

CLAIMS RESOLUTION TRIBUNAL

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

Certified Award

to Claimant Estate of Klara Mertens
represented by Richard Diviney

and to Claimant [REDACTED]
represented by Ewald Scheucher

in re Accounts of Klara Steiner and Jenny Steiner

Claim Numbers: 209389/KG; 221420/KG; 221421/KG; 221422/KG; 221438/KG¹

Award Amount: 8,286,926.38 Swiss Francs

This Certified Award is based upon the claim of the Estate of Klara Franziska Mertens, née Steiner (“Claimant Mertens”), to the account of Klara Steiner, and the claims of [REDACTED] (“Claimant [REDACTED]”) to the accounts of Klara Grossi and Jenny Steiner. This Award is to the published accounts of Klara Steiner (“Account Owner Klara Steiner”) at the [REDACTED] (“Bank 1”), to the published accounts of Account Owner Klara Steiner, over which a Mr. [REDACTED] (the “Power of Attorney Holder”) held power of attorney, and the published and unpublished accounts of Jenny Steiner (“Account Owner Jenny Steiner”) (together, “the Account Owners) at the Zurich branch of the [REDACTED] (“Bank 2”) (together the “Banks”).²

All awards are published, but where claimants have requested confidentiality, as in this case, the names of the claimants, any relatives of the claimant other than the account owner, and the bank have been redacted.

¹ Claimant [REDACTED] submitted an additional claim to the accounts of [REDACTED], which is registered under the Claim Number 221404. The Court approved a Denial to Claimant [REDACTED] for this account on 9 March 2005. *See In re Account of [REDACTED]*. Claimant [REDACTED] also submitted additional claims to the accounts of [REDACTED] which are registered under the Claim Numbers 221406 and 221405. The Court approved a Denial to Claimant [REDACTED] for these accounts on 31 March 2005. *See In re Accounts of [REDACTED]*. Claimant [REDACTED] also submitted additional claims to the account of [REDACTED], which are registered under the Claim Numbers 221434 and 221769. The Court approved an Award to Claimant [REDACTED] for this account on 29 March 2002. *See In re Account of [REDACTED]*.

² The CRT notes that, on the February 2001 published list of accounts determined by ICEP to be probably or possibly those of Victims of Nazi Persecution (the “ICEP List”), Jenny Steiner of Austria is indicated as having one account. Upon careful review, the CRT has concluded that the Bank’s records evidence the existence of two accounts.

Information Provided by the Claimant

Claimant Mertens

The Estate of Klara Mertens (hereinafter “Claimant Mertens”) submitted a Claim Form identifying Account Owner Klara Steiner as Klara Mertens (formerly Grossi), née Steiner, and identifying Account Owner Jenny Steiner as Klara Mertens’ mother, Jenny Steiner. Claimant Mertens indicated that Klara Mertens was born on 4 June 1901 in Vienna, Austria, and that she married [REDACTED] on 4 June 1938, whom she divorced in approximately 1940, before marrying [REDACTED] on 14 July 1941 in Fort Lee, New Jersey, the United States. Claimant Mertens further stated that Klara Mertens was Jewish and that she resided in Vienna, where her assets and those of her sisters and mother, Jenny Steiner, were confiscated in 1938. According to Claimant Mertens, Klara Mertens fled to the United States via France in approximately 1940 to escape Nazi persecution. Claimant Mertens indicated that Klara Mertens died on 24 October 1985 in Norwalk, Connecticut, the United States.

Claimant Mertens submitted a number of documents in support of its claim, including:

- Klara Mertens’ marriage certificate, indicating that her name was Klara F. Grossi and that she married Andre L.G. Mertens on 14 July 1941;
- Klara Mertens’ certificate of naturalization;
- an obituary about [REDACTED] from the New York Times from 10 July 1963, indicating that he was survived by his wife, “the former Clara Steiner of Vienna”;
- an internal memorandum, dated 17 October 1938, from the Property Control Office (*Vermögensverkehrsstelle*, the Austrian institution charged with dealing with Jewish-owned property) to the *Prüfstelle für kommissarische Verwalter* (inspection office for Nazi-appointed administrators of Jewish-owned property) indicating that Clara Grossi, her mother, Jenny Steiner, and her sisters had been reported to the office in charge of criminal investigations of breaches of foreign exchange regulations (*Devisenfahndungsamt*) because of an alleged breach of certain exchange regulations;
- a letter, dated 12 October 1938, from the Property Control Office (*Vermögensverkehrsstelle*) to the office in charge of criminal investigations of breaches of foreign exchange regulations (*Devisenfahndungsamt*), indicating that Clara Grossi had married “the Frenchman [REDACTED]” on 4 June 1938 and lived in Paris. The letter further states that Mrs. Jenny Steiner’s lawyer, a Dr. [REDACTED], “claims not to know the whereabouts of Jenny Steiner, and was forwarding her mail to her via Clara Grossi in Paris;”
- Klara Mertens’ last will and testament, dated 31 August 1984, bearing her signature, and codicils thereto; and
- Klara Mertens’ death certificate, indicating her maiden name was Steiner.

