

CLAIMS RESOLUTION TRIBUNAL

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

Certified Award Amendment

to Claimant Georgi Evdokiev Markov¹

and to Claimant Angel Novkirishki

in re Account of A. D. Nowkirischky

Claim Numbers: 211487/DE; 224027/DE

Original Award Amount: 25,680.00 Swiss Francs

Award Amendment Amount: 26,750.00 Swiss Francs

This Certified Award Amendment is based upon the claim of Angel Novkirishki (“Claimant Novkirishki”) to the published account of A. D. Nowkirischky and the claim of Georgi Evdokiev Markov, (“Claimant Markov”) (together the “Claimants”) to the published account of Florentine Amstutz.² This Award Amendment is to the published account of A. D. Nowkirischky (the “Account Owner”) at the Basel branch of the [REDACTED] (the “Bank”).

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

Procedural History

On 28 August 2002, the Court approved an Award to Claimant Novkirishki for the Account Owner’s account (the “August 2002 Award”). In this Award Amendment, the CRT adopts and amends its findings to address the entitlement of Claimant Markov to that account. The CRT notes although Claimant Markov filed a timely claim, his claim was not considered in the August 2002 Award. Subsequent review of Claimant Markov’s timely claim indicates that he is entitled to the entire amount of the original award, as detailed below.

¹ On 28 August 2002, the Court approved an award to Angel Novkirishki (“Claimant Novkirishki”) for the account of A. D. Nowkirischky (the “August 2002 Award”), which is the subject of this Award Amendment. See *In re Account of A. D. Nowkirischky* (approved on 28 August 2002).

² In a separate decision the CRT treated the claim of Georgi Evdokiev Markov (“Claimant Markov”) to the account Florentine Amstutz. See *In re Account of Florentine Amstutz* (approved on 6 November 2001).

The August 2002 Award

In the August 2002 Award, the CRT determined that the Account Owner owned one demand deposit account. The CRT further determined that Claimant Novkirishki plausibly identified the Account Owner as his paternal grandfather's cousin, that he plausibly demonstrated that he is related to the Account Owner, that the Account Owner was a Victim of Nazi Persecution, and that the Account Owner did not receive the proceeds of his account. The CRT determined that the value of the account was 2,140.00 Swiss Francs ("SF"), and that the award amount was SF 25,680.00. Finally, the CRT determined that Claimant Novkirishki was entitled to the entire award amount.

Information Provided by Claimant Novkirishki

Claimant Novkirishki submitted a Claim Form identifying the Account Owner as Angel Dimitrov Novkirishki, who was the cousin of his paternal grandfather. Claimant Novkirishki stated that his relative was born in Vratsa, Bulgaria, that he was an ophthalmologist in Sofia, Bulgaria, that he was married to Fiorentina Novkirishki, and that he and his wife did not have any children. According to the information provided by Claimant Novkirishki, his relative died in Sofia in 1975.

Claimant Novkirishki stated that he was born on 12 August 1975 in Sofia.

Information Provided by Claimant Markov

Claimant Markov submitted a claim form indicating that the Account Owner was his maternal grandfather's brother, Dr. Angel Dimitrov Novkirishki, who worked as an eye doctor in Basel, Switzerland, and was married to Florentine Amstutz, who worked at a bank in Basel. Claimant Markov stated that his great-uncle and his great-aunt, who were Jewish, lived in Switzerland from 1933 until 1941, and that they had no children. According to Claimant Markov, his great-uncle and great-aunt moved to Bulgaria in 1941 because the Bulgarian king was known for his tolerance of the Jewish people during a time of growing anti-Semitism in Europe. Claimant Markov explained that his maternal grandfather, Vasil Dimitrov Novkirischki, was Angel Novkirishki's brother. According to Claimant Markov, his grandfather was married to Maria Dimitrova Novkirischka, and their daughter, Elena Vassileva Markova, was Claimant Markov's mother.

In support of his claim, Claimant Markov, submitted several documents including: 1) a letter to his great-aunt, dated 31 March 1931, from the *Banque des Reglements Internationaux* in Basel, Switzerland offering her employment; 2) his great-aunt's will dated 27 September 1977, indicating that Florentine Novkirschka of Sofia left her property to Maria Dimitrova Novkirischka and Evdoki Georgiev; 3) his grandmother's death certificate from the Municipality of the Sredetz Region of Sofia, indicating that Maria Dimitrova Novkirischka died on 1 July 1996, that her husband predeceased her, and that she left one legal heir, her daughter, Elena Vassileva Moarkova.

