

# 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], [REDACTED 3], and [REDACTED 4]

## **in re Accounts of Max Schnurmann and Erwin Schnurmann**

Claim Number: 210066/PY; 211337/PY<sup>1</sup>

Award Amount: 172,875.00 Swiss Francs

This Certified Award is based upon the claims of [REDACTED 1] (the “Claimant”) to the published account of Max Schnurmann (“Account Owner Max Schnurmann”) at the Zurich branch of the [REDACTED] (“Bank I”) and to the unpublished account of Erwin Schnurmann<sup>2</sup> (“Account Owner Erwin Schnurmann”)(together the “Account Owners”) at the Zurich branch of the [REDACTED] (“Bank II”).

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 two Claim Forms identifying Account Owner Max Schnurmann as his paternal grandfather, Max Schnurmann, who was born on 23 December 1872 in Schmieheim, Baden, Germany, and was married to [REDACTED], née [REDACTED], who was born on 25 April 1882. The Claimant stated that his grandparents had one child, Erwin Schnurmann, whom the Claimant identified as Account Owner Erwin Schnurmann, the Claimant’s father, who was born on 4 April 1907 in Strasbourg, France and was married to [REDACTED], née [REDACTED], on 17 March 1935 in Strasbourg. The Claimant stated that his grandfather, an industrialist, and his father, an attorney, who were both Jewish, often traveled to Switzerland and that they opened at least one bank account at the Zurich branch of Bank II prior to the Second World War. According to the Claimant, his grandfather lived at 17 rue Twinger in Strasbourg until 1940, at which time he and his wife fled Nazi-occupied

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<sup>1</sup> The Claimant submitted an additional claim to the account of [REDACTED], which is registered under the Claim Number 216295. The CRT will treat the claim to this account in a separate decision.

<sup>2</sup> The CRT did not locate an account belonging to Erwin Schnurmann in the Account History Database prepared pursuant to the investigation of the Independent Committee of Eminent Persons (“ICEP” or “ICEP Investigation”), which identified accounts probably or possibly belonging to Victims of Nazi Persecution, as defined in the Rules Governing the Claims Resolution Process, as amended (the “Rules”). The CRT has based the Award to this account upon information provided by the Claimant.

Strasbourg and found refuge in Marseille, France, where they lived at the Hotel Astoria at 9 Boulevard Garibaldi from 1941 until 10 November 1942. The Claimant also explained that his grandfather's German citizenship was revoked subsequent to the promulgation of the Nuremberg laws. The Claimant stated that after being released from the French army in 1940, his father joined his parents in Marseille. The Claimant further stated that on 10 November 1942, his grandparents and his father escaped from Nazi-occupied France, fleeing first to Spain and then to Uruguay. The Claimant stated that his grandfather died on 28 February 1962 in Montevideo, Uruguay and that his father died on 4 April 1972, also in Montevideo. The Claimant indicated that [REDACTED] died on 19 January 1973 and that his mother, [REDACTED], died on 27 February 1999 in Montevideo. The Claimant submitted numerous documents in support of his claim, including Erwin Schnurmann's birth certificate, which indicates that he was born in Strasbourg and that his father was Max Schnurmann; the Claimant's birth certificate, indicating that he was born in Strasbourg and that his father was Erwin Schnurmann; Max Schnurmann's French identity card issued in Uruguay, Erwin Schnurmann's passport containing a visa for Uruguay issued in Marseille on 2 September 1942, Max Schnurmann's visa to enter Uruguay issued on 5 November 1942 in Marseille, Erwin Schnurmann's death certificate; and a certificate dated 9 June 1972 from the French Embassy in Montevideo listing the children of Erwin Schnurmann as [REDACTED 1] born in Strasbourg, [REDACTED 2] born in Marseille, [REDACTED 4] born in Strasbourg, and [REDACTED 3] born in Montevideo.

In addition, the Claimant submitted two letters dated 4 July 1935 and 17 December 1936, issued by Bank II regarding the existence of a savings/passbook account. These documents indicate that Erwin Schnurmann, residing at 4 rue du Vieux in Strasbourg, France, held a savings account, numbered 235 that was opened on 4 July 1935. Max Schnurmann was also associated with this account and was mentioned in the letter dated 4 July 1935 issued by Bank II. In this letter, Bank II refers to a conversation one of its employees had with Max Schnurmann regarding the opening of an account for Erwin Schnurmann. The letters submitted by the Claimant do not contain any information about the balance of the savings account.

The Claimant indicated that he was born on 18 March 1939 in Strasbourg. The Claimant is representing his two brothers, [REDACTED 2], who was born on 10 November 1940 in Marseille, and [REDACTED 3], who was born on 25 May 1946 in Montevideo, as well as his sister [REDACTED 4], who was born on 2 April 1936 in Strasbourg.

