

CLAIMS RESOLUTION TRIBUNAL

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

Certified Award

to Claimant Ursula Alford
also acting on behalf of Drahomira Adam

in re Account of Hugo Aufricht

Claim Number: 212013/EZ

Award Amount: 49,375.00 Swiss Francs

This Certified Award is based upon the claim of Ursula Alford, née Lion, (the “Claimant”) to the account of Hugo Aufricht (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 father-in-law, Hugo Aufricht, who was born to Samuel and Betty Aufricht, née Beck, on 19 November 1878 in Dobratice, Czechoslovakia, and was married in 1911 to Flora Aufricht, née Königsfeld. The Claimant stated that her parents-in-law, who were Jewish, had two sons: Warner Alford, formerly called Warner Aufricht, who was married to the Claimant and died on 19 February 1993, and Jiri Adam, formerly called Jiri Aufricht, who was married to Drahomira Adam, and died on 15 September 1995. The Claimant stated that her father-in-law was a timber merchant who resided in Mahrish Ostrau, Czechoslovakia, and who also had estates, businesses, and shops in Beuthen, Czechoslovakia, and in Ruda, Czechoslovakia. According to documents submitted by the Claimant, the business was named *I. Aufricht*. The Claimant stated that Hugo Aufricht resided at Molotovova Street 43, Mahrish Ostrau, until June 1940 when he escaped to New Zealand via England. The Claimant indicated that her father-in-law died on 23 April 1961 in Auckland, New Zealand. The Claimant stated that her father-in-law’s wife, Flora Aufricht, was deported on 25 October 1939 to Theresienstadt, and later to Lodz, where she perished in 1942. In support of her claim the Claimant submitted numerous documents including her father-in-law’s birth certificate, Czech and New Zealand passports, and will, in which he granted equal shares of his assets to his two sons. The Claimant also provided her husband’s will, in which Warner Alford, her husband, bequeathed his assets to the Claimant. In addition, the Claimant provided the will of her brother-in-law, Jiri Adam, in which he bequeathed his assets to Drahomira Adam. The Claimant stated that she was born on 13 May 1920 in Obernkirchen,

Germany. The Claimant is representing Drahomira Adam, who was born on 13 July 1922 in Prague, Czechoslovakia.

Information Available in the Bank's Records

The Bank's records consist of two excerpts from account ledgers. According to these records, the Account Owner was Hugo Aufricht from Mahrish Ostrau, Czechoslovakia. The Bank's records indicate that the Account Owner owned an account of an unknown type, held under the number 66220. 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 find this account in the Bank's system of open accounts, and they therefore presumed that it was closed. These auditors indicated that there was no evidence of activity on this account after 1945. There is no evidence in the Bank's records that the Account Owner or his heirs closed the accounts and received the proceeds themselves.

The CRT's Analysis

Identification of the Account Owner

The Claimant's father-in-law's name matches the published name of the Account Owner. The Claimant stated that her father-in-law resided in Mahrish Ostrau, Czechoslovakia, which matches published information about the Account Owner contained in the Bank's records. The CRT notes that the Bank's records do not contain any specific information about the Account Owner other than his name and city and country of residence. In support of her claim the Claimant submitted numerous documents including her father-in-law's birth certificate, passports and will, indicating that the Account Owner resided in Mahrish Ostrau, Czechoslovakia, providing independent verification that the person who is claimed to be the Account Owner resided in the same town recorded in the Bank's records as the residence of the Account Owner. Moreover, the will of the claimed Account Owner granting equal shares of his assets to his two sons identified the husband of the Claimant as the son of the claimed Account Owner. Furthermore, the CRT notes that there are no other claims to these accounts. Taking all of these factors into account, the CRT concludes that the Claimant has plausibly identified the Account Owner.

Status of the 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 he escaped Nazi-controlled Czechoslovakia in 1940 following the deportation of his wife, Flora Aufricht, on 25 October 1939 to Theresienstadt, and subsequently to Lodz 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 documents, including copies of the Account Owner's Czech and New Zealand passports, his birth certificate, and a copy of the Account Owner's will confirming that the Claimant's husband was the Account Owner's son. The Claimant also provided the will of her husband, Warner Alford, which indicated that the Claimant was his heir.

The Issue of Who Received the Proceeds

Given that the Account Owner's wife was deported to Theresienstadt in 1939, and the Account Owner was forced to escape the country after her deportation; given that the time of the closing of the Account Owner's account is unknown, but there is no record of the payment of the Account Owners' accounts to him in the Bank's records; and given 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), 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.

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 father-in-law and that relationship justifies an Award. Finally, the CRT has determined that it is plausible 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 of unknown type. 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 ICEP Investigation, in 1945 the average value of an account of unknown type was 3,950.00 Swiss Francs. The current value of this amount is calculated by multiplying it by a factor of 12.5, in accordance with Article 31(1) of the Rules, to produce a total award amount of 49,375.00 Swiss Francs.

Division of the Award

According to Article 23(2)(a) of the Rules, if a claimant has submitted the Account Owner's will or other inheritance documents pertaining to the Account Owner, the award will provide for distribution among any beneficiaries named in the will or other inheritance documents who have submitted a claim. In this case, the Claimant submitted her father-in-law's will, in which he granted equal shares of his assets to his two sons. The Claimant also provided her husband's will, in which Warner Alford, her husband, bequeathed his assets to the Claimant. In addition,

the Claimant provided the will of her brother-in-law, Jiri Adam, in which he bequeathed his assets to Drahomira Adam, the Claimant's sister-in-law. The Claimant is representing her sister-in-law in these proceedings. Therefore, the Claimant and her sister-in-law are each entitled to receive one-half of the total award amount.

Scope of the 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 the Award

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

Claims Resolution Tribunal
July 15, 2003