Claimant Markov indicated that he was born on 20 March 1950 in Sofia.

Information Available in the Bank Records

The bank records consist of a bank statement from June 1953, lists of dormant accounts, and an internal bank document containing information about the Account Owner and his account. According to these records, the sole Account Owner was Dr. A. D. Nowkirischky, an ophthalmologist from Sofia, Bulgaria. The bank records indicate that the Account Owner held a demand deposit account, and that the balance of the account as of 30 June 1943 was 149.00 Swiss Francs. The bank documents also indicate that the account was transferred to a collective account in December 1952 and that the account was closed to bank fees in 1964.

The CRT's Analysis

Joinder of Claims

According to Article 37(1) of 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.

Claimant Markov's Identification of the Account Owner

Claimant Markov has plausibly identified the Account Owner. Claimant Markov's great-uncle's first initials and last name and city and country of residence match the published first initials and last name and city and country of residence of the Account Owner. Claimant Markov also identified the Account Owner's profession, which matches unpublished information about the Account Owner contained in the Bank's records. Additionally, Claimant Markov indicated that, before moving to Sofia, his great-uncle resided in Basel, which matches the unpublished location of the branch of the Bank where the Account Owner's account was held.

Claimant Markov's Relationship to the Account Owner

Claimant Markov has plausibly demonstrated that he is related to the Account Owner by submitting specific biographical information, demonstrating that the Account Owner was his great-uncle. The CRT further notes that Claimant Markov identified unpublished information about the Account Owner as contained in the Bank's records, and that Claimant Markov submitted a copy of his great-aunt's will, which provides independent verification that Claimant Markov's relatives bore the same family name as the Account Owner and that they resided in the same city as the Account Owner.

The Issue of Who Received the Proceeds

As detailed in the August 2002 Award, the Bank's records show that the account was closed to fees in 1964.

Amount of the August 2002 Award

As detailed in the August 2002 Award, the Account Owner held one demand deposit account, and the value of the account as of 30 June 1943 was SF 149.00. According to Article 29 of the Rules, if the amount in a demand deposit account was less than 2,140.00 Swiss Francs, and in the absence of plausible evidence to the contrary, the amount in the account shall be determined to be SF 2,140.00.

According to Article 31 of the Rules, account values are multiplied by an adjustment factor to bring award amounts up to current value. At the time of the August 2002 Award, the adjustment factor was 12, and the resulting award amount was SF 25,680.00.

Basis for the Award Amendment

The CRT has determined that an Award may be made in favor of Claimant Markov. First, Claimant Markov's claim is admissible in accordance with the criteria contained in Article 18 of the Rules. Second, Claimant Markov has plausibly demonstrated that he is the great-nephew of the Account Owner, and that relationship justifies inclusion in the August 2002 Award. Third, the CRT determined in the August 2002 Award that neither the Account Owner nor his heirs received the proceeds of the account.

New Division of the Award

According to Article 23(1)(d) of the Rules, if neither the Account Owner's spouse nor any descendants of the Account Owner have submitted a claim, the award shall be in favor of any descendents of the Account Owner's parents who have submitted a claim, in equal shares by representation. Claimant Markov, who is the Account Owner's great-nephew and descendant of the Account Owner's parents, is more entitled to award amount than Claimant Novkirishki, who is the grandson of the Account Owner's cousin and descendant of the Account Owner's grandparents. Accordingly, Claimant Markov is entitled to the entire award amount.

The CRT notes that in the August 2002 Award, Claimant Novkirishki was awarded the entire award amount, and that he is now determined to not be entitled to share in the award amount. Recognizing that more than seven years have passed since the August 2002 Award, the CRT does not seek outright repayment of the overpayment from Claimant Novkirishki. However, the amount of overpayment shall be deducted from any award adjustment that may be forthcoming to Claimant Novkirishki.

Amount and Division of the Award Amendment

As detailed above and in the August 2002 Award, the 1945 value of the account at issue was determined to be SF 2,140.00. Claimant Markov is entitled to this entire amount. The current value of this amount is calculated by multiplying it by a factor of 12.5, in accordance with Article 31(1) of the Rules, to produce a total Award Amendment amount of SF 26,750.00. As detailed above, Claimant Markov is entitled to the entire award amendment amount.

Certification of the Award Amendment

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

Claims Resolution Tribunal
16 April 2010