughter [REDACTED], née [REDACTED], to whom the account at issue would have passed, was a Victim of Nazi Persecution. Claimant [REDACTED 3] stated that [REDACTED] was Jewish and that in 1941, she was deported to Auschwitz, where she was murdered.

#### The Claimants' Relationship to the Account Owner

Claimant [REDACTED 1] has plausibly demonstrated that she is related to the Account Owner by submitting information and documents, demonstrating that the Account Owner was Claimant [REDACTED 1]'s grandmother, and the grandmother of Claimant [REDACTED 1]'s cousin, [REDACTED 2], whom Claimant [REDACTED 1] represents. These documents include the Account Owner's last will and testament, indicating that Claimant [REDACTED 1] was the Account Owner's granddaughter; [REDACTED]'s death certificate, which indicates that her mother was Ida Marx; and [REDACTED 2]'s birth certificate, indicating that she was adopted by [REDACTED].

Claimant [REDACTED 3] has also plausibly demonstrated that she is related to the Account Owner by submitting specific information, demonstrating that the Account Owner was her

maternal grandmother. The CRT notes that Claimant [REDACTED 3] filed an HCPO Claim Form in 1999, identifying the relationship between the Account Owner and Claimant [REDACTED 3], prior to the publication in February 2001 of the ICEP List. The CRT further notes that Claimant [REDACTED 3] submitted a copy of her birth certificate, indicating that her mother's name was [REDACTED], née [REDACTED], which provides independent verification that Claimant [REDACTED 3]'s relatives bore the same family name as the Account Owner. Finally, the CRT notes that the foregoing information is of the type that family members would possess and indicates that the Account Owner was well known to Claimant [REDACTED 3] as a family member, and all of this information supports the plausibility that Claimant [REDACTED 3] is related to the Account Owner, as she has asserted in her HCPO Claim Form.

#### The Issue of Who Received the Proceeds

The Bank's records indicate that the account was transferred to the Bank's profit and loss account on 31 December 1950.

#### Basis for the Award

The CRT has determined that an Award may be made in favor of the Claimants. First, the claim is admissible in accordance with the criteria contained in Article 18 of the Rules. Second, each of the Claimants has plausibly demonstrated that the Account Owner was their grandmother and that relationship justifies an Award. Third, the CRT has determined that neither the Account Owner, nor her heirs received the proceeds of the claimed account.

#### Amount of the Award

In this case, the Account Owner held one account, of unknown type. The Bank's record indicates that the value of the account as of 31 December 1950 was SF 14.00. In accordance with Article 31(1) of the Rules, this amount is increased by an adjustment of SF 390.00, which reflects numbered account fees and standardized bank fees charged to the account, the type of which is not indicated, between 1945 and 1950. Consequently, the adjusted balance of the account at issue is SF 404.00. According to Article 29 of the Rules, if the amount in an account of unknown type was less than SF 3,950.00, and in the absence of plausible evidence to the contrary, the amount in the account shall be determined to be SF 3,950.00. The current value of the amount of the award is determined by multiplying the balance as determined by Article 29 by a factor of 12.5, in accordance with Article 31(1) of the Rules, to produce a total award amount of SF 49,375.00.

#### Division of the Award

According to Article 26 of the Rules, in cases where the identity of the account owner cannot be precisely determined due to the limited information contained in the bank documents, and where several unrelated claimants have established a plausible relationship to a person with the same name as the account owner, the award will provide for a pro rata share of the full amount in the account to each claimant or group of claimants who would be otherwise entitled under these Rules. In this case, each Claimant has established a plausible relationship to a person with the

same name as the Account Owner. Accordingly, Claimant [REDACTED 3] is entitled to half of the total award amount, and Claimant [REDACTED 1] and [REDACTED 2], whom Claimant [REDACTED 1] represents, are jointly entitled to the other half of the award amount, to be shared in accordance with the Rules.

According to Article 23(2)(a) of the Rules, if a claimant has submitted the Account Owner's will or other inheritance documents pertaining to the Account Owner, the award will provide for distribution among any beneficiaries named in the will or other inheritance documents who have submitted a claim. Further, according to Article 23(2)(c) of the Rules, if a claimant bases a claim of entitlement on a chain of inheritance but has not submitted an unbroken chain of wills or other inheritance documents, the CRT may use the general principles of distribution established in Article 23(1) to make allowance for any missing links in the chain, consistent with the principles of fairness and equity.

In this case, Claimant [REDACTED 1] submitted Ida Marx's last will and testament, declaring her daughter [REDACTED], and her granddaughter, Claimant [REDACTED 1], as her joint heirs. The CRT notes that Claimant [REDACTED 1] did not submit a will or other inheritance document pertaining to [REDACTED]. However, the CRT notes that the represented party [REDACTED 2] is the adopted daughter of [REDACTED]. According to Article 23(1)(c) of the Rules, which may be used as permitted by Article 23(2)(c) referred to above, if the Account Owner's spouse has not submitted a claim, the award shall be in favor of any descendants of the Account Owner who have submitted a claim, in equal shares by representation. The CRT therefore concludes that it is consistent with the Rules and with the principles of fairness and equity that [REDACTED]'s one-half share in Ida Marx's estate passes to her adopted daughter, [REDACTED 2]. Accordingly, Claimant [REDACTED 1] is entitled to one quarter of the total award amount and [REDACTED 2] is entitled to one quarter of the total award amount.

### **Scope of the Award**

The Claimants should be aware that, pursuant to Article 20 of the Rules, the CRT will carry out further research on their claims to determine whether there are additional Swiss bank accounts to which they 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**

The CRT certifies this Award for approval by the Court and payment by the Special Masters.

Claims Resolution Tribunal  
30 November 2005