

CLAIMS RESOLUTION TRIBUNAL

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

Certified Award

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

in re Accounts of Samuel Weiss and Nicolaus Kovacs

Claim Numbers: 208468/AH; 222490/AH; 600722/AH¹

Award Amount: 196,560.00 Swiss Francs

This Certified Award is based upon the claim of [REDACTED 1] (“Claimant [REDACTED 1]”) to the accounts of Samuel Weiss (“Account Owner Weiss”) and the claims of [REDACTED 2] (“Claimant Kovacs”) to the account of Nicolaus Kovacs (“Account Owner Kovacs”) (together the “Account Owners”) all at the Zurich branch of 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] submitted a Claim Form identifying Account Owner Weiss as her maternal grandfather, Samuel Weiss, who was born on 8 February 1888 in Hungary, and was married to [REDACTED] on 25 May 1913, in Nyiregyhaza, Hungary. According to Claimant [REDACTED 1], Samuel and [REDACTED] Weiss had two daughters: [REDACTED], Claimant [REDACTED 1]’s mother, who was born on 1 June 1914 in Nagyszolos, Czechoslovakia; and [REDACTED], whom Claimant [REDACTED 1] represents. Claimant [REDACTED 1] indicated that her mother married Paul Hegedus, who acted as his father-in-law’s legal representative. Claimant [REDACTED 1] further indicated that between 1922 and 1930, her grandfather was the owner of *Marmarosi Általános Hitelbank* in Huszt and in Tecső, Czechoslovakia, where Paul Hegedus worked as the bank’s legal counsel, and that her grandfather traveled frequently to Zurich, Switzerland, where he was presumed to have accounts. Claimant [REDACTED 1] also indicated that from 1930 to 1934, Samuel Weiss lived and worked as an economist in Bratislava, Czechoslovakia, and then, in 1934, he moved to 5 Utca Becsi in Budapest, Hungary, and worked as a trader at the stock exchange. Claimant

¹ The Claimant submitted a claim, numbered B-01541, on 4 November 1999, to the Holocaust Claims Processing Office (“HCPO”) of the New York State Banking Department. This claim was referred by the HCPO to the CRT and has been assigned Claim Number 600722/AH.

[REDACTED1] stated that in 1938, Paul Hegedus went to Switzerland to open a bank account and deposit the family's money. Claimant [REDACTED 1] explained that during the Second World War, she, her grandfather, and her mother were hidden by the Swedish consulate, but that her aunt, [REDACTED], was sent to a slave labor camp. Claimant [REDACTED 1] added that her grandfather's family later fled to Argentina. Her grandfather died in Buenos Aires on 23 May 1965, and his wife died there on 25 May 1971.

In support of her claim, Claimant [REDACTED 1] submitted various documents, including her mother's Argentinian naturalization documents and her mother's birth and death certificates, which indicate her grandfather's name, profession, and Czech and Hungarian origins. The Claimant also submitted her mother's marriage certificate, which indicates that Paul Hegedus held a Doctor title, and the records documenting that their name was changed from Hegedus to [REDACTED 1]. The Claimant also submitted her mother's will, which identifies the Claimant as her heir, a letter to Samuel Weiss dated 1910, and [REDACTED]'s birth certificate. Claimant [REDACTED 1] indicated that she was born on 8 January 1937, in Kosice, Hungary. Claimant [REDACTED 1] is representing [REDACTED], her maternal aunt, who was born on 11 January 1916 in Munkacs, Czechoslovakia.

Claimant [REDACTED 2] submitted a claim to the Holocaust Claims Processing Office ("HCPO") and a Claim Form to the CRT identifying Account Owner Kovacs as her father, Nikolaus (Miklos) Kovacs, who was born on 12 November 1906, in Miskolc, Hungary, to [REDACTED] and was later adopted by [REDACTED]. Nikolaus Kovacs was married to [REDACTED] in 1940, in Budapest, Hungary, and the couple had one daughter, Claimant [REDACTED 2]. Claimant [REDACTED 2] indicated that from 1925 until 1932, her father studied at the University of Geneva, Switzerland, with which he kept a professional connection after he graduated, and then moved to Budapest, where he worked until 1941. Claimant [REDACTED 2] stated that her father traveled to Switzerland occasionally. Claimant [REDACTED 2] indicated that because he was Jewish, her father, who was a chemical engineer and a plant manager, could not get a job suitable to his skills and finally had to flee to Russe, Bulgaria, to avoid Nazi persecution, and returned to Budapest only after the Second World War.