In addition, Claimant Mertens referred to the existence of the Gustav Klimt painting, “*Mäda Primavesi*” in the Metropolitan Museum of Art in New York which bears the following notation:

“gift of Mr. and Mrs. [REDACTED] in memory of her mother, Jenny Pulitzer Steiner, 1964.”³
The CRT notes that this reference is also found in Klara Mertens’ will as item 14.⁴

Claimant [REDACTED]

Claimant [REDACTED] submitted a Claim Form identifying Account Owner Klara Steiner as her paternal great-great-aunt, Clara or Klara Grossi, née Steiner, who was born on 4 June 1901 in Vienna and was married to [REDACTED]. Claimant [REDACTED] indicated that Klara Grossi, who was Jewish, lived at Zedlitzgasse 8, 1010 Vienna but that she fled to France in 1938. Claimant [REDACTED] explained that she was unaware of what became of Klara Grossi after this time and did not know when Klara Grossi passed away.

Claimant [REDACTED] submitted a separate Claim Form identifying Account Owner Jenny Steiner as Klara Grossi’s mother, Jenny Sara Steiner, who was born on 11 July 1863 in Budapest, Hungary, and who also resided at Zedlitzgasse 8, 1010 Vienna. Claimant [REDACTED] indicated that Jenny Steiner, who was Jewish, fled Austria in 1938 as a result of Nazi persecution.

Claimant [REDACTED] submitted various documents in support of her claims, including records from the Austrian State Archive filed by or on behalf of Klara Grossi and Jenny Steiner in 1938, and the death certificates of her father, [REDACTED], her grandfather, [REDACTED], and her grandmother, [REDACTED], indicating that they resided in Vienna. Claimant [REDACTED] indicated that she was born on 21 March 1956 in Vienna.

Information Available in the Banks’ Records

Bank 1

Bank 1’s record consists of a customer card. According to this record, Account Owner Klara Steiner was *Fräulein* (Miss) Klara Steiner who resided at Zedlitzgasse 8, Vienna I, Austria. Bank 1’s record indicates that Account Owner Klara Steiner held a custody account numbered L35443 and a safe deposit box, numbered 137. The customer card also bears a notation referring to Jenny Steiner (*vide auch Frau Jenny Steiner*). According to this record, the custody account was closed on 12 November 1937 and the safe deposit box was closed on 18 February 1939. The amount in the accounts on the dates of their closure is unknown.

There is no evidence in Bank 1’s record that Account Owner Klara Steiner or her heirs closed the safe deposit box and received the proceeds themselves.

³ See <http://www.metmuseum.org/Works_of_Art/viewOne.asp?dep=11&viewMode=1&item=64.148>

⁴ The name of the painting, however, is listed there as “Mada Primavosi.” No mention is made in the Claimant’s documentation of the four Klimt paintings, the five Klimt drawings, or the two Schiele paintings that the Nazi authorities impounded in Vienna in 1938.

Bank 2

Account Owner Klara Steiner

Bank 2's records consist of a signed customer contract dated 23 March 1938; internal file notes dated 18 January 1949 and 11 November 1949; bank registry cards; a change of address card dated 11 August 1965; account statements; excerpts from Bank 2's ledgers; a list of dormant accounts from the years 1960 to 1994; and a printout from Bank 2's database.

