

CLAIMS RESOLUTION TRIBUNAL

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

Certified Award

to Claimant [REDACTED 1]
also acting on behalf of Max Weber
Claimant [REDACTED 2]
Claimant [REDACTED 3]
Claimant [REDACTED 4]
Claimant [REDACTED 5]
and to Claimant [REDACTED 6]
also acting on behalf of [REDACTED 7]

in re Account of Max Weber

Claim Numbers: 200659/KG; 208216/KG; 706567/KG; 734496/KG; 753737/KG; and
788201/KG; 223391/KG^{1, 2, 3, 4}

Award Amount: 49,375.00 Swiss Francs

¹ Claimant [REDACTED 4] submitted an additional claim to the account of Jakob Gross, which is registered under the claim number 750404. The CRT will treat the claim to this account in a separate determination.

² Claimant [REDACTED 6] submitted additional claims to the accounts of [REDACTED] (claim number 222503); [REDACTED] (claim number 222504); [REDACTED] (claim number 222505); [REDACTED] (claim number 222506); [REDACTED] (claim number 222506); [REDACTED] (claim number 222507); Karl Weber (claim number 222508); [REDACTED] (claim number 222509); Nellie Fried (claim number 223392) and [REDACTED] (claim number 223399). In a separate decision, the CRT awarded Claimant [REDACTED 6] the account of Karl Weber. See *In re Account of Karl Weber* (approved on 11 March 2003). In addition, in separate decisions, Claimant [REDACTED 6] was denied the accounts of Nellie Fried and Walter Weber. See *In re Account of Nellie Fried* (approved on 31 August 2004) and *In re Account of Walter Weber* (approved on 30 December 2004). The latter decision is the subject of an appeal filed by represented party [REDACTED 7], on behalf of herself and her sister, Claimant [REDACTED 6], on 11 May 2005. The CRT will treat Claimant [REDACTED 6]'s remaining claims in separate determinations.

³ [REDACTED 2] and [REDACTED 3] did not submit Claim Forms to the CRT. However, in 1999 they submitted Initial Questionnaires ("IQs") to the Court in the United States. Claimant [REDACTED 2]' IQ was numbered ENG 0771 159 and Claimant [REDACTED 3]'s two IQs were numbered ENG 0707 010 and I-Q-OTH 003 199 respectively. Although these IQs were not Claim Forms, the Court, in an Order signed on 30 July 2001, ordered that those Initial Questionnaires which can be processed as claim forms be treated as timely claims. Order Concerning Use of Initial Questionnaire Responses as Claim Forms in the Claims Resolution Process for Deposited Assets (July 30, 2001). The IQs were forwarded to the CRT and have been assigned the claim number 706567 in the case of Claimant [REDACTED 2]' IQ and the claim numbers 734796 and 788201 in respect of Claimant [REDACTED 3]'s two IQs.

⁴ Claimant [REDACTED 4] did not submit a CRT Claim Form. However, in 1998 he submitted an ATAG Ernst & Young claim form ("ATAG Form"), numbered C-SDY-B-71-202-110-033, to the Claims Resolution Tribunal for Dormant Accounts in Switzerland ("CRT I"), which arbitrated claims to certain dormant Swiss bank accounts between 1997 and 2001. On 30 December 2004, the Court ordered that claims submitted to but not treated by either CRT I, the Independent Committee of Eminent Persons ("ICEP"), or ATAG Ernst & Young shall be treated as timely claims under the current Claims Resolution Process (the "CRT") as defined in the Rules Governing the Claims Resolution Process, as amended (the "Rules"). Order Concerning the Use of ICEP Claims as Claim Forms in the Claims Resolution Process for Deposited Assets (30 December 2004). Claimant [REDACTED 4]'s ATAG Form was forwarded to the CRT and has been assigned Claim Number 753737.

