

CLAIMS RESOLUTION TRIBUNAL

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

Certified Award

to Claimant [REDACTED 1]

to Claimant [REDACTED 2]
also acting on behalf of [REDACTED 3]
and [REDACTED 4]

to Claimant [REDACTED 5]
and to Claimant [REDACTED 6]
represented by Gary Stephen Steinberg

in re Account of Ed. Fürst

Claim Numbers: 500635/MBC/BW; 224570/MBC/BW; 701912/MBC/BW;¹
218357/MBC/BW; 208451/MBC/BW

Award Amount: 49,375.00 Swiss Francs

This Certified Award is based upon the claims of [REDACTED 1] (“Claimant [REDACTED 1]”) and [REDACTED 2], née [REDACTED] (“Claimant [REDACTED 2]”) to the published accounts of Eduard Fürst and Martha Fürst;² upon the claim of [REDACTED 5], née [REDACTED] (“Claimant [REDACTED 5]”) to the unpublished account of Lajos Vertes;³ and upon the claims of [REDACTED 6], née [REDACTED] (“Claimant [REDACTED 6]”) (together the “Claimants”) to the published accounts of Eduard Fürst.⁴ This Award is to the unpublished account of Ed. Fürst (the “Account Owner”), at the Zurich branch of the [REDACTED] (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 5] did not submit a Claim Form to the CRT. However, in 1999 she submitted an Initial Questionnaire (“IQ”), numbered [REDACTED], to the Court in the United States. Although this IQ was not a Claim Form, the Court, in an Order signed on 30 July 2001, ordered that those Initial Questionnaires which can be processed as claim forms be treated as timely claims. Order Concerning Use of Initial Questionnaire Responses as Claim Forms in the Claims Resolution Process for Deposited Assets (July 30, 2001). The IQ was forwarded to the CRT and has been assigned claim number 701912.

² The CRT will treat this claim in a separate determination.

³ The CRT will treat this claim in a separate determination.

⁴ In a separate decision, the CRT awarded the accounts of Eduard Fürst and Martha Fürst to Claimant [REDACTED 6]. See *In re Accounts of Eduard and Martha Fürst* (approved on 27 January 2002).

Information Provided by the Claimants

Claimant [REDACTED 1]

Claimant [REDACTED 1] submitted a Claim Form identifying the Account Owner as his great-aunt's husband, Eduard Fürst, who was born in 1900 and was married to [REDACTED], née [REDACTED], born on 15 September 1896 in Austria. Claimant [REDACTED 1] indicated that his maternal grandmother was [REDACTED], née [REDACTED], who was [REDACTED]'s sister. Claimant [REDACTED 1] further indicated that his parents were [REDACTED] and [REDACTED], née [REDACTED], and that his mother and Claimant [REDACTED 6]'s mother are sisters. Claimant [REDACTED 1] further indicated that his great-aunt, [REDACTED], resided in Vienna, Austria, and Brno, Czechoslovakia (now Czech Republic), until 1940, after which she moved to other cities in Czechoslovakia: Trnava and Nitra (both now in Slovakia). Claimant [REDACTED 1] indicated that his great-uncle and great-aunt owned a chocolate factory, named [REDACTED]. Claimant [REDACTED 1] further indicated that during the Second World War, his great-uncle and great-aunt, who were Jewish, lived in hiding in Zlate Moravce, Czechoslovakia (now Slovakia). Claimant [REDACTED 1] further indicated that they moved to Paris, France in 1947, and then to Canada in 1952. Claimant [REDACTED 1] indicated that his great-uncle died in Toronto, Canada in 1959, and his great-aunt died on 17 February 1973, also in Toronto.