The Claimant previously submitted an Initial Questionnaire with the Court in 1999 and an ATAG Ernst & Young claim form in 1998, asserting his entitlement to a Swiss bank account owned by his maternal grandfather, [REDACTED].<sup>3</sup>

## **Information Available in the Banks' Records**

### **Bank I**

Bank I's record consists of a printout from Bank I's database. According to this record, the Account Owner was Max Schnurmann of Marseille, France. Bank I's record indicates that the Account Owner held a custody account, numbered 23744.

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<sup>3</sup> The CRT will treat the claims to this account in a separate decision.

The account was opened on 22 October 1940 and was closed on 10 October 1942. The value of the account on the date of its closure is not known. There is no evidence in Bank I's record that the Account Owner or his heirs closed the account and received the proceeds themselves.

## Bank II

The auditors who carried out the investigation of this bank to identify accounts of Victims of Nazi Persecution pursuant to the instructions of the Independent Committee of Eminent Persons ("ICEP" or "ICEP Investigation") did not report any account held by Erwin Schnurmann at Bank II.

## **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 Claimant in one proceeding.

### Identification of the Account Owner

The Claimant's grandfather's name matches the published name of Account Owner Max Schnurmann. The Claimant identified his grandfather's city of residence, which matches published information about the Account Owner Max Schnurmann contained in Bank I's record.

The Claimant submitted all relevant bank documents related to his father's account at Bank II. Included in these documents is a letter from Bank II acknowledging Max Schnurmann's participation in a conversation relating to the account owned by Erwin Schnurmann.

In support of his claim, the Claimant submitted numerous documents, including Max Schnurmann's visa to enter Uruguay issued on 5 November 1942 in Marseille, providing independent verification that the person who is claimed to be Account Owner Max Schnurmann had the same name and residence as the person recorded in Bank I's record as Account Owner Max Schnurmann. The CRT further notes that the name Max Schnurmann appears only once on the 2001 published list of accounts determined by ICEP to be probably those of victims of Nazi persecution (the "ICEP List"). The CRT notes that there are no other claims to these accounts. Taking all of these factors into account, the CRT concludes that the Claimant has plausibly identified the Account Owners.

### Status of the Account Owners as Victims of Nazi Persecution

The Claimant has made a plausible showing that the Account Owners were Victims of Nazi Persecution. The Claimant stated that the Account Owners were Jewish, that Account Owner Max Schnurmann's German citizenship was revoked, and that he and Account Owner Erwin Schnurmann lived in Nazi-occupied France before fleeing first to Spain and then to Uruguay

in 1942.

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

The Claimant has plausibly demonstrated that he is related to Account Owners Max and Erwin Schnurmann by submitting specific information and documents demonstrating that they are his grandfather and father, respectively. These documents include Erwin Schnurmann's birth certificate, which indicates that he was born in Strasbourg and that his father was Max Schnurmann, the Claimant's birth certificate, indicating that he was born in Strasbourg and that his father was Erwin Schnurmann, and a certificate dated 9 June 1972 from the French Embassy in Montevideo listing the children of Erwin Schnurmann as [REDACTED 1] born in Strasbourg, [REDACTED 2] born in Marseille, [REDACTED 4] born in Strasbourg, and [REDACTED 3] born in Montevideo.

#### The Issue of Who Received the Proceeds

Given that the Account Owners fled their home in Strasbourg in 1940 to Marseille and then again through Spain to Uruguay in November 1942; that there is no record of the date of closure of the savings/passbook account held at Bank II, nor of the payment of any of the accounts to the Account Owners or their heirs; that the Account Owners or their heirs would not have been able to obtain information about their accounts after the Second World War from the Bank due to the Swiss banks' practice of withholding or mistaking account information in their responses to inquiries by account owners because of the banks' concern regarding double liability; and given the application of Presumptions (a), (h) and (j) as provided in Article 28 of the Rules (see Appendix A), the CRT concludes that the accounts proceeds were not paid to the Account Owners. 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 Owners were his grandfather and father, and those relationships justify an Award. Finally, the CRT has determined that it is plausible that neither the Account Owners nor their heirs received the proceeds of the claimed account.

#### Amount of the Award

In this case, the Account Owners held one custody account and one savings/passbook account. 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 ICEP Investigation, in 1945 the average value of a custody account was 13,000.00 Swiss Francs and the average value of a savings/passbook account was 830.00 Swiss Francs. Consequently, the total 1945 average value of those two accounts was 13,830.00 Swiss Francs. 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 amount of 172,875.00 Swiss Francs.

### 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 his two brothers and his sister. Accordingly, the Claimant and his siblings are each entitled to receive one-quarter 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 his claim to determine whether there are additional Swiss bank accounts to which he 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  
28 May 2004