This Certified Award is based upon the claim of [REDACTED 1] (“Claimant [REDACTED 1]”) to the account of [REDACTED];⁵ the claims of [REDACTED 2] (“Claimant [REDACTED 2]”), [REDACTED 3], née [REDACTED], (“Claimant [REDACTED 3]”), [REDACTED 4] (“Claimant [REDACTED 4]”) and [REDACTED 5] (“Claimant [REDACTED 5]”) to the account of Max Weber; and the claim of [REDACTED 6] (“Claimant [REDACTED 6]”) (together, the “Claimants”) to the account of [REDACTED].⁶ This Award is to the published account of Max Weber (the “Account Owner”) at the [REDACTED] (the “Bank”).

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

Information Provided by the Claimants

Claimant [REDACTED 1]

Claimant [REDACTED 1] submitted a Claim Form identifying the Account Owner as his brother, Max Weber, who was born on 17 February 1923 in Andernach, Germany. Claimant [REDACTED 1] indicated that his brother, who was Jewish, lived with his family at Breilestrasse 72 in Andernach and then, following a forced relocation, at number 152 or 158 of the same street. In a document on his website to which Claimant [REDACTED 1] referred the CRT, Claimant [REDACTED 1] indicated that his brother fled Germany for Columbia some time before the Night of the Broken Glass (“*Kristallnacht*”) pogrom, which took place on 9 November 1938. Claimant [REDACTED 1] indicated that, in the year following *Kristallnacht*, his father, [REDACTED], was arrested by the Nazis but managed to escape and that, shortly thereafter, his family attempted to gain entry into Switzerland, but was turned back at the border. According to Claimant [REDACTED 1], his family then lived in various places in an attempt to elude the Nazis, before finally fleeing to Columbia to join his elder brother, Max Weber, in January 1940.

Claimant [REDACTED 1] indicated that he was born on 21 April 1925 in Andernach. Claimant [REDACTED 1] is representing his brother, Max Weber, who was born on 17 February 1923 in Andernach.

Claimant [REDACTED 1] previously submitted an Initial Questionnaire (“IQ”) with the Court in 1999, asserting his entitlement to a Swiss bank account owned by [REDACTED] [REDACTED].

Claimant [REDACTED 2]

Claimant [REDACTED 2] submitted an IQ identifying the Account Owner as her relative, Max Weber, who was born in 1924. Claimant [REDACTED 2] indicated that her relative lived on Talkirchnerstrasse in Munich, Germany, where he was forced by the Nazis to work as a street

⁵ The CRT will treat the claim to this account in a separate determination.

⁶ The CRT will treat the claim to this account in a separate determination.

cleaner. According to Claimant [REDACTED 2] Max Weber perished in the concentration camp at Dachau.

Claimant [REDACTED 2] indicated that she was born on 19 January 1939.

Claimant [REDACTED 4]

Claimant [REDACTED 4] (formerly Rosenfarb) submitted an Ernst & Young claim form (“ATAG Form”) identifying the Account Owner as his great-uncle, *Ing.* (Engineer) Max Weber,⁷ who was married to [REDACTED]. Claimant [REDACTED 4] indicated that his great-uncle was an engineer and builder who lived in Vienna, Austria.

In support of his claim, Claimant [REDACTED 4] submitted documents, including his birth certificate, dated 1 August 1938, indicating that Claimant [REDACTED 4]’s parents were Jewish, and his parents’ marriage certificate, dated 23 January 1937, indicating that his mother’s maiden name was [REDACTED], both of which were issued by the Registry Office of the Jewish religious community (*Israelitische Kultusgemeinde*) in Vienna; a certificate issued by the *Israelitische Kultusgemeinde*, dated 25 November 1953, indicating that on 23 November 1941 Max Weber was deported to Riga, from where he never returned; a letter from the *Israelitische Kultusgemeinde* in Vienna, dated 28 January 1954, summarizing a the 1938 Census of Jewish-owned assets⁸ submitted by Max Weber and noting the persons who subsequently inherited his property, indicating that Max Weber was Jewish and that he was living in Nazi-occupied Austria; part of a letter from the *Israelitische Kultusgemeinde*, dated 20 April 1945, reporting on an investigation into properties in Vienna allegedly owned by Ing. Max Weber; a letter from the attorney, Dr. Friedrich Weissenstein, dated 16 November 1967, to Mrs. [REDACTED], informing Mrs. [REDACTED] of his views regarding the estate of Ing. Max Weber, indicating, among other things, that Mrs. [REDACTED] was Max Weber’s paternal first cousin and that Ing. Max Weber and his wife were deported to Riga on 23 November 1941 and were declared dead as of 8 May 1945; a further letter from the same attorney, dated 21 December 1967, summarizing a letter from the *Israelitische Kultusgemeinde* in relation to the property owned by Max Weber.

