CLAIMS RESOLUTION TRIBUNAL

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

Certified Denial

to Claimant [REDACTED]
represented by Michele Silver

in re Accounts of Georg Singer and Elisabeth Weisz

Claim Number: 206964/MBC[1]

This Certified Denial is based upon the claim of [REDACTED], née [REDACTED], (the "Claimant") to the unpublished account of Elisabeth Weisz ("Account Owner Weisz") and to the unpublished account of Georg Singer ("Account Owner Singer") (together the "Account Owners"), both held at the [REDACTED] (the "Bank").

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 Account Owner Weisz as herself, [REDACTED], née [REDACTED], who was born on 9 May 1918 in Sopron, Hungary; and identifying Account Owner Singer as her late husband, Georg (George, György) Singer (later Solyom), who was born on 5 November 1903 in Temesvar (today Timisoara), Romania. The Claimant stated that she and her husband, who were both Jewish, married on 21 April 1938 in Budapest, Hungary, where they resided at Talra utca 15.

The Claimant explained that in 1939, her husband and his brother, [REDACTED], traveled to Switzerland, each intending to deposit 500.00 United States Dollars ("US $") and for transfer to a bank in New York, the United States. The Claimant stated that while her brother-in-law traveled directly to Switzerland, she and her husband traveled via Vienna, Austria, where she met her aunt, who resided in Vienna, and who also gave the Claimant jewelry to deposit in Switzerland.

According to the Claimant, she and her husband returned to Hungary, and between 1940 and 1945, her husband was sent to several forced labor camps, the last one in Bor, Yugoslavia (today

[1] In a separate decision, a different account belonging to Georg Singer, which was held at a different bank from the accounts addressed in the current award, was awarded to the Claimant. See *In re Account of Georg Singer* (approved on 18 April 2006).

Serbia). The Claimant stated that after his release, Georg Singer returned to Hungary and resided there until 1957, when his family emigrated to Sydney, Australia. The Claimant indicated that in 1945, her husband changed his last name from Singer to Solyom.

The Claimant explained that in 1957, after the freeze of Hungarian bank accounts in Switzerland was lifted, her husband contacted the Bank to inquire about money held by his brother [REDACTED] at the Bank. The Claimant stated that the money in this account was transferred to a bank in the United States, which acknowledged in 1958 that it had received the funds that had been transferred to it in [REDACTED]'s name from the Bank.

The Claimant stated that her husband passed away on 20 December 1966 in Australia.

The Claimant submitted copies of documents, including: (1) her birth certificate, indicating that Erzsebet Weisz was born on 9 May 1918 in Sopron, and that she was Jewish; (2) her husband's birth certificate, indicating that György Singer was Jewish, that he was born on 5 November 1903, and that he later changed his surname to Solyom; (3) her marriage certificate, indicating that Dr. György Singer married Erzsebet Weisz on 21 April 1938 in Budapest, that they were Jewish, and that György Singer later changed his surname to Solyom; (4) a certificate of name change, issued in Budapest on 25 August 1945, indicating that her husband changed his surname from Singer to Solyom; and (5) her husband's death certificate, indicating that George Solyom was married to Elizabeth Weisz, and that he died on 20 December 1966.

Additionally, the Claimant further submitted documents relating to assets deposited at the Bank. These documents are described in detail below.

The Claimant indicated that she was born on 9 May 1918 in Sopron.

The Claimant previously submitted an Initial Questionnaire ("IQ") with the Court in 1999, asserting her entitlement to a Swiss bank account owned by Georg Solyom.

Information Available in the Bank's Records

The CRT notes that 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") did not report accounts belonging to Elisabeth Weisz or Georg Singer during their investigation of the Bank. The Bank's documents were obtained by the Claimant and were forwarded to the CRT.

<u>Account Owner Weisz</u>

The Bank's record consists of a receipt, dated 3 March 1939, in Geneva, Switzerland. According to this record, the Account Owner was *Madame* (Mrs.) E. Weisz, who resided in Lucerne, Switzerland. The Bank's record indicates that Account Owner Weisz owned a safe deposit box at the Bank, numbered 1120, for which she paid a rent of 15.00 Swiss Francs ("SF") for the period 31 March 1939 to 31 March 1940.

Pursuant to Article 6 of the Rules Governing the Claims Resolution Process, as amended (the "Rules"), the CRT requested the voluntary assistance of the Bank to obtain additional information about this account ("Voluntary Assistance"). The Bank provided the CRT with additional documents regarding this account. The document consists of a safe deposit box rental card, and indicates that Mrs. Elisabeth Weisz held a safe deposit box numbered 1120. The record also indicates that her address in Switzerland was care of *M*. (Mr.) Simon J. Erlanger at Waldstätterstrasse 9, Lucerne.

According to a note on the card, dated 24 January 1941, Mr. Erlanger was in possession of a key to the safe deposit box, but was henceforth not to be asked to pay the rental fees for the safe deposit box. This record further indicates that the rental fees for the safe deposit box were paid from 31 March 1941 regularly through to 31 May 1957.