In support of his claim, Claimant [REDACTED 1] submitted documents, including: (1) a detailed family tree, indicating his parents as [REDACTED], née [REDACTED], and [REDACTED], his maternal aunt as [REDACTED], née [REDACTED], and the husband of his maternal great-aunt as Eduard Fürst; (2) a copy of his great-aunt's will, indicating her name as [REDACTED]; and (3) a copy of a letter from a Toronto law firm, dated 30 July 1973, indicating that the surviving heirs of [REDACTED] were [REDACTED] (Claimant [REDACTED 1]'s mother) and [REDACTED] (Claimant [REDACTED 1]'s aunt, Claimant [REDACTED 6]). The letter also indicates that Claimant [REDACTED 1]'s mother, [REDACTED], was the daughter of the late [REDACTED] (Claimant [REDACTED 1]'s grandmother), who was the sister of [REDACTED] (Claimant [REDACTED 1]'s great-aunt). Claimant [REDACTED 1] indicated that he was born on 22 May 1934 in Czechoslovakia.

Claimant [REDACTED 2]

Claimant [REDACTED 2] submitted a Claim Form identifying the Account Owner as Eduard Fürst, who was married to [REDACTED], née [REDACTED]. Claimant [REDACTED 2] indicated that her husband's first wife was the niece of Eduard and [REDACTED] Fürst. Claimant [REDACTED 2] indicated that [REDACTED], née [REDACTED], was previously married to her spouse, [REDACTED], who changed his name to [REDACTED] in 1945. Claimant [REDACTED 2] further indicated that [REDACTED] and Claimant [REDACTED 6] were sisters, and that their mother was named [REDACTED], née [REDACTED]. Claimant [REDACTED 2] indicated that the husband of [REDACTED]'s maternal aunt was Eduard Fürst, who was Jewish, and secretly employed her spouse, [REDACTED], as a commercial representative at his chocolate factory, ARTA, for five years, from 1934 to 1938, without a salary. Claimant [REDACTED 2] further indicated that Eduard Fürst agreed to deposit all of her

spouse's earnings into a Swiss bank in her spouse's name, but that Eduard Fürst refused to give her spouse the address of the Swiss bank or the number of the account where he deposited her spouse's earnings. Claimant [REDACTED 2] further indicated that Eduard Fürst deposited her spouse's earnings in his own name instead of her spouse's name. Claimant [REDACTED 2] indicated that Eduard Fürst also owned a mill in Nitra. Claimant [REDACTED 2] previously submitted two Initial Questionnaires to the Court in 2000, asserting her entitlement to a Swiss bank account owned by Hugo Ascher.⁵

In support of her claim, Claimant [REDACTED 2] submitted documents, including: (1) a copy of her spouse's birth certificate, indicating his name as [REDACTED]; (2) a copy of her spouse's marriage certificate from his former marriage with [REDACTED], indicating [REDACTED]'s parents as [REDACTED] and [REDACTED], and also indicating that Eduard Fürst was a witness to the marriage, and that [REDACTED] and [REDACTED] were divorced on 30 September 1949; (3) a copy of a court document regarding the divorce of [REDACTED] and [REDACTED], indicating that Eduard Fürst and [REDACTED] offered him a job at their factory; (4) a copy of a document from the city of Kosice, Slovakia, indicating that [REDACTED] changed his name to [REDACTED] in 1945; and (5) a copy of her marriage certificate, indicating she was married to [REDACTED] on 20 April 1950. Claimant [REDACTED 2] indicated that she was born on 18 June 1928 in Nova Ves Nad Zitavou, Czechoslovakia (now Slovakia). The Claimant is representing her daughters, [REDACTED] and [REDACTED], who were born on 16 April 1951, and 10 August 1952, respectively, in Zlate Moravce.

Claimant [REDACTED 5]

Claimant [REDACTED 5] previously submitted an Initial Questionnaire to the Court in 1999, asserting her entitlement to a Swiss bank account owned by her father, [REDACTED],⁶ who owned a slaughterhouse in Budapest, Hungary and exported meat products to Switzerland. In telephone conversations with the CRT, Claimant [REDACTED 5] indicated that her mother's name was [REDACTED], and that her mother had a brother, Edward Fürst, who was a factory owner. Claimant [REDACTED 5] stated that Edward's wife's name was [REDACTED], and that at some point Edward and [REDACTED] moved from Europe to Canada. Claimant [REDACTED 5] also indicated that her family owned a large apartment building in Budapest before the War.