Claimant [REDACTED 4] indicated that he was born on 1 August 1938.

Claimant [REDACTED 5]

Claimant [REDACTED 5] submitted a Claim Form identifying the Account Owner as his grandfather, Max (or Marcus) Weber, who was born in 1884 in Poland and was married to [REDACTED], with whom he had two children, namely [REDACTED], who was born in 1909,

⁷ Although Claimant [REDACTED 4] describes Max Weber as his great-uncle, it appears from the documents that that he was the son of his great-uncle, or his mother’s cousin. In a letter to Claimant [REDACTED 4]’s mother, [REDACTED], dated 16 November 1967, Friedrich Weissenstein noted that Max Weber was the son of [REDACTED], who was a brother of [REDACTED]’s father.

⁸ 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”). The letter refers to the 1938 Census declaration filed by Max Weber.

and [REDACTED], who was born in 1915. Claimant [REDACTED 5] indicated that his grandfather, who was Jewish, owned a clothing manufacture business in Berlin, Germany, where he lived until 1939. According to Claimant [REDACTED 5], his grandfather fled to Shanghai, China, in 1939, where he was confined to the Shanghai Ghetto between 1943 and 1945. Claimant [REDACTED 5] indicated that his grandfather died on 26 April 1949 in Israel. In support of his claim, Claimant [REDACTED 5] submitted documents, including a statutory declaration (“*Eidesstattliche Versicherung*”), dated 10 May 1960, stating that the siblings [REDACTED 3] (Claimant [REDACTED 3]) and [REDACTED 5] (Claimant [REDACTED 5]) are the sole heirs of their parents [REDACTED] and [REDACTED] and their grandparents [REDACTED] and [REDACTED]; and an application for distribution of an estate, dated 13 April 1983, in which Claimant [REDACTED 5] stated that his grandfather, Markus Weber, died on 26 April 1949 in Haifa, Israel, and that he and his sister, [REDACTED], are the only surviving heirs.

Claimant [REDACTED 5] indicated that he was born on 22 September 1935 in Berlin, Germany.

Claimant [REDACTED 5] previously submitted an IQ in 1999 and an ATAG Form in 1998, asserting his entitlement to a Swiss bank account owned by [REDACTED].

Claimant [REDACTED 3]

Claimant [REDACTED 3] submitted two IQs, identifying the Account Owner as her relative, Max Weber. Claimant [REDACTED 3]’s name appears in Claimant [REDACTED 5]’s ATAG Form as his sister, which would indicate that the Max Weber identified by Claimant [REDACTED 3] was her grandfather. Claimant [REDACTED 3] indicated that her grandfather lived in Metzgerstrasse 32 in Berlin and then on Thorburn Road in Shanghai. Claimant [REDACTED 3] did not provide any further information about her grandfather.

Claimant [REDACTED 3] indicated that she was born on 3 October 1929.

