

CLAIMS RESOLUTION TRIBUNAL

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

Certified Denial

to Claimant [REDACTED]
represented by [REDACTED]

in re Accounts of Lajos Schulhoff

Claim Numbers: 222951/AC; 222952/AC¹

This Certified Denial is based upon the claims of [REDACTED], née [REDACTED], (the “Claimant”) to the accounts of Lajos Schulhoff and Imre Schulhoff.² This Denial is to the published accounts of Lajos Schulhoff (the “Account Owner”) at the Zurich branch of the [REDACTED] (“Bank I”), and to the published accounts of the Account Owner, over which Imre Schulhoff (the “Power of Attorney Holder”) held power of attorney, at the Zurich branch of the [REDACTED] (“Bank II”) (together the “Banks”).³

All denials 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 a Claim Form identifying the Account Owner as her paternal uncle, Lajos Schulhoff, who was born on 30 October 1876 in Szabadka, Hungary (later Yugoslavia, and now Subotica, Serbia), and was married to [REDACTED], née [REDACTED]. The Claimant stated that [REDACTED] died on 25 December 1914, and that in 1930, her uncle married [REDACTED], née [REDACTED], in Budapest, Hungary.

¹ The CRT did not locate an account belonging to the Claimant’s relative, Imre Schulhoff, 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 Claimant should be aware that the CRT will carry out further research on her claim to determine whether an award may be made based upon the information provided by the Claimant or upon information from other sources.

² The Claimant submitted a claim to the account of Ede Szücs, numbered B-01290 on 18 September 1998 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 was assigned Claim Number 600707. The CRT has awarded the Claimant with the claimed account. The Award was approved by the Court on 4 April 2003.

³ 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”), Lajos Schulhoff is indicated as owning four accounts. Upon careful review, the CRT has concluded that Bank I’s records and Bank II’s records evidence the existence of only two accounts.

The Claimant stated that Lajos Schulhoff had three brothers: [REDACTED] (also known as [REDACTED]), [REDACTED], and the Claimant's father, [REDACTED]. The Claimant indicated that the brothers were all born in Szabadka, and that their parents were [REDACTED] and [REDACTED]. The Claimant stated that Lajos Schulhoff, who was Jewish, managed real estate and vineyards in Hungary and Yugoslavia, and that he exported wine and traveled to Switzerland. The Claimant further stated that Lajos Schulhoff lived in Szabadka until the 1920s, when he relocated and maintained dual residences in Padej, Yugoslavia and Budapest, Hungary. The Claimant stated that Lajos Schulhoff's property in Padej was confiscated by the Nazis in 1941, upon which he returned to his residence in Budapest, where he stayed until March 1944, when he was imprisoned by the Nazis, first in a rabbinical school, and later in a camp near Budapest. The Claimant indicated that Lajos Schulhoff survived the Holocaust and lived in Budapest until the early 1950s, when he moved to Montreal, Canada. The Claimant stated that her uncle passed away in Canada on 13 June 1962. The Claimant indicated that she was born on 30 August 1931 in Budapest.

The Claimant submitted documents in support of her claim, including: 1) a copy of the birth certificate of [REDACTED], dated 4 March 1887, identifying [REDACTED] as his father and Subotica as his place of birth; 2) a copy of a certificate issued by a district court in Petrovgrad, stating that [REDACTED] and his wife purchased property and vineyards in Padej, and lived there until April 1941; 3) a copy of [REDACTED]'s marriage license from Budapest, naming [REDACTED] as [REDACTED]'s father, identifying Szabadka as [REDACTED]'s place of birth, and listing Lajos Schulhoff from Padej as a witness; 4) a copy of a letter from Bank II, indicating that Lajos Schulhoff held an account with Bank II in Zurich, from which he transferred money to [REDACTED] in Padej on 22 August 1938; and 5) a copy of Lajos Schulhoff's signed Last Will and Testament, dated 14 November 1957, in which he identified the Claimant as his niece and the daughter of his brother, [REDACTED].

The Claimant previously submitted an Initial Questionnaire ("IQ") with the Court in 1999 and an ATAG Ernst & Young claim form in 1998, asserting her entitlement to a Swiss bank account owned by Lajos Schulhoff, Ede Szücs, Robert Ivan Frieder, Nándor Schulhoff and Magdolna Schulhoff, née Fleischl.⁴ The Claimant indicated that her uncle [REDACTED] perished in Auschwitz.

Information Available in the Banks' Records

Bank I

Bank I's record consists of a customer card. According to this record, the Account Owner was Lajos Schulhoff, who resided in Padej, Yugoslavia. Bank I's record indicates that the Account Owner held one demand deposit account, which was held in Pound Sterling.

⁴ The CRT did not locate an account belonging to the Claimant's relative, Robert Ivan Frieder, Nándor Schulhoff or Magdolna Schulhoff, née Fleischl, in the Account History Database prepared pursuant to the ICEP Investigation, which identified accounts probably or possibly belonging to Victims of Nazi Persecution, as defined in the Rules. The Claimant should be aware that the CRT will carry out further research on her claim to determine whether an award may be made based upon the information provided by the Claimant or upon information from other sources.

