

CLAIMS RESOLUTION TRIBUNAL

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

Certified Award

to Claimant [REDACTED 1]
also acting on behalf of [REDACTED 2]
and [REDACTED 3]

in re Accounts of Karl Mayer

Claim Number: 212745/MBC

Award Amount: 178,000.00 Swiss Francs

This Certified Award is based upon the claim of [REDACTED 1] (the “Claimant”) to the published account of Bernhard Albert Mayer.¹ This Award is to the published account of Karl Mayer (the “Account Owner”) at the [REDACTED] (the “Bank”).²

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.

Information Provided by the Claimant

The Claimant submitted a Claim Form identifying the Account Owner as her paternal grandfather, Karl (Carlos) Jakob (Jacobo) Mayer, who was born on 12 October 1894 in Mainz, Germany, to [REDACTED] and [REDACTED], née [REDACTED]. The Claimant stated that her grandfather, who resided at Rheinstrasse 25 in Darmstadt, Germany, was married to [REDACTED], née [REDACTED], and had two sons: [REDACTED 2] (the Claimant’s father), and [REDACTED 3]. The Claimant indicated that her grandfather, who was a businessman, owned a factory for silver and other precious metals in Mainz and Pforzheim, Germany, which he took over from his father. In a telephone conversation on 4 March 2005, the Claimant stated that her grandfather’s mother, [REDACTED], née [REDACTED], came from a well-known family in Darmstadt and owned several businesses there, including an *Eisengroßhandlung* (wholesale hardware business). The Claimant stated that her grandfather also held the title of

¹ In a separate decision, the Court approved an award to the two accounts belonging to Bernhard Albert Mayer to the Claimant. See *In re Accounts of Bernhard Albert Mayer* (approved on 3 October 2002).

² 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”), Karl Mayer is indicated as having one account. Upon careful review, the CRT has concluded that the Bank’s record evidences the existence of two accounts.

Generalkonsul (Consul General) of Persia. According to the Claimant, in 1933, her grandfather, who was Jewish, fled Germany to Persia, then to other countries, and finally to Buenos Aires, Argentina, where he died on 9 August 1976. The Claimant stated that her grandfather's sons and parents remained in Germany until 1941, when they fled to Argentina.

The Claimant submitted copies of her grandfather's birth certificate, her father's birth certificate, which indicates that Karl Jakob Mayer, a *Großkaufmann* (wholesaler), was the father of [REDACTED 2], as well as her marriage certificate, which indicates that [REDACTED 2] was her father. The Claimant also submitted her great-grandparents' 1941 application to emigrate from Germany, which states that her great-grandmother's name was [REDACTED], née [REDACTED], and that she was born on 28 September 1873 in Darmstadt.

The Claimant indicated that she was born on 25 November 1953 in Buenos Aires. The Claimant is representing her father, [REDACTED 2], who was born on 2 January 1921 in Darmstadt and her uncle, [REDACTED 3], who was born in Darmstadt on 24 February 1923.

Information Available in the Bank's Record

The Bank's record consists of a customer card. According to this record, the Account Owner was Karl Mayer, who resided in Darmstadt, Germany. The title used by the Account Owner partially illegible, but appears to be *Gen. Kons.* (Consul General). The Bank's record indicates that the Account Owner held one custody account and one safe deposit box account, numbered 206.

The Bank's record indicates that the custody account and the safe deposit box were closed, but does not show when these accounts were closed, nor does this record indicate the value of these accounts. There is no evidence in the Bank's record that the Account Owner or his heirs closed these accounts and received the proceeds themselves.

The Bank's record further shows that that the Account Owner gave a guarantee for a loan granted by the Bank to a company named *Gebr. Trier* of Darmstadt. The guarantee was cancelled on an unknown date no later than 1945.