Claimant [REDACTED 6]

Claimant [REDACTED 6] submitted a Claim Form identifying the Account Owner as her maternal uncle, Max Weber, who was born on 9 July 1895 to [REDACTED] and [REDACTED], and was married to [REDACTED], with whom he had one child, [REDACTED]. Claimant [REDACTED 6] indicated that, as a boy, Max Weber lived in Morvska Ostrava, Czechoslovakia, possibly at 29 Friedenstrasse in the suburb of Witkowitz. Claimant [REDACTED 6] indicated that Max Weber was a lawyer. According to Claimant [REDACTED 6], Max Weber, who was Jewish, and his wife fled Czechoslovakia for Poland in 1940 or 1941 and then traveled to England. Claimant [REDACTED 6] indicated that her uncle survived the Holocaust and died in London, England on 18 March 1971.

In support of her claim, Claimant [REDACTED 6] submitted various documents, including [REDACTED]’s marriage certificate, indicating that her parents were [REDACTED] and [REDACTED]; a certified proof of burial for [REDACTED] and [REDACTED], indicating that [REDACTED]’s maiden name was [REDACTED]; the birth certificates of Claimant

[REDACTED 6] and [REDACTED 7], indicating that their mother was [REDACTED]; the death certificate of Claimant [REDACTED 6]’s older sister, [REDACTED], showing that she died at the age of 14 and that her mother was [REDACTED]; and a detailed family history and chronology containing details about Max Weber.

Claimant [REDACTED 6] indicated that she was born on 21 August 1952 in the United States. Claimant [REDACTED 6] is representing her twin sister, [REDACTED 7].

Claimant [REDACTED 6] previously submitted an IQ with the Court in 1999, asserting her entitlement to a Swiss bank account owned by her uncle Max Weber as well as an ATAG Form in 1997 asserting her entitlement to Swiss bank accounts owned by Dr. [REDACTED].⁹

Information Available in the Bank’s Record

The Bank’s record consists of a printout from the Bank’s database. According to this record, the Account Owner was Max Weber. The Bank’s record does not contain any further biographical information about the Account Owner. The Bank’s record indicates that the Account Owner held an account, the type of which is not indicated.

The Bank’s record indicates that the account was transferred to the Bank’s suspense account on 19 February 1993 where it remains today. The amount in the account on the date of its transfer was 29.00 Swiss Francs (“SF”).

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 seven claims of the Claimants in one proceeding.

Identification of the Account Owner

Claimant [REDACTED 1]’s brother’s name matches the published name of the Account Owner. The CRT notes that Claimant [REDACTED 1] submitted a Power of Attorney form signed by his brother, Max Weber, providing independent verification that the person who is claimed to be the Account Owner had the same name as that recorded in the Bank’s record as the name of the Account Owner. The CRT notes that that Claimant [REDACTED 1]’s brother was a child in the years leading up to the Second World War. However, the CRT cannot exclude that the account was opened in his name during this time.

⁹ The CRT will treat the claim to this account in a separate determination.

Claimant [REDACTED 2]' relative's name matches the published name of the Account Owner. The CRT notes that Claimant [REDACTED 2] filed an IQ with the Court in 1999, asserting her entitlement to a Swiss bank account owned by Max Weber, prior to the publication in February 2001 of the list of accounts determined by the Independent Committee of Eminent Persons ("ICEP") to be probably or possibly those of Victims of Nazi Persecution (the "ICEP List"). This indicates that Claimant [REDACTED 2] did not base her present claim on the fact that an individual identified on the ICEP List as owning a Swiss bank account bears the same name as her relative, but rather on a direct family relationship that was known to her before the publication of the ICEP List. It also indicates that Claimant [REDACTED 2] had reason to believe that her relative owned a Swiss bank account prior to the publication of the ICEP List. This supports the credibility of the information provided by Claimant [REDACTED 2]. The CRT notes that Claimant [REDACTED 2]' relative was a child in the years leading up to the Second World War. However, it is possible that an account was opened in his name during this time.

Claimant [REDACTED 4]'s cousin's name matches the published name of the Account Owner. In support of his claim, Claimant [REDACTED 4] submitted documents, including a certificate issued by the *Israelitische Kultusgemeinde*, indicating the fate of a Max Weber; letters from the same organization, summarizing the 1938 Census declaration submitted by Max Weber; various letters from an attorney to Mrs [REDACTED] regarding the estate of Max Weber, providing independent verification that the person who is claimed to be the Account Owner had the same name recorded in the Bank's record as the name of the Account Owner.