In support of her claim, Claimant [REDACTED 2] submitted various documents including Miklos Kovacs' birth and death certificates, his university attendance records, indicating his name was registered as Nikola Cohn and Nicolas Kovacs, and that he had a diploma in chemical engineering. Claimant [REDACTED 2] also submitted her written declaration, dated 3 February 1965, and that of the Jewish synagogue of Miskolc, dated 7 January 1966, indicating she was the daughter of Miklos Kovacs. Claimant [REDACTED 2] indicated that she was born on 13 February 1943 in Russe.

Claimant [REDACTED 2] and [REDACTED], who is Claimant [REDACTED 1]'s mother, previously submitted Initial Questionnaires with the Court in 1999, and Claimant [REDACTED 2] also submitted an ATAG Ernst & Young claim form in 1998. [REDACTED] asserted her entitlement to a Swiss bank account deposited by her husband, and Claimant [REDACTED 2] asserted her entitlement to a Swiss bank account owned by her father.

Information Available in the Bank Records

The bank records consist of signature sample forms, excerpts of ledger cards, a suspension record, printouts from the Bank's database, and two power of attorney forms, dated 20 September 1932 and 1 January 1935, both executed in Budapest. According to these records, Account Owner Samuel Weiss, who resided in Bratislava, Czechoslovakia, held one custody account and one demand deposit account, both numbered 75. The records indicate that the Power of Attorney Holders for these accounts were Dr. Paul Hegedus, Advocate in Tacovo, Podkarpatska, Czechoslovakia, and Nikolas Kovacs. The signature sample forms include Account Owner Weiss's signature and the Power of Attorney Holders' signatures. The bank records further indicate that Samuel Weiss jointly held a safe deposit box with Nicolaus Kovacs. This safe deposit box was opened at an unknown date. All three accounts were transferred to a collective suspense account for missing clients on 4 July 1983 and remain open and dormant. The amounts in the accounts as of the date of their suspension and as of today are unknown.

The CRT's Analysis

Joinder of Claims

According to Article 43(1) of the Rules Governing the Claims Resolution Process (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 three claims of the Claimants in one proceeding.

Identification of the Account Owner

Claimant [REDACTED 1] has identified Account Owner Weiss and Power of Attorney Holder Paul Hegedus. Her grandfather's and father's names match the published names of Account Owner Samuel Weiss and the Power of Attorney Holder Paul Hegedus. Claimant [REDACTED 1] identified her father's connection to Account Owner Weiss, his profession and title, which match unpublished information about Power of Attorney Holder Paul Hegedus and Account Owner Weiss contained in the bank records. The Claimant also identified her grandfather's domiciles in Bratislava and Budapest, which match the unpublished information about Account Owner Weiss's domiciles. Claimant [REDACTED 1] also indicated that her father often traveled to Zurich, which is consistent with unpublished information about the Bank branch at which the account was opened.

Claimant [REDACTED 2] has plausibly identified Account Owner Kovacs. Her father's name matches the published name of the Account Owner. Claimant [REDACTED 2]'s submissions indicate that the Swiss variation of her father's first name was Nikolaus, which matches the published variations of Account Owner Kovacs' first name. The Claimant identified her father's domicile in Budapest in 1932, which matches the unpublished location and date in which the power of attorney form was executed. Moreover, the identification of Account Owner Kovacs is supported by Claimant [REDACTED 1]'s claim, which indicates her grandfather's connection to Budapest. In support of her claim, Claimant [REDACTED 2] submitted documents, including

Miklos Kovacs' birth and death certificates, and his University of Geneva attendance records, indicating he was registered there as Nikolas. The CRT notes that the Claimant filed an Initial Questionnaire with the Court in 1999 and ATAG Ernst & Young claim form in 1998, asserting her entitlement to a Swiss bank account owned by Nikolas Kovacs, prior to the publication in February 2001 of the list of accounts determined by ICEP to be probably or possibly those of Victims of Nazi Persecution (the "ICEP List"). This indicates that the Claimant has based her present claim not simply 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 the Claimant 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 the Claimant.

