

CLAIMS RESOLUTION TRIBUNAL

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

Certified Award Amendment

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

in re Accounts of Meta Salomon

Claim Number: 207295/MBC

Original Award Amount: 312,000.00 Swiss Francs

Award Amendment Amount: 115,015.25 Swiss Francs

This Certified Award Amendment is based upon the claim of [REDACTED 1] (the “Claimant”) to the published accounts of Meta Salomon (the “Account Owner”) at the [REDACTED] (the “Bank”).

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

Procedural History

On 27 January 2003, the Court approved an Award to the Claimant for two custody accounts owned by the Account Owner (the “January 2003 Award”). At the time of that award, the bank records available to the CRT did not contain information regarding the value of the awarded custody accounts. However, the Bank subsequently made available to the CRT additional information about the custody account numbered 24722, including detailed documentation on the portfolios held in the account. In this Award Amendment, the CRT adopts and amends its findings set out in the January 2003 Award based upon this additional information subsequently forwarded to the CRT by the Bank.

The January 2003 Award

In the January 2003 Award, the CRT determined that the Account Owner owned two custody accounts. The CRT further determined that the Claimant plausibly identified the Account

¹ On 27 January 2003, the Court approved an award to [REDACTED 1] (the “Claimant”) for the accounts of Meta Salomon (the “January 2003 Award”), which is the subject of this Award Amendment.

Owner, that he plausibly demonstrated that he is related to the Account Owner, and that he made a plausible showing that the Account Owner was a Victim of Nazi Persecution. Additionally, the CRT determined that it is plausible that the Account Owner did not receive the proceeds of her accounts and that the Claimant and represented party [REDACTED 2], the Claimant's sister, were each entitled to one-half of the award amount.

Finally, the CRT determined that the Bank's record did not indicate the value of the custody accounts, and therefore presumed that each of the two custody accounts had a value of 13,000.00 Swiss Francs ("SF"), for a total 1945 value of SF 26,000.00. Pursuant to Article 31(1) of the Rules Governing the Claims Resolution Process, as amended (the "Rules"), that amount was adjusted to current value by multiplying it by a factor of 12. Accordingly, the final January 2003 award amount was SF 312,000.00. The adjustment factor has since been raised to 12.5.

Information Available in the Bank's Records

As detailed in the January 2003 Award, the Bank's record indicates that the Account Owner was *Frau* (Mrs.) Meta Salomon, who resided in Frankfurt, Germany. The record indicates that the Account Owner held two custody accounts, one of which was not numbered and which was closed on 30 November 1936, and the other of which was numbered L24722 and was closed on 13 May 1937.

As noted above, subsequent to the January 2003 Award, the Bank provided the CRT with additional documents regarding the custody account numbered L24722; the Bank did not provide any additional documentation regarding the custody account which was not numbered. The new documents contained a custody account identification card ("*Leitkarte*") and custody account portfolio holding cards ("*Depotvalorenkarten*") for each security held within custody account L24722.

These documents indicate that at the time the Account Owner was deemed to have lost control over the account, it contained the following securities:

- *5½% Internationale Bodenkreditbank, Basel 1931* bonds with a face value of SF 2,000.00, which were sold on 7 May 1937;
- *24 Bank für elektrische Unternehmungen, Zurich 'A'* shares, each with a face value of SF 500.00, which were sold on 7 May 1937;
- *325 Schuldscheine der Konversionskasse für Deutsche Auslandsschulden*. These bonds were in default and were trading at 15% when they were delivered to an unnamed party on 15 August 1934;
- *35 Schuldscheine der Konversionskasse für Deutsche Auslandsschulden Berlin Aufdruck 1/1934*, which were delivered to an unnamed party on 15 August 1934;
- *325 Schuldscheine der Konversionskasse für Deutsche Auslandsschulden*, which were transferred to the *Dresdner Bank* Frankfurt on 7 March 1935;
- *35 Schuldscheine der Konversionskasse für Deutsche Auslandsschulden Berlin Aufdruck 1/1934*, which were transferred to the *Dresdner Bank* Frankfurt on 7 March 1935;

- 7% *Berliner Städtische Elektrizitätswerke A.-G., Berlin 1925 due 1 November 1940* bonds, with a total face value of SF 2,000.00, which were transferred to the *Dresdner Bank Frankfurt* on 12 November 1936;
- 6% *Elektrizitäts A.-G. vorm. W. Lahmeyer & Co. 1927* bonds, with a total face value of SF 19,000.00, which were transferred to the *Dresdner Bank Frankfurt* on 12 November 1936; and
- 7% *Lech-Elektrizitätswerke A.-G., Augsburg 1926/1929* bonds with a total face value of SF 5,000.00, which were transferred to *Dresdner Bank Frankfurt* on 12 November 1936.

The CRT's Analysis

Basis for the Award Amendment

The CRT has determined that an Award Amendment may be made in favor of the Claimant. The CRT previously determined in the January 2003 Award that the claim is admissible in accordance with Article 18 of the Rules Governing the Claims Resolution Process, as amended (the "Rules"), that the Claimant has plausibly demonstrated that he is related to the Account Owner, and that it is plausible that neither the Account Owner nor her heirs received the proceeds of her accounts.