The CRT also notes that Claimant [REDACTED 4] submitted an ATAG Form in 1998, asserting his entitlement to a Swiss bank account owned by Max Weber, prior to the publication of the ICEP List. This indicates that Claimant [REDACTED 4] did not base his claim on the fact that an individual identified on the ICEP List as owning a Swiss bank account bears the same name as his relative, but rather on a direct family relationship that was known to him before the publication of the ICEP List. It also indicates that Claimant [REDACTED 4] had reason to believe that his relative owned a Swiss bank account prior to the publication of the ICEP List. This supports the credibility of the information provided by Claimant [REDACTED 4].

Claimant [REDACTED 5]'s and Claimant [REDACTED 3]'s grandfather's name matches the published name of the Account Owner. In support of his claim, Claimant [REDACTED 5] submitted documents, including a statutory declaration, stating that the siblings [REDACTED 3] (Claimant [REDACTED 3]) and [REDACTED 5] (Claimant [REDACTED 5]) are the sole heirs of their parents [REDACTED] and [REDACTED] and of their grandparents [REDACTED] and [REDACTED]; and an application for distribution of an estate, in which Claimant [REDACTED 5] stated that his grandfather, Markus Weber, died on 26 April 1949 in Haifa, Israel, providing independent verification that the person who is claimed to be the Account Owner had a similar name to the name of the Account Owner recorded in the Bank's record. The CRT notes that these documents refer to Claimant [REDACTED 5]'s grandfather as Marcus rather than Max Weber. However, the CRT notes that Claimant [REDACTED 5] indicated that Max was his grandfather's alternative name. Moreover, the CRT notes that several genealogical websites identify Max as an alternative name for Marcus. The CRT therefore concludes that the reference

to the name Marcus in the documents provided by Claimant [REDACTED 5] does not adversely affect Claimant [REDACTED 5]'s identification of the Account Owner.

Moreover, the CRT notes that Claimant [REDACTED 3] filed an IQ with the Court in 1999, asserting her entitlement to a Swiss bank account owned by Max Weber, prior to the publication of the ICEP List. This indicates that Claimant [REDACTED 3] has not based her claim on the fact that an individual identified on the ICEP List as owning a Swiss bank account bears the same name as her relative, but rather on a direct family relationship that was known to her before the publication of the ICEP List. It also indicates that Claimant [REDACTED 3] had reason to believe that her relative owned a Swiss bank account prior to the publication of the ICEP List. This supports the credibility of the information provided by both Claimant [REDACTED 3] and her brother, Claimant [REDACTED 5].

Claimant [REDACTED 6]'s uncle's name matches the published name of the Account Owner. In support of her Claim, Claimant [REDACTED 6] submitted documents, including [REDACTED]'s marriage certificate, indicating that her parents were [REDACTED] and [REDACTED]; a certified proof of burial for [REDACTED] and [REDACTED], indicating that [REDACTED]'s maiden name was [REDACTED]; the birth certificates of Claimant [REDACTED 6] and [REDACTED 7], indicating that their mother was [REDACTED]; the death certificate of Claimant [REDACTED 6]'s older sister, [REDACTED], showing that she died at the age of 14 and that her mother was [REDACTED], providing independent verification that the person who is claimed to be the Account Owner had the same surname as the surname recorded in the Bank's record as the surname of the Account Owner.

In addition, the CRT notes that Claimant [REDACTED 6] filed an IQ with the Court in 1999, asserting her entitlement to a Swiss bank account owned by Max Weber, prior to the publication of the ICEP List. This indicates that Claimant [REDACTED 6] has not based her claim on the fact that an individual identified on the ICEP List as owning a Swiss bank account bears the same name as her relative, but rather on a direct family relationship that was known to her before the publication of the ICEP List. It also indicates that Claimant [REDACTED 6] had reason to believe that her relative owned a Swiss bank account prior to the publication of the ICEP List. This supports the credibility of the information provided by Claimant [REDACTED 6].