Bank I's record indicates that the demand deposit account was closed on 10 April 1939. Bank I's record does not indicate the value of this account.

Bank II

Bank II's records consist of a power of attorney form dated 29 June 1927, a power of attorney form dated 6 April 1937, and printouts from Bank II's database. According to these records, the Account Owner was Lajos Schulhoff and the Power of Attorney Holder was Imre Schulhoff, both of whom resided in Padej, Yugoslavia. Bank II's records indicate that the Account Owner held one account, the type of which is not indicated.

Bank II's records indicate that Lajos Schulhoff granted a power of attorney to Imre Schulhoff on 29 June 1927, which was cancelled on 9 April 1937 and replaced by a new power of attorney signed by the Account Owner and the Power of Attorney Holder on 6 April 1937. Bank II's records indicate that the account was closed on 5 April 1939. Bank II's records do not indicate the value of this account.

In addition to Bank II's records submitted to the CRT by 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"), the CRT notes that the Claimant submitted a copy of a letter from Bank II, which indicates that Lajos Schulhoff transferred money to [REDACTED] in Padej on 22 August 1938.⁵

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 has plausibly identified the Account Owner. The Claimant's uncle's name and city and country of residence match the published name and city and country of residence of the Account Owner at Bank I. Furthermore, the Claimant stated that [REDACTED] was her father's brother, which matches the published name of the Power of Attorney Holder at Bank II.

In support of her claim, the Claimant submitted documents providing independent verification that the person who is claimed to be the Account Owner had the same name and resided in the same city recorded in the Banks' records as the name and city of residence of the Account

⁵ The CRT concludes that the copy of the letter submitted by the Claimant refers to the account at issue held in the Zurich branch of Bank II.

Owner; identifying a relative with the same name as the Power of Attorney Holder; and showing that Lajos Schulhoff held an account at Bank II. These documents include: 1) a copy of the Claimant's father's marriage license; 2) a copy of the birth certificate of [REDACTED]; 3) a copy of a certificate stating that [REDACTED] lived in Padej; 4) a copy of a letter from Bank II, indicating that Lajos Schulhoff held an account with Bank II in Zurich; and 5) a copy of Lajos Schulhoff's Last Will and Testament, identifying [REDACTED] as his brother.

The CRT notes that the Claimant filed an IQ with the Court in 1999, an ATAG Ernst & Young claim form in 1998, and an HCPO claim form in 1998, asserting her entitlement to a Swiss bank account owned by Lajos Schulhoff, 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. The CRT notes that there are no other claims to these accounts.

Status of the Account Owner as a Victim of Nazi Persecution

The Claimant has made a plausible showing that the Account Owner and the Power of Attorney Holder were Victims of Nazi Persecution. The Claimant stated that the Account Owner was Jewish, that his property was confiscated in 1941, and that he was imprisoned by the Nazis, first in a rabbinical school, and then in a camp near Budapest. Moreover, the Claimant indicated that the Power of Attorney Holder, the Account Owner's brother, perished in Auschwitz.

The Claimant's Relationship to the Account Owner

The Claimant has plausibly demonstrated that she is related to the Account Owner by submitting specific information and documents, demonstrating that the Account Owner was the Claimant's paternal uncle. These documents include a copy of her father's marriage license, listing Lajos Schulhoff as a witness, and a copy of Lajos Schulhoff's Last Will and Testament, which identifies the Claimant's father as his brother. There is no information to indicate that the Account Owner has other surviving heirs.

The Issue of Who Received the Proceeds

Bank I

Bank I's records indicate that the demand deposit account held by the Account Owner was closed on 10 April 1939. The Account Owner lived in Padej, Yugoslavia at the time that the account was closed, which was approximately two years prior to the German invasion of Yugoslavia. The CRT therefore concludes that the Account Owner received the proceeds of the claimed account.

Bank II

Bank II's records indicate that the account of unknown type held by the Account Owner was closed on 5 April 1939. The Account Owner lived in Padej, Yugoslavia at the time that the account was closed, which was approximately two years prior to the German invasion of Yugoslavia. The CRT therefore concludes that the Account Owner received the proceeds of the claimed account.

Right of Appeal

Pursuant to Article 30 of the Rules, the Claimant may appeal this Denial to the Court through the Special Masters within ninety (90) days of the date of the letter accompanying this decision. Appeals should be delivered to the following address: Office of the Special Master, c/o Claims Resolution Tribunal, P.O. Box 9564, 8036 Zurich, Switzerland.

The Claimant should send appeals in writing to the above address and should include all reasons for the appeal. Appeals submitted without either a plausible suggestion of error or relevant new evidence may be summarily denied.

Scope of the Denial

The Claimant should be aware that, pursuant to Article 20 of the Rules, the CRT will carry out further research on her claims to determine whether there are additional Swiss bank accounts to which she 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 Denial

The CRT certifies this Denial for approval by the Court and by the Special Masters.

Claims Resolution Tribunal
28 September 2004