According to these records, Account Owner Klara Steiner was Klara Mertens, née Steiner, who resided in New York, New York, the United States, and the Power of Attorney Holder was a Mr. [REDACTED]. Bank 2's records indicate that Account Owner Klara Steiner used the pseudonym *Frl.* (Miss) [REDACTED]. Bank 2's records further indicate that Account Owner Klara Steiner held a custody account, numbered 14900, as well as a demand deposit account, numbered 501060, both of which were opened on 23 March 1938. According to Bank 2's records, Account Owner Klara Steiner was to confirm whether her husband, identified as Mr. [REDACTED], also had the right to access her account, but do not indicate whether she eventually did so. These records indicate that on 1 November 1955, Account Owner Klara Steiner appointed a power of attorney holder over her custody account, though Bank 2's records do not state who this power of attorney holder was. Bank 2's records indicate that the custody account was closed on 7 October 1958, but they do not indicate the value of this account. Bank 2's records further indicate that the balance of the demand deposit account was 1,189.00 Swiss Francs ("SF") on 21 December 1957, and SF 16.00 on 31 December 1981. The auditors who carried out the investigation of this bank to identify accounts of Victims of Nazi Persecution pursuant to instructions of the Independent Committee of Eminent Persons ("ICEP" or the "ICEP Investigation") determined that the demand deposit account was closed by bank fees.

Account Owner Jenny Steiner

The auditors who carried out the investigation of this bank to identify accounts of Victims of Nazi Persecution pursuant to instructions of the Independent Committee of Eminent Persons ("ICEP" or the "ICEP Investigation") reported an account belonging to Account Owner Jenny Steiner based on information contained in the records of the Austrian State Archive. According to these records, Account Owner Jenny Steiner was Jenny Steiner, born in 1863, who resided at Zedlitzgasse 8 in Vienna 1 and who held an account, the type of which is not indicated. These records do not show when the account at issue was closed. There is no evidence in Bank 2's records that Account Owner Jenny Steiner or her heirs closed the account and received the proceeds themselves.

The information about the account is described more fully below.

Information Available from the Austrian State Archive

By decree on 26 April 1938, the Nazi Regime required all Jews who resided within the Reich, or who were nationals of the Reich, including Austria, and who held assets above a specified level

to register all their assets as of 27 April 1938 (the “1938 Census”). In the records of the Austrian State Archive (Archive of the Republic, Finance), there are documents concerning the assets of Clara Grossi, numbered 42897, and the assets of Jenny Steiner, numbered 46567.

Clara Grossi

These records indicate that Clara Grossi was born on 4 June 1901, that she was a French citizen, and that her maiden name was Steiner. The records further indicate that she was married to [REDACTED] and that she lived at Zedlitzgasse 8, Vienna I. These records indicate that Clara Grossi moved to Paris, France, by 30 June 1938. According to the records, Clara Grossi had a part interest in the company “*Brüder Steiner*” (Steiner Brothers), located in Vienna, and that her share was worth 268,021.00 Reichsmark (“RM”). In addition, the records state that, as at 12 January 1939, Clara Grossi owned assets totaling RM 723,808.00. The records state further that she was assessed a “flight tax” (*Reichsfluchtsteuer*) of RM 180,952.00. These records make no mention of assets held in a Swiss bank account.

Jenny Steiner

The 1938 Census file relating to Jenny Steiner includes her Census declaration and voluminous correspondence between various official departments regarding the disposition and confiscation of her assets. Jenny Steiner’s asset declaration, dated 19 July 1938, indicates that she was born on 11 July 1863 in Budapest, Hungary, that she was a widowed housewife, and that she resided at Zedlitzgasse 8, Vienna 1. The main assets listed in Jenny Steiner’s declaration are a 35 percent holding of the silk company, *Brüder Steiner*, located at Westbahnstrasse 21, Vienna VII and Grulich, Czechoslovakia – this holding being worth RM 1,493,171.00; numerous foreign and domestic securities, including shares of Bank 2 and other Swiss entities, with a total value of RM 371,837.10, however without an indication of where these securities were held; domestically held liquid assets worth RM 28,255.89, and two foreign bank accounts, one at the *Pester Ungarische Kommerzialbank* worth 11,383.00 pengö and a current account, the type of which is not further indicated, at the Zurich branch of the Bank 2, worth SF 7,000.00; and finally, RM 67,313.33 worth of tangible goods, such as art works, jewelry, carpets, etc.