The CRT's Analysis

Identification of the Account Owner

The Claimant has plausibly identified the Account Owner. The Claimant's grandfather's name and country of residence match the published name and country of residence of the Account Owner. The Claimant identified her grandfather's city of residence and title, which match unpublished information about the Account Owner contained in the Bank's record. Moreover, the Claimant identified her great-grandmother's maiden name, [REDACTED], and indicated that her family owned several businesses in Darmstadt. This information corresponds with unpublished information regarding the loan mentioned in the Bank's record.

In support of her claim, the Claimant submitted documents, including her father's birth certificate and her great-grandparents' application to emigrate from Germany, providing independent verification that the person who is claimed to be the Account Owner had the same name recorded in the Bank's record as the name of the Account Owner.

The CRT notes that the other claims to these accounts were disconfirmed because those claimants provided different cities or countries of residence from the city and country of residence of the Account Owner and failed to identify the title and business relationships of the Account Owner.

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 was Jewish and that he fled Germany in 1933. The CRT notes that the Account Owner's sons and parents remained in Nazi Germany until 1941, when they fled to Argentina.

The Claimant's Relationship to the Account Owner

The Claimant has plausibly demonstrated that she is related to the Account Owner by submitting specific information and documents, demonstrating that the Account Owner was the Claimant's paternal grandfather. These documents include the Claimant's father's birth certificate, which indicates that his father was Karl Jakob Mayer, as well as the Claimant's marriage certificate, which indicates that her father was [REDACTED 2].

The Issue of Who Received the Proceeds

Given that the Account Owner fled Germany due to Nazi persecution; that there is no record of the payment of the Account Owner's accounts to him, nor any dates of closure of the accounts; that the Account Owner and his heirs would not have been able to obtain information about his accounts after the Second World War from the Bank, even for the stated purpose of obtaining indemnification from the German authorities, due to the Swiss banks' practice of withholding or misstating account information in their responses to inquiries by account owners because of the banks' concern regarding double liability; and given the application of Presumptions (h) and (j), as provided in Article 28 of the Rules Governing the Claims Resolution Process, as amended (the "Rules") (see Appendix A), the CRT concludes that it is plausible that the account proceeds were not paid to the Account Owner or his heirs. Based on its precedent and the Rules, the CRT applies presumptions to assist in the determination of whether or not Account Owners or their heirs received the proceeds of their accounts.

Basis for the Award

The CRT 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 18 of the Rules. Second, the Claimant has plausibly demonstrated that the Account Owner was her paternal grandfather, and that relationship justifies an Award. Third, the CRT has determined that it is plausible that neither the Account Owner nor his heirs received the proceeds of the claimed accounts.

Further, the CRT notes that [REDACTED 2] and [REDACTED 3], as the children of the Account Owner, have a better entitlement to the accounts than the Claimant, who is the grandchild of the Account Owner.

Amount of the Award

In this case, the Account Owner held one custody account and one safe deposit box. Pursuant to Article 29 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 current value of the account being awarded. Based on the investigation carried out pursuant to the instructions of the Independent Committee of Eminent Persons (“ICEP” or “ICEP Investigation”), in 1945 the average value of a custody account was 13,000.00 Swiss Francs (“SF”), and the average value of a safe deposit box account was SF 1,240.00. Consequently, the total 1945 average value of the accounts is SF 14,240.00. The current value of the amount of the Award is determined by multiplying the balance as determined by Article 29 of the Rules by a factor of 12.5, in accordance with Article 31(1) of the Rules, to produce a total award amount of SF 178,000.00.

Division of the Award

According to Article 23(1)(c) of the Rules, 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. In this case, the Claimant is representing her father and uncle; the sons of the Account Owner. Accordingly, and as noted above, the Claimant’s father and uncle are each entitled to one-half of the total award amount.

Scope of the Award

The Claimant should be aware that, pursuant to Article 20 of the Rules, the CRT will carry out further research on her claim to determine whether there are additional Swiss bank accounts to which she 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
31 August 2005

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