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. Claimant [REDACTED 1] stated that Account Owner Weiss was Jewish and that he and his family were hidden during the Second World War by the Swedish consulate until they fled to Argentina. Claimant [REDACTED 2] stated that Account Owner Kovacs was Jewish and that he and his family fled to Bulgaria during the Second World War to avoid persecution.

The Claimants' Relationship to the Account Owners

Claimants [REDACTED 1] and [REDACTED 2] have plausibly demonstrated that they are related to the Account Owners by submitting documents demonstrating that the Account Owners were their maternal grandfather and father, respectively. There is no information to indicate that the Account Owners have surviving heirs other than the Claimants and Account Owner Weiss's daughter, [REDACTED], whom Claimant [REDACTED 1] is representing.

The Issue of Who Received the Proceeds

The bank records indicate the accounts were transferred to a collective suspense account and remain open and dormant.

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 23 of the Rules. Second, Claimants [REDACTED 1] and [REDACTED 2] have plausibly demonstrated that the Account Owners were their grandfather and father, respectively, and those relationships justify an Award. Finally, the CRT has determined that neither the Account Owners, the Power of Attorney Holders nor their heirs received the proceeds of the claimed accounts.

Amount of the Award

Pursuant to Article 35 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 present 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, the average value of a demand deposit account was 2,140.00 Swiss Francs, and the average value of a safe deposit box account was 1,240.00 Swiss Francs, for a total of 16,380.00 for the three accounts. The present value of these amounts are calculated by multiplying them by a factor of 12, in accordance with Article 37(1) of the Rules, to produce a total award amount of 196,560.00 Swiss Francs.

Division of the Award

Claimant [REDACTED 1] is representing her maternal aunt, Account Owner Weiss's daughter, [REDACTED], in these proceedings. As for the custody account and demand deposit account, which were owned solely by Account Owner Weiss, according to the principles of distribution set forth in Article 29 of the Rules, the Award will be in favor of any children of the Account Owner or their descendants who have submitted claims to the account, in equal shares by representation. Therefore, [REDACTED] and Claimant [REDACTED 1], who is a descendant of [REDACTED], Account Owner Weiss's other daughter, are each entitled to one-half of the award amount for the custody account and demand deposit account, or 90,840.00 Swiss Francs each.

As for the safe deposit box jointly held by Account Owner Weiss and Account Owner Kovacs, according to the principles set forth in Article 31(1) of the Rules, if an account is jointly owned, it shall be presumed that it was owned as a whole in equal shares by the Account Owners whose shares of the account have been claimed. Accordingly, Claimant [REDACTED 2] is entitled to one-half of the award amount for that account, or 7,440.00 Swiss Francs, and Claimant [REDACTED 1] and [REDACTED] are each entitled to one-quarter of the award amount for that account, or 3,720.00 Swiss Francs each.

Initial Payment Amount

Article 37(3)(a) of the Rules provides that where the value of an award is calculated using the value presumptions provided in Article 35 of the Rules, the initial payment to the claimant shall be 65% of the Certified Award, and the claimant may receive a second payment of up to 35% of the Certified Award when so determined by the Court. In this case, however, because [REDACTED] is age 75 or older, she is entitled to receive payment of 100% of her portion of the total award amount. Accordingly, the initial payment amount is 160,860.00 Swiss Francs, which is comprised of 100% of [REDACTED] portion of the award (94,560.00 Swiss Francs) and 65% of Claimant [REDACTED 1]'s portion of the award (61,464.00 Swiss Francs) and 65% of Claimant [REDACTED 2]'s portion of the award (4,836.00 Swiss Francs).

Scope of the Award

The Claimants should be aware that, pursuant to Article 25 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

December 27, 2002