The correspondence in the file relates to the whereabouts and the disposition of the securities reported in Jenny Steiner’s asset declaration and to the process of confiscation of all her domestic assets to cover flight tax and income tax arrears and as a result of alleged breaches of the regulations regarding the declaration of assets under the 1938 Census law and of the foreign exchange regulations. With regard to Jenny Steiner’s security portfolio, the Property Control Office (*Vermögensverkehrsstelle*), in a memorandum to the file (*Aktvermerk*) dated 27 September 1938, noted that the securities listed in Jenny Steiner’s Census declaration were in the process of being sold in Zurich. According to this record, the proceeds were to go to the *Wiener Kreditanstalt*, with the question whether these funds were to be credited to a frozen account [in the name of the owner] remaining open.⁵ This information is repeated a day later in a letter,

⁵ The original text reads: “Die in der Vermögensanmeldung enthaltenen Wertpapiere werden zur Zeit in Zürich verkauft. Der Erlös davon ergeht an die Berliner Gold Diskontbank. Der daraus erwachsende Reichsmark Gegenwert fließt der Wiener Kreditanstalt zu. Es ist nun nicht feststellbar, ob die an die Wr. Kreditanstalt einlaufenden Reichsmark unter Sperrkonto deponiert werden.”

dated 28 September 1938, from the chief of the Property Control Office (*Vermögensverkehrsstelle*) to the Gestapo.⁶ The 1938 Census file further contains a letter from the Property Control Office (*Vermögensverkehrsstelle*) to the office in charge of criminal investigations of breaches of foreign exchange regulations (*Devisenfahndungsamt*), dated 12 October 1938, stating that according to Jenny Steiner's attorney, Dr. [REDACTED], Jenny Steiner held securities worth a total of approximately RM 370,000.00, all of which were deposited abroad. In a letter, dated 23 November 1938, the *Reichsbank* wrote to the Property Control Office (*Vermögensverkehrsstelle*) that it had been informed that Jenny Steiner held a large securities account at Bank 2 in Zurich, which she had reported in her 1938 Census declaration.⁷ The *Reichsbank* noted that the Property Control Office (*Vermögensverkehrsstelle*), in a letter dated 17 August 1938, had advised *Frau* Steiner that these securities were to be offered to the *Reichsbank*, but that, despite repeated reminders, no such offer had as yet been forthcoming. As the *Reichsbank* was aware that a criminal investigation had already been initiated against Jenny Steiner, it enquired about the results of this office's investigation.

The 1938 Census file further contains correspondence regarding the process of confiscation of Jenny Steiner's assets in Vienna. According to an internal police memorandum, Jenny Steiner was no longer registered in Vienna as of 15 November 1938 and had departed for an unknown destination. Further memoranda indicate that that one of Jenny Steiner's maids, Miss [ANONYMISIERT], had been interrogated and had stated that Jenny Steiner had fled Vienna in June 1938 for an unknown destination. Miss [ANONYMISIERT] also was noted as being present while various securities, savings booklets and items of jewelry, which had not been listed on Jenny Steiner's Census declaration, were confiscated from her apartment in Vienna, and she also co-signed the inventory of valuable tangibles in the apartment. These items, including four Klimt paintings, five Klimt drawings and two Schiele paintings, were later confiscated. The file contains a memorandum to the file, dated 3 October 1938, noting that on that date the paintings in Jenny Steiner's apartment had been secured and a request made that they be purchased for the local Office [the *Vermögensverkehrsstelle*]. The records contain a memorandum, dated 31 January 1939, from the customs investigation authorities (*Zollfahndungsstelle*) to the Property Control Office (*Vermögensverkehrsstelle*), indicating that the investigation of the Steiner case had been closed, that all available assets had been seized, but that actual proceedings, because the office was overworked, would not be initiated until a later date. A subsequent memorandum indicates that the case had been dropped for lack of evidence at about that time. However, according to the file, all assets remained impounded as the flight tax authorities (*Reichsfluchtsteuerstelle*) attached them for non-payment of flight tax (*Reichsfluchtsteuer*) amounting to RM 1,500,000.00.

⁶ The original text reads: “*Die Papiere sollen derzeit in Zürich verkauft werden und der Erlös geht an die Berliner Golddiskontbank. Ob die einlaufenden Gelder, die der Wiener Kreditanstalt zugehen sollen, auf Sperrkonto deponiert werden, entzieht unserer Kenntnis.*”

⁷ The letter refers to “*ein grosses Wertpapierdepot, welches sie auch seinerzeit angemeldet hat.*” Copies of the original 27 September 1938 Property Control Office memo to the file, the 28 September 1938 letter from the Property Control Office to the Gestapo, and the 23 November 1938 letter from the *Reichsbank* to the Property Control Office are attached to this decision as Attachment A.

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 five claims of the Claimants in one proceeding.