Value of the accounts in the January 2003 Award

In the January 2003 Award, the Account Owner held two custody accounts. The value of the unnumbered custody account remains unaffected.

Pursuant to Article 29 of the Rules, when the value of an account is unknown, as was the case for the custody accounts in January 2003, 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 upon the investigation conducted by the Independent Committee of Eminent Persons ("ICEP" or "ICEP Investigation"), in 1945 the average value of a custody account was SF 13,000.00.

Amount of the Award Amendment

According to the Guidelines for the Valuation of Securities, circulated to the CRT by Special Master Helen B. Junz, as a general rule, the face value of bonds not in default shall be awarded if the market value was below the face value on the date the account owner is deemed to have lost control over the account. The CRT presumes that the account owner, if able to decide freely, could have opted to hold the respective bond to maturity to avoid a capital loss. The market value of bonds shall be awarded if that value was above the face value on the date the account owner is deemed to have lost control over the account. Stocks are valued at market value.

According to the additional information from the Bank, the Account Owner held a custody account numbered 24722 with the following securities:

- 5½% *Internationale Bodenkreditbank, Basel 1931* bonds with a face value of SF 2,000.00. These bonds were of good quality, and were trading at 71% when they were sold on 7

May 1937. Accordingly, these bonds shall be valued at their total face value of SF 2,000.00;²

- 24 *Bank für elektrische Unternehmungen, Zurich 'A'* shares, each with a face value of SF 500.00. These shares were trading at SF 590.00 per share, for a total market value as of 7 May 1937 of SF 14,160.00;³
- 325 *Schuldscheine der Konversionskasse für Deutsche Auslandsschulden*. These bonds were in default and were trading at 15% when they were delivered to an unnamed party on 15 August 1934. Accordingly, these bonds shall be valued at their total market value of 48.75 Reichsmark ("RM"), which was equivalent to SF 59.23;⁴
- 35 *Schuldscheine der Konversionskasse für Deutsche Auslandsschulden Berlin Aufdruck 1/1934*. These bonds were in default and were trading at 15% when they were delivered to an unnamed party on 15 August 1934. Accordingly, these bonds shall be valued at their total market value of RM 5.25, which was equivalent to SF 6.38;⁵
- 325 *Schuldscheine der Konversionskasse für Deutsche Auslandsschulden*. These bonds were in default and were trading at 15% when they were transferred on 7 March 1935. Accordingly, these bonds shall be valued at their total market value of RM 48.75, which was equivalent to SF 59.23;⁶
- 35 *Schuldscheine der Konversionskasse für Deutsche Auslandsschulden Berlin Aufdruck 1/1934*. These bonds were in default and were trading at 15% when they were transferred on 7 March 1935. Accordingly, these bonds shall be valued at their total market value of RM 5.25, which was equivalent to SF 6.38;⁷
- 7% *Berliner Städtische Elektrizitätswerke A.-G., Berlin 1925 due 1 November 1940* bonds, with a total face value of SF 2,000.00. These bonds were in default and were trading at 29% when they were transferred on 12 November 1936. Accordingly, these bonds shall be valued at their total market value of SF 580.00;⁸
- 6% *Elektrizität A.-G. vorm. W. Lahmeyer & Co. 1927* bonds, with a total face value of SF 19,000.00. These bonds were in default and were trading at 22% when they were transferred on 12 November 1936. Accordingly, these bonds shall be valued at their total market value of SF 4,180.00;⁹ and
- 7% *Lech-Elektrizitätswerke A.-G., Augsburg 1926/1929* bonds with a total face value of SF 5,000.00. These bonds were in default and were trading at 23% when they were transferred on 12 November 1936. Accordingly, these bonds shall be valued at their total market value of SF 1,150.00.¹⁰

² The market value for this security was obtained from *Zürcher Kursblatt*, 30 December 1937.

³ *Id.*

⁴ The market value for this security was obtained from *Zürcher Kursblatt*, 30 December 1935. The CRT uses official exchange rates when converting currencies.

⁵ *Id.*

⁶ The market value for this security was obtained from *Zürcher Kursblatt*, 30 December 1935.

⁷ *Id.*

⁸ The market value for this security was obtained from *Zürcher Kursblatt*, 31 December 1936.

⁹ The market value for this security was obtained from the *Neue Zürcher Zeitung*, 13 November 1936.

¹⁰ The market value for this security was obtained from *Manuel des Valeurs Cotées à la Bourse de Genève, Société de Banque Suisse, Geneva, 1937*, at p. 82-83.

Therefore, the Bank's records indicate that the total value of the custody account was SF 22,201.22. The Article 29 value of SF 13,000.00, which was used in the January 2003 Award, is then subtracted from the actual historic value, resulting in a difference of SF 9,201.22. The current value of this amount is determined by multiplying this difference by a factor of 12.5, in accordance with Article 31(1) of the Rules, to produce a total Award Amendment amount of SF 115,015.25.

Division of the Award Amount

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 his sister, [REDACTED 2], the granddaughter of the Account Owner. Accordingly, the Claimant and represented party [REDACTED 2] are each entitled to one-half of the total award 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
28 May 2010