

# CLAIMS RESOLUTION TRIBUNAL

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

## **Certified Award**

to Claimant Patricia June Held  
also acting on behalf of Kenneth Reed Herst

**in re Account of Lucie Adam**

Claim Number 215575/MBC

Award Amount: 25,680.00 Swiss Francs

This Certified Award is based upon the claim of Patricia June Held, née Herst, (the “Claimant”) to the account of Lucie Adam (the “Account Owner”) at the [REDACTED] (the “Bank”).

All awards are published. Where a claimant has not requested confidentiality, as in this case, only the name of the bank has been redacted.

## **Information Provided by the Claimant**

The Claimant submitted a Claim Form identifying the Account Owner as her grandmother, Lucie Adam, née Maas (who is also the grandmother of Kenneth Reed Herst), who was born in Berlin, Germany, and was married to Otto Adam. The Claimant indicated that her grandparents had two children: John Adam, who was born on 22 February 1918 in Berlin; and Ingeborg Herst, née Adam, the Claimant’s mother, who was born on 18 October 1915 in Berlin and who passed away on 6 September 1954 in Scruboak, New York. The Claimant indicated that Lucie Adam was a housewife who lived in Lichterfelde, Berlin. The Claimant stated that her grandmother, who was Jewish, was deported, sometime between 1938 and 1942, to the Theresienstadt concentration camp, where she perished.

In support of her claim, the Claimant submitted documents including her own and her brother’s birth certificates, as well as her mother’s obituary, indicating that Lucie Adam was the Claimant’s grandmother. The Claimant stated that she was born on 21 June 1940 in New York, New York, and that she is representing her brother, Kenneth Herst, who was born on 11 July 1943 in New York, in these proceedings.

## **Information Available in the Bank Record**

The Bank's record consists of an account registry card. According to this record, the Account Owner was Frau Lucie Adam, who lived in Lichterfelde, Berlin. The Bank's record indicates that the Account Owner held a demand deposit account that was closed on 20 December 1936. The Bank's records do not indicate the value of the account, nor do they show to whom the account was paid. There is no evidence in the Bank's records that the Account Owner or her heirs closed the account and received the proceeds themselves.

## **The CRT's Analysis**

### Identification of the Account Owner

The Claimant has plausibly identified the Account Owner. Her grandmother's name matches the published name of the Account Owner. The Claimant also identified Berlin as the unpublished city of residence of the Account Owner. Furthermore, the Claimant provided the residential district in Berlin that her grandmother resided in before the Second World War, which matches the unpublished information about the Account Owner contained in the Bank's records. The CRT notes that there are no other claims to this account.

### Status of Account Owner as a Victim of Nazi Persecution

The Claimant has made a plausible showing that the Account Owner was a Victim of Nazi Persecution. The Claimant stated that the Account Owner was Jewish, and that she was deported to Theresienstadt concentration camp, where she perished.

### The Claimant's Relationship to the Account Owner

The Claimant has plausibly demonstrated that she is related to the Account Owner by submitting her birth certificate, her brother's birth certificate, and her mother's obituary, the latter indicating that the Account Owner was her grandmother.

### The Issue of Who Received the Proceeds

Given that in 1933 the Nazis embarked on a campaign to seize the domestic and foreign assets of its Jewish nationals through the enforcement of flight taxes and other confiscatory measures, including the confiscation of assets held in Swiss banks; that the Account Owner remained in Germany until she was deported to Theresienstadt, where she perished; and 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) and Appendix C,<sup>1</sup> the CRT concludes that it is plausible that the account proceeds were not paid to the Account Owner or his 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.

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<sup>1</sup> Appendix C appears on the CRT II website -- [www.crt.ii.org](http://www.crt.ii.org).

### Basis for the Award

The CRT has determined that an Award may be made in favor of the Claimant. First, the claim is admissible in accordance with the criteria contained in Article 18 of the Rules. Second, the Claimant has plausibly demonstrated that the Account Owner was her grandmother, and that relationship justifies an Award. Finally, the CRT has determined that it is plausible that neither the Account Owner nor her heirs received the proceeds of the claimed account.

### Amount of the Award

In this case, the Account Owner held one demand deposit account. 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 investigation carried out pursuant to the instructions of the Independent Committee of Eminent Persons ("ICEP" or "ICEP Investigation"), in 1945 the average value of a demand deposit account was 2,140.00 Swiss Francs. The current value of this amount is calculated by multiplying it by a factor of 12 in accordance with Article 31(1) of the Rules, to produce a total award amount of 25,680.00 Swiss Francs.

### Division of the Award

According to Article 23(1) 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 of representation. In this case, the Claimant is representing her brother. Therefore, the Claimant and her brother are each entitled to receive one-half of the total award amount.

### **Scope of Award**

The Claimant should be aware that, pursuant to Article 20 of the Rules, the CRT will carry out further research on her claim 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 Award**

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

Claims Resolution Tribunal  
June 3, 2003