Identification of the Account Owners

The Claimants have plausibly identified the Account Owners. The Claimants' relatives' names and city of residence match the published names and city of residence of the Account Owners. Both Claimant Mertens and Claimant [REDACTED] identified Account Owner Klara Steiner's former married name, namely Grossi, which matches unpublished information contained in the 1938 Census records. Both Claimants also identified a familial relationship between the Account Owners which also matches unpublished information about the Account Owners contained in Bank 1's record. Claimant [REDACTED] also identified the unpublished street address of both Account Owners. Claimant Mertens also identified Klara Mertens' second husband as [REDACTED], which matches unpublished information about Account Owner Klara Steiner contained in Bank 2's records. Further, Claimant Mertens provided Klara Mertens' signature, which closely matches the style of the signature of "[REDACTED]" in the records of Bank 2.

In support of her claim, Claimant Mertens submitted documents, including an obituary of Klara Mertens' husband and her death certificate, thereby providing independent verification that the person who is claimed to be Account Owner Klara Steiner had the same name as the name of Account Owner Klara Steiner recorded in Bank 1's record. In addition, Claimant Mertens submitted copies of documents from Jenny Steiner's 1938 Census file, which contain the name Jenny Steiner and note that Clara Grossi was her married daughter, providing independent verification that the person who is claimed to be Account Owner Jenny Steiner had the same name and lived in the same city as the name and city of residence of Account Owner Jenny Steiner.

The CRT notes that there are no other claims to the account of Jenny Steiner and that the other claims to the accounts of Klara Steiner were disconfirmed because those claimants provided different married or maiden names, countries of residence or street addresses than the maiden and married names, country of residence or street address of Account Owner Klara Steiner and because those claimants failed to identify the relationship between Account Owner Klara Steiner and Account Owner Jenny Steiner.

Status of the Account Owners as Victims of Nazi Persecution

The Claimants have made a plausible showing that the Account Owners were Victims of Nazi Persecution. The Claimants stated that the Account Owners were Jewish and that they both fled Nazi-controlled Austria to escape Nazi persecution.

The Claimants' Relationship to the Account Owners

The Claimants have plausibly demonstrated that they are related to the Account Owners by submitting specific information and documents, demonstrating that Claimant Mertens is the estate of Account Owner Klara Steiner, who was the daughter of Account Owner Jenny Steiner, and demonstrating that Account Owners Klara Steiner and Jenny Steiner were Claimant [REDACTED]'s great-great-aunt and great-great-great aunt, respectively. These documents include Klara Mertens' death certificate and last will and testament, and documents from Jenny Steiner's 1938 Census file, indicating that Clara Grossi was the daughter of Jenny Steiner.

The CRT notes that Claimant [REDACTED] identified unpublished information about the Account Owners as contained in the Banks' records. The CRT further notes that Claimant [REDACTED] submitted the death certificates of her father and paternal grandparents, which provide independent verification that Claimant [REDACTED]'s paternal relatives bore the same family name and resided in the same city as the Account Owners. Finally, the CRT notes that the foregoing information is of the type that family members would possess and indicates that the Account Owners were well known to Claimant [REDACTED] as family members, and all of this information supports the plausibility that Claimant [REDACTED] is related to the Account Owners, as she has asserted in her Claim Forms.

The Issue of Who Received the Proceeds

With regard to the custody account held by Klara Steiner at Bank 1, the CRT notes that Bank 1's record indicates it was closed on 12 November 1937, prior to the incorporation of Austria into the Reich in March 1938 (the "*Anschluss*"). Therefore, the CRT determines that Account Owner Klara Steiner was able to access this account, and concludes that Account Owner Klara Steiner closed this account and received the proceeds herself.

With regard to the safe deposit box held by Account Owner Klara Steiner at Bank 1, the CRT notes that the Bank 1's record indicates that the safe deposit account was closed on 18 February 1939, at which time, according to information contained in the records of the Austrian State Archives, Account Owner Klara Steiner was outside Nazi-dominated territory. However, given that Bank 1's record does not indicate to whom the account was closed, that Account Owner Klara Steiner fled her country of origin due to Nazi persecution, that Account Owner Klara Steiner may have had relatives remaining in her country of origin and that she may therefore have yielded to Nazi pressure to turn over her accounts to ensure their safety, that Account Owner Klara Steiner and her heirs would not have been able to obtain information about her 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 Account Owner Klara Steiner or her 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.

