

# CLAIMS RESOLUTION TRIBUNAL

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

## **Certified Award Amendment**

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

and to Claimant [REDACTED 3]

## **in re Account of Alfred M. Schwarzschild**

Claim Numbers: 211767/AC; 212370/AC

Award Amendment Amount: 12,581.25 Swiss Francs

This Certified Award Amendment is based upon the claims of [REDACTED 1], née [REDACTED], (“Claimant [REDACTED 1]”) and [REDACTED 3], née [REDACTED], (“Claimant [REDACTED 3]”) (together the “Claimants”) to the account of Alfred M. Schwarzschild (the “Account Owner”) 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.

On 6 February 2004, the Court approved an Award to the Claimant for an account of unknown type owned by the Account Owner (the “February 2004 Award”). In this Award Amendment, the CRT adopts and amends its findings set out in the February 2004 Award. Based upon Article 29 of the Rules Governing the Claims Resolution Process, as amended (the “Rules”), the CRT determines that the value of the account of unknown type was 3,950.00 Swiss Francs (“SF”), and that given the foregoing, the February 2004 Award amount shall accordingly be increased by SF 12,581.25.

The CRT notes that in the February 2004 Award, the CRT determined that the Claimants plausibly identified the Account Owner, that they plausibly demonstrated that they are related to the Account Owner, and that they made a plausible showing that the Account Owner was a Victim of Nazi persecution. Based on the information contained in the Bank’s records, the CRT determined that the Account Owner held one account of unknown type, and that the value of the account of unknown type was SF 2,943.50 as of 2 December 1942. Additionally, in the February 2004 Award, the CRT determined that it is plausible that the Account Owner did not receive the proceeds of his account of unknown type. Finally, the CRT determined that the February 2004 Award amount was SF 36,793.75.

## **The CRT's Analysis**

### Amount of the Award Amendment

In the February 2004 Award, the CRT determined that the value of the Account Owner's account of unknown type was SF 2,943.50, which is the amount recorded in the Bank's records as the value of the account of unknown type as of 2 December 1942.

Pursuant to Article 29 of the Rules, if the amount in an account of unknown type is less than SF 3,950.00, and in the absence of plausible evidence to the contrary, the amount in the account of unknown type shall be determined to be SF 3,950.00.

The CRT notes that in the February 2004 Award, the Claimant was awarded the amount recorded in the Bank's records as the balance of the account, rather than SF 3,950.00. Upon further consideration, the CRT has determined that this balance is not sufficient evidence to rebut the presumption of Article 29 of the Rules, and in the absence of additional corroborating evidence, the CRT concludes that the value of the Account Owner's account of unknown type shall be determined to be SF 3,950.00. The amount of SF 2,943.50, which is the value for this account used in the February 2004 Award, is then subtracted from the Article 29 value, resulting in a difference of SF 1,006.50. 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.

Consequently, the amount of the February 2004 Award is increased by SF 12,581.25, which reflects the adjusted difference between the value of the Account Owner's account of unknown type recorded in the Bank's records, and the value determined by Article 29 of the Rules.

### Division of the Award Amendment

According to Article 23(2)(a-b) 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 and if none of the named beneficiaries has filed a claim, the CRT shall make an award to any claimant who has submitted an unbroken chain of wills or other inheritance documents, starting with the will or other inheritance documents pertaining to the Account Owner. In this case, the Claimants submitted the wills of Alfred Schwarzschild and his wife, [REDACTED], indicating that Alfred Schwarzschild bequeathed his entire estate to his wife, [REDACTED], and that [REDACTED] bequeathed her estate in equal parts to Claimant [REDACTED 1], Claimant [REDACTED 3], and [REDACTED 2], whom Claimant [REDACTED 1] is representing in her claim. Accordingly, Claimant [REDACTED 1], Claimant [REDACTED 3], and [REDACTED 2] are each entitled to one-third of the total 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  
30 December 2004