

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

to Estate of Claimant [REDACTED 2], née [REDACTED]¹

in re Account of Max Friede

Claim Numbers: 201177/MBC; 214959/MBC²

Award Amount: 26,750.00 Swiss Francs

This Certified Award is based upon the claims of [REDACTED 1], née [REDACTED], (“Claimant [REDACTED 1]”) and the Estate of [REDACTED 2], née [REDACTED] (“Claimant [REDACTED 2]”) (together the “Claimants”), to the account of Max Friede (the “Account Owner”) at the [REDACTED] (the “Bank”). On 26 November 2002, the Court approved the Award of two of the Account Owner’s accounts at the Bank.³ This Award pertains to a third account that the Account Owner held at the Bank.

All awards 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.

¹ [REDACTED 2], née [REDACTED] passed away on 15 May 2002. In the Award, In re Accounts of Max Friede (approved on 26 November 2002), hereinafter the “November 2002 Award,” the CRT awarded three accounts belonging to Max Friede to Claimant [REDACTED 1], acting on behalf of [REDACTED], and Claimant [REDACTED]. In the November 2002 award, the CRT noted that [REDACTED]’s mother, [REDACTED 2], née [REDACTED], originally filed the claim to the accounts of Max Friede, and that since [REDACTED 2] passed away on 15 May 2002, [REDACTED] was assuming her claim. Since that time, portions of the November 2002 award were paid to the co-executors of [REDACTED 2]’s Estate, including her daughter [REDACTED]. In order to assure the proper distribution of the account proceeds to the Estate of one of the original claimants, [REDACTED 2], the present decision is addressed in part to the “Estate of Claimant [REDACTED 2], née [REDACTED].”

² Claimant [REDACTED 1] submitted two Claim Forms, which were registered under the Claim Numbers 214959 and 221559. The CRT has determined that these claims are duplicate claims and is treating them under the consolidated Claim Number 214959.

³ See the November 2002 Award.

Information Provided by the Claimants

Claimant [REDACTED 2] submitted a Claim Form identifying the Account Owner as her father, Max Friede, who was born on 17 August 1880 in Bocholt, Germany, and was married to [REDACTED], née [REDACTED], on 20 June 1909 in Gelsenkirchen, Germany. Claimant [REDACTED 1] submitted a Claim Form identifying the Account Owner as her maternal grandfather, Max Friede, and she provided the same birth and marriage information as Claimant [REDACTED 2]. The Claimants indicated that Max and [REDACTED] Friede had four daughters: [REDACTED], née [REDACTED], who was born on 14 May 1910 in Bocholt and who died on 10 January 2000 in New York, New York; [REDACTED 2], née [REDACTED] (Claimant [REDACTED 2]), who was born on 30 April 1912 in Bocholt and who died on 15 May 2002 in Sound Beach, New York; [REDACTED], née [REDACTED], who was born on 19 April 1915 in Bocholt (and who is represented in these proceedings by her niece, Claimant [REDACTED 1]); and [REDACTED], née [REDACTED] (Claimant [REDACTED 1]'s mother) who was born on 18 June 1918 in Bocholt and died on 20 May 1999 in Rye Brook, New York. Claimant [REDACTED 2]'s daughter, [REDACTED], née [REDACTED], has provided additional information on her mother's behalf, including the date and place of Claimant [REDACTED 2]'s death.

The Claimants stated that Max Friede, who was Jewish, lived at Südwall 7 in Bocholt from 1920 to 1939 and that he owned his own business, *D. Friede*, a blanket factory located in Bocholt. According to Claimant [REDACTED 1], in 1935, when it was no longer possible for his daughters to continue their studies in Germany, Max Friede sent [REDACTED] and [REDACTED] to Switzerland to continue their education. Claimant [REDACTED 1] stated that her grandfather opened a Swiss bank account in order to provide money for his daughters' room, board, tuition, and other expenses. [REDACTED] further stated that her grandmother, Bernhardina Friede, was the Power of Attorney Holder on the account. According to the Claimants, Max and Bernhardina Friede fled Germany in 1939, stopping in Amsterdam, the Netherlands for a few weeks before continuing on to Suriname and Trinidad. From Trinidad they went to New York in 1940. Claimant [REDACTED 1] indicated that [REDACTED] and [REDACTED] [REDACTED] remained in Switzerland until 1940, at which time they fled Europe for the United States via Milan. They arrived in New York, reuniting with their family on 15 April 1940. The Claimants submitted documents including Max Freide's passport and marriage certificate that indicate his birth and residence in Bocholt; Max Freide's company letterhead indicating that his business was located in Bocholt; [REDACTED]'s birth and marriage certificates stating that she was born in Bocholt and that Max Friede was her father; [REDACTED]'s death certificate states that she was the daughter of Max Friede and that she was born in Germany; [REDACTED 2]'s marriage certificate indicating that her maiden name was Friede and that she was born in Bocholt; two certificates from the Berlin police stating that [REDACTED 2] was born in Bocholt and registered with the police there; a probate decision stating that [REDACTED 1] was the daughter of [REDACTED]; and a certificate from Suriname, dated 1939, stating that [REDACTED], [REDACTED 2], [REDACTED], and [REDACTED] were the daughters of Max Friede and that [REDACTED] was the daughter of [REDACTED] and [REDACTED 2], née [REDACTED]. The Claimants stated that Max Friede died on 20 May 1967 in New York, and that Bernhardine Friede died on 4 September 1988, both in