With regard to the custody account held by Account Owner Klara Steiner at Bank 2, given that the only address provided by Account Owner Klara Steiner was in the United States; and that Account Owner Klara Steiner continued to maintain a customer relationship with Bank 2 and was able to issue instructions to Bank 2 well after the end of the Second World War, as demonstrated by her appointment of a power of attorney holder over her custody account in 1955, the CRT concludes that Account Owner Klara Steiner or her heirs were able to access her custody account at Bank 2 after the War, and that she or her heirs closed the custody account and received the proceeds themselves.

With regard to the demand deposit account held by Account Owner Klara Steiner at Bank 2, Bank 2's records indicate that the account was closed to Bank 2's profits in 1981. Thus, it is clear that neither the Account Owner nor her heirs received the proceeds of this account.

With respect to Account Owner Jenny Steiner's custody account and account of unknown type at Bank 2, the facts of this case are similar to other cases that have come before the CRT in which Jewish residents or nationals of the Reich reported their assets in the 1938 Census, and, subsequently, their accounts are closed unknown to whom or are transferred to banks in the Reich. Given that the CRT's precedent indicates that it is plausible in such situations that the proceeds of the account ultimately were confiscated by the Nazi regime; that Account Owner Jenny Steiner reported the accounts in the 1938 Census and that the Nazi authorities determined that all her reported securities were held at Bank 2; that Account Owner Jenny Steiner lived in Austria until she fled in 1938 to escape Nazi persecution, and therefore could not have repatriated the accounts without losing ultimate control over their proceeds; and given the application of Presumptions (d) and (h) as provided in Article 28 of the Rules, the CRT concludes that it is plausible that the proceeds of these accounts were not paid to Account Owner Jenny Steiner or her heirs.

Basis for the Award

The CRT has determined that an Award may be made in favor of Claimant Mertens. First, the claim is admissible in accordance with the criteria contained in Article 18 of the Rules. Second, Claimant Mertens has plausibly demonstrated that it is the estate of Account Owner Klara Steiner and that Account Owner Jenny Steiner was Account Owner Klara Steiner's mother and those relationships justify an Award. Third, the CRT has determined that it is plausible that, in the case of the safe deposit box held by Account Owner Klara Steiner at Bank 1 and the accounts held by Account Owner Jenny Steiner at Bank 2, that neither the Account Owners nor their heirs received the proceeds of the claimed accounts.

Further, the CRT notes that Claimant Mertens is the estate of Account Owner Klara Steiner and therefore has a better entitlement to the accounts of Account Owner Klara Steiner than Claimant [REDACTED], who identified Account Owner Klara Steiner as her great-great-aunt. Moreover, the estate of Account Owner Klara Steiner has a better entitlement to the accounts of Account Owner Jenny Steiner than Claimant [REDACTED], because Klara Steiner was the daughter of Account Owner Jenny Steiner, while Claimant [REDACTED] is the great-great-great-niece of Account Owner Jenny Steiner.

Amount of the Award

In this case, Account Owner Klara Steiner held one safe deposit box and one demand deposit account. With regard to the 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 ICEP Investigation, in 1945 the average value of a safe deposit account was SF 1,240.00.

With regard to the demand deposit account, the bank records indicate that the balance of the account on 21 December 1957 was SF 1,189.00. In accordance with Article 31(1) of the Rules, this amount is increased by an adjustment of SF 195.00, which reflects standardized bank fees charged to the demand deposit account between 1945 and 1957. There was no interest paid to the account at issue. Consequently, the adjusted balance of the account at issue is SF 1,384.00. According to Article 29 of the Rules, if the amount in a demand deposit account was less than SF 2,140.00, and in the absence of plausible evidence to the contrary, the amount in the account shall be determined to be SF 2,140.00.

Account Owner Jenny Steiner held one account of unknown type and one custody account at Bank 2. With regard to the account of unknown type, according to the 1938 Census records, its balance in 1938 was SF 7,000.00.

With respect to the custody account, the 1938 Census records indicate that the securities declared by Account Owner Jenny Steiner were all held at the Zurich branch of Bank 2. These records indicate that the total value of the securities was RM 371,837.10, which was worth SF 652,574.11.

The total average and historic value of Account Owner Klara Steiner and Account Owner Jenny Steiner's four accounts is therefore SF 662,954.11. 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 is SF 8,286,926.38.

Division of the Award

As indicated above, Claimant Mertens has a better entitlement to the Award than Claimant [REDACTED]. Accordingly, Claimant Mertens is solely entitled to the total award amount.

Scope of the Award

The Claimants should be aware that, pursuant to Article 20 of the Rules, the CRT will carry out further research on their claims to determine whether there are additional Swiss bank accounts to which they 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
15 July 2005