The CRT notes that Claimants' respective relatives are not the same person. However, given that the Claimants have identified all published information about the Account Owner that is available in the Bank's record; that the information provided by each claimant supports and in no way contradicts any information available in the Bank's record; that there is no additional information in the Bank's record which would provide a basis for the CRT to make any further determinations as to the identity of the Account Owner; and that there were no other claims to this account, the CRT finds that the Claimants have each plausibly identified the Account Owner.

Status of the Account Owner as a Victim of Nazi Persecution

The Claimants have made a plausible showing that the Account Owner was a Victim of Nazi Persecution. Each of the Claimants has either stated that the Account Owner was Jewish or

provided information which indicates that the Account Owner was Jewish. In addition, Claimant [REDACTED 1] indicated that the Account Owner fled Germany for Columbia some time before *Kristallnacht* to escape Nazi persecution; Claimant [REDACTED 2] indicated that the Account Owner perished in Dachau; Claimant [REDACTED 4] indicated that the Account Owner was deported to Riga in 1941, where he perished; Claimant [REDACTED 5] and Claimant [REDACTED 3] indicated that the Account Owner fled Berlin for Shanghai in 1939, where he was confined to the Shanghai Ghetto between 1943 and 1945; and finally, Claimant [REDACTED 6] indicated that in 1940 or 1941 the Account Owner fled Czechoslovakia for Poland, from where he traveled to England.

The Claimants' Relationship to the Account Owner

Claimant [REDACTED 1] has plausibly demonstrated that he is related to the Account Owner by submitting specific information and a document, demonstrating that the Account Owner was the Claimant's brother. The document Claimant [REDACTED 1] submitted was a power of attorney form in which the Account Owner appointed his brother, Claimant [REDACTED 1], power of attorney, allowing Claimant [REDACTED 1] to act on his behalf.

Claimant [REDACTED 2] has plausibly demonstrated that she is related to the Account Owner by submitting specific information, demonstrating that the Account Owner was her relative. The CRT notes that Claimant [REDACTED 2] filed an IQ with the Court in 1999, identifying the Account Owner prior to the publication in February 2001 of the ICEP List.

Claimant [REDACTED 4] has also plausibly demonstrated that he is related to the Account Owner by submitting specific information and documents that the Account Owner was his cousin. These documents include his birth certificate and his parents' marriage certificate, indicating that his mother's maiden name was [REDACTED]; and a letter from an attorney to Mrs [REDACTED] in 1967, indicating, among other things, that Mrs. [REDACTED] was Max Weber's cousin.

In addition, Claimant [REDACTED 5] and Claimant [REDACTED 3] have plausibly demonstrated that they are related to the Account Owner by submitting specific information and documents demonstrating that the Account Owner was their grandfather. These documents include a statutory declaration, stating that the siblings [REDACTED 3] (Claimant [REDACTED 3]) and [REDACTED 5] (Claimant [REDACTED 5]) are the sole heirs of their parents [REDACTED] and [REDACTED] and their grandparents [REDACTED] and [REDACTED]; and an application for distribution of an estate, in which Claimant [REDACTED 5] stated that his grandfather, Markus Weber, died on 26 April 1949 in Haifa, Israel, and that he and his sister, [REDACTED], are the only surviving heirs.