The Bank's records do not indicate the value of this account, nor do they show when the account was closed.

Account Owner Singer

The Bank's record consists of a power of attorney form regarding an account at the Bank. According to this record, Account Owner Singer was Dr. Georg Singer, who gave the address of *M*. Simon J. Erlanger at Waldstätterstrasse 9 in Lucerne as his correspondence address in Switzerland. The record indicates that Account Owner Singer held a custody account at the Bank, numbered 1903, and that Account Owner Singer gave power of attorney over this account to his wife, *Mme*. Georg Singer, née Elisabeth Weisz, on 31 March 1939 in Geneva, Switzerland. The Bank's records do not indicate the value of this account, nor do they show when the account was closed.

Pursuant to Article 6 of the Rules, the CRT requested Voluntary Assistance regarding this account. The Bank provided the CRT with additional documents. These records include documents which the Claimant submitted to the Bank. The records consist of correspondence between the Bank, the *Guaranty Trust Company of New York* bank, and Georg Solyom, which is dated primarily between 1957 and 1958. In the records, Georg Solyom makes inquiries regarding assets previously held at the Bank in the name of his brother, [REDACTED], as account owner. The records do not contain inquiries regarding assets held at the Bank by Georg Singer (Solyom) himself or by his wife.

The CRT's Analysis

Identification of the Account Owners

The Claimant has plausibly identified the Account Owners. The CRT notes that the Claimant herself submitted the documents evidencing the existence of the accounts.

In support of her claim, the Claimant submitted copies of documents, including her birth certificate and her husband's birth certificate, her marriage certificate, a certificate of name

change, and her husband's death certificate, providing independent verification that the persons who are claimed to be the Account Owners had the same names and resided in the same town recorded in the Bank's records as the names and city of residence of the Account Owners.

Additionally, the CRT notes that a database containing the names of victims of Nazi persecution includes a person named Georg Singer and a person named Elisabeth Singer. The database is a compilation of names from various sources, including the Yad Vashem Memorial of Israel.

The CRT notes that the other claims to these accounts were disconfirmed because those claimants provided a different marital status and spouse's name than those of the Account Owners.

Status of the Account Owners as Victims of Nazi Persecution

The Claimant has made a plausible showing that the Account Owners were Victims of Nazi Persecution. The Claimant stated that she is Jewish, and that she and her husband resided in Budapest, Hungary, during the Second World War until her husband was deported to several forced labor camps in Yugoslavia. As noted above, persons named Georg Singer and Elisabeth Singer were included in the CRT's database of victims.

The Claimant's Relationship to the Account Owners

The Claimant has plausibly demonstrated that she is Account Owner Weisz, and that Account Owner Singer was her husband, by submitting specific information and documents. These documents include her birth certificate and her marriage certificate, the latter indicating that Dr. György Singer married Erzsebet Weisz. The CRT notes that the Claimant indicated that she and her husband have another surviving relative, but that because she is not represented in the Claimant's claim, the CRT will not treat her potential entitlement to the Account Owners' accounts in this decision.

The Issue of Who Received the Proceeds

The CRT notes that, according to the Bank's documents obtained through Voluntary Assistance, the rental fees for Account Owner Weisz's safe deposit box numbered 1120 at the Bank were paid by someone other than Mr. Simon J. Erlanger of Lucerne through 31 May 1957; that Account Owner Singer's custody account was also held at the Bank; and that Account Owner Singer contacted the Bank after the Second World War to make inquiries regarding an account at the Bank in the name of his brother [REDACTED], and not in his own name, or that of his wife, Account Owner Weisz. The CRT therefore concludes that the Claimant and her husband, Account Owner Singer, retained dominion over their accounts at the Bank, and that they received the proceeds of the claimed accounts.

Right of Appeal and Request for Reconsideration

Pursuant to Article 30 of the Rules, the Claimant may appeal this decision or submit a request for reconsideration within ninety (90) days of the date of the letter accompanying this decision.

An appeal must be based upon a plausible suggestion of error regarding the CRT's conclusions set out in this decision. Any appeals which are submitted without a plausible suggestion of error shall be summarily denied. A request for reconsideration must be based on new documentary evidence not previously presented to the CRT that, if considered, would have led to a different outcome of the claim. Claimants should briefly explain the relevance of the newly submitted documents in view of the conclusions stated in the certified decision.

The Claimant should send appeals and/or requests for reconsideration in writing to the following address: Oren Wiener, Claims Resolution Tribunal, Attention: Appeals / Request for Reconsideration, P.O. Box 9564, 8036 Zurich, Switzerland. If more than one account has been treated in this decision, the Claimant should identify the account, including, where available, the Account Identification Number, that forms the basis of the appeal and/or request for reconsideration.

Certification of the Denial

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

Claims Resolution Tribunal
13 February 2009