Queens, New York. Claimant [REDACTED 1] stated that she was born on 30 April 1946 in New York. Claimant [REDACTED 1] is representing her aunt, [REDACTED], née [REDACTED], who was born on 19 April 1915 in Bocholt.

Information Available in the Bank's Record

The Bank's record consists of a customer-opening card. According to this record, the Account Owner was Max Friede of Bocholt, Germany. The Bank's record indicates that the Account Owner held a demand deposit account that was closed on 31 December 1934. The Bank's record does not show to whom the account was paid, nor do these records indicate the value of this account. There is no evidence in the Bank's record that the Account Owner or his heirs closed the account and received the proceeds themselves.

The CRT's Analysis

Joinder of Claims

In accordance with 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, and in this case, the CRT determines it appropriate to join the two claims of the Claimants (Claim Numbers 201177 and 214959) in one proceeding.

Identification of the Account Owner

In the November 2002 Award, it was determined that Claimant [REDACTED 1] had plausibly identified the Account Owner as her grandfather. The same facts are present in this case, and the CRT adopts the determination of the November 2002 Award in this case. Specifically, Claimant [REDACTED 1]'s grandfather's name and Claimant [REDACTED 2]'s father's name match the published name of the Account Owner. Further, the Claimants identified Max Friede's exact street address in Bocholt, which matches unpublished information about the Account Owner and the Power of Attorney Holder contained in the Bank's records addressed in the November 2002 Award. In support of their claims, the Claimants submitted documents, including the Account Owner's passport and naturalization certificate and various other family members' passports, birth certificates, and death certificates. 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

In the November 2002 Award, it was determined that the Claimants had made a plausible showing that the Account Owner was a Victim of Nazi Persecution. The same facts are present in this case, and the

CRT adopts the determination of the November 2002 Award in this case. The Claimants stated that the Account Owner was Jewish and that he fled Germany in 1939 to avoid persecution by the Nazis.

The Claimant's Relationship to the Account Owner

In the November 2002 Award, it was determined that the Claimants had plausibly demonstrated that they were related to the Account Owner by submitting documents demonstrating that Claimant [REDACTED 1] and [REDACTED] are his granddaughters and that their aunt, [REDACTED], whom Claimant [REDACTED 1] represents, is his daughter. The same facts are present in this case, and the CRT adopts the determination of the November 2002 Award in this case. The CRT notes that the Claimants submitted Max Friede's passport and naturalization certificate and various other family members' passports, birth certificates, and death certificates.

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 Jewish nationals in Germany through the enforcement of flight taxes and other confiscatory measures including confiscation of assets held in Swiss banks; that the Account Owner's account was closed in 1934 and he remained in Germany until 1939; that he would not have been able to repatriate his account to Germany at the time when it was closed without its confiscation; and given the application of Presumptions (a), (h) and (j) as provided in Article 28 of the Rules and Appendix C,⁴ 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 Claimants. First, their claims are admissible in accordance with the criteria contained in Article 18 of the Rules. Second, Claimant [REDACTED 1] and [REDACTED] have plausibly demonstrated that the Account Owner was their grandfather and father of Claimant [REDACTED 2] and [REDACTED], and those relationships justify 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 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 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 12.5, in

⁴ Appendix C appears on the CRT II website -- www.crt-ii.org.

accordance with Article 31(1) of the Rules, to produce a total award amount of 26,750.00 Swiss Francs.

Division of the Award

According to Article 23(1)(c) 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 by representation. In this case, Claimant [REDACTED 1], her aunt [REDACTED], whom Claimant [REDACTED 1] represents, and Claimant [REDACTED 2] are each entitled to one-third of the total award amount.

Scope of the Award

The Claimants should be aware that, pursuant to Article 20 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
31 December 2003