Finally, Claimant [REDACTED 6] has plausibly demonstrated that she is related to the Account Owner by submitting specific information that the Account Owner was her maternal uncle. The CRT further notes that Claimant [REDACTED 6] filed an IQ with the Court in 1999, identifying the relationship between herself and the Account Owner, prior to the publication in February 2001 of the ICEP List. The CRT further notes that Claimant [REDACTED 6] submitted copies of [REDACTED]'s marriage certificate, indicating that her parents were [REDACTED] and

[REDACTED]; the birth certificates of Claimant [REDACTED 6] and [REDACTED 7], indicating that their mother was [REDACTED]; and the death certificate of Claimant [REDACTED 6]'s older sister, [REDACTED], showing that her mother was [REDACTED], which provide independent verification that Claimant [REDACTED 6] bore the same family name as the Account Owner. Finally, the CRT notes that the foregoing information is of the type that family members would possess and indicates that the Account Owner was well known to Claimant [REDACTED 6] as a family member, and all this information supports the plausibility that Claimant [REDACTED 6] is related to the Account Owner, as she has asserted in her Claim Form.

The Issue of Who Received the Proceeds

The Bank's record indicates that the account was transferred to a suspense account, where it remains today.

Basis for the Award

The CRT has determined that an Award may be made in favor of the Claimants. First, the claim is admissible in accordance with the criteria contained in Article 18 of the Rules. Second, the Claimants have plausibly demonstrated that the Account Owner was their relative and those relationships justify an Award. Third, the CRT has determined that neither the Account Owner nor his heirs received the proceeds of the claimed account.

Amount of the Award

In this case, the Account Owner held one account, the type of which is not indicated. The Bank's record indicates that the value of the account as of 19 February 1993 was SF 29.00. In accordance with Article 31(1) of the Rules, this amount is increased by an adjustment of SF 805.00, which reflects standardized bank fees charged to the account of unknown type between 1945 and 1993. Consequently, the adjusted balance of the account at issue is SF 834.00. According to Article 29 of the Rules, if the amount in an account, the type of which is not indicated, was less than SF 3,950.00, and in the absence of plausible evidence to the contrary, the amount in the account shall be determined to be SF 3,950.00. The current value of the amount of the award is determined by multiplying the balance as determined by Article 29 by a factor of 12.5, in accordance with Article 31(1) of the Rules, to produce a total award amount of SF 49,375.00.

Division of the Award

According to Article 26 of the Rules, in cases where the identity of the account owner cannot be precisely determined due to the limited information contained in the bank documents, and where several unrelated claimants have established a plausible relationship to a person with the same name as the account owner, the award will provide for a pro rata share of the full amount in the account to each claimant or group of claimants who would be otherwise entitled under these Rules. In this case, each Claimant has established a plausible relationship to a person with the same name as the Account Owner. Accordingly, Claimant [REDACTED 2] and Claimant

[REDACTED 4] are each entitled to one-fifth of the Award amount. Further, the following pairs of Claimants are also each entitled to a one-fifth share in the Award amount which must be divided between them in accordance with the Rules: Claimant [REDACTED 1] and the party he is representing, Max Weber; Claimant [REDACTED 5] and his sister, Claimant [REDACTED 3], and Claimant [REDACTED 6] and the party she is representing, [REDACTED 7].

With regard to the respective entitlements of Claimant [REDACTED 6] and [REDACTED 7], the CRT notes that they are sisters and therefore have the same relationship to the Account Owner, who was their maternal uncle. 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 descendants of the Account Owner's parents who have submitted a claim, in equal shares by representation. Accordingly, Claimant [REDACTED 6] and [REDACTED 7] are each entitled to one tenth of the Award amount.

Similarly, in relation to the entitlements of Claimant [REDACTED 3] and Claimant [REDACTED 5], the CRT notes that these claimants are siblings and therefore have the same relationship to the Account Owner who was their grandfather. 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. Accordingly, Claimant [REDACTED 3] and Claimant [REDACTED 5] are each entitled to one tenth of the Award amount.

Finally, with respect to the respective entitlements of Claimant [REDACTED 1] and Max Weber, the CRT notes that Claimant [REDACTED 1] identified his brother, Max Weber, as the Account Owner. Accordingly, Max Weber is entitled to one-fifth of the Award amount and Claimant [REDACTED 1] is not entitled to any of the 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
30 November 2005