In support of her claim, Claimant [REDACTED 5] submitted documents, including a document issued by the city of Budapest in 1952 listing the names of owners of an apartment building in Budapest. Included on that list are the names [REDACTED] and [REDACTED]. Claimant [REDACTED 5] also submitted a form completed in 1944, which lists certain assets and jewelry taken from her family, and contains the signatures of Claimant [REDACTED 5]'s parents, [REDACTED] and [REDACTED]. Claimant [REDACTED 5] indicated that she was born on 27 March 1925.

⁵ The CRT will treat the claim to this account in a separate determination.

⁶ The CRT will treat the claim to this account in a separate determination.

Claimant [REDACTED 6]

Claimant [REDACTED 6] submitted two Claim Forms identifying the Account Owner as the husband of her maternal aunt, Eduard Fürst, who was born on 12 August 1899 in Hlohovce, Slovakia, and who was married to [REDACTED], née [REDACTED], in Trnava. Claimant [REDACTED] indicated that [REDACTED] and [REDACTED], née [REDACTED] were sisters. Claimant [REDACTED 6] further indicated that she had a sister named [REDACTED], née [REDACTED], and that their mother was named [REDACTED], née [REDACTED]. Claimant [REDACTED 6] indicated that her uncle, who was Jewish, was the general manager of a mill in Slovakia. Claimant [REDACTED 6] further indicated that her uncle lived in Nitra until the beginning of the Second World War, and that during the War he was forced to live in hiding in various places in Czechoslovakia. Claimant [REDACTED 6] further indicated that between 1945 and 1948, her uncle lived in Nitra and Prague, Czechoslovakia (now Czech Republic), but then moved to Paris in 1949, and to Toronto in 1950, where he died in 1959. Claimant [REDACTED 6] indicated that [REDACTED] died on 17 February 1973, in Toronto.

In support of her claims, Claimant [REDACTED 6] submitted the wills of her great-uncle and great-aunt, dated February 1953 and August 1962, respectively, indicating that Edward Fürst named his wife, [REDACTED], as his sole heir, and that [REDACTED] wished her estate to be divided as if she had died intestate. Claimant [REDACTED 6] also submitted Edward Fürst's death certificate, which indicates his name as Edward Fürst and that he died on 29 July 1959. Claimant [REDACTED 6] indicated that she was born on 1 September 1914.

Information Available in the Bank's Records

The Bank's records consist of an excerpt from a list of accounts and a printout from the Bank's database. According to the Bank's records, the Account Owner was Ed. Fürst. The Bank's records do not contain information about the Account Owner's domicile. The Bank's records indicate that the Account Owner held one account, the type of which is not indicated. The Bank's records further indicate that the account was transferred to a suspense account on 30 June 1937 with a balance of 15.55 Swiss Francs ("SF"). The account remains suspended.

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 five claims of the Claimants in one proceeding.

Identification of the Account Owner

The name of Claimant [REDACTED 1]'s great-uncle, Claimant [REDACTED 2]'s spouse's former wife's uncle, Claimant [REDACTED 5]'s uncle, and Claimant [REDACTED 6]'s uncle matches the unpublished name of the Account Owner. The CRT notes that according to the Bank's records, the Account Owner's first name is abbreviated as "Ed." The CRT further notes that it is plausible that the Account Owner's first name was Eduard. The CRT notes that the Bank's records do not contain any specific information about the Account Owner other than his name.

The Claimants submitted documents in support of their claims. Claimant [REDACTED 1] submitted a detailed family tree, indicating that the husband of his maternal great-aunt was Eduard Fürst. Claimant [REDACTED 2] submitted her spouse's marriage certificate from his marriage with [REDACTED], indicating that Eduard Fürst was a witness to the marriage; and a court document regarding the divorce of [REDACTED] and [REDACTED], indicating that Eduard Fürst and [REDACTED] offered him a job. Claimant [REDACTED 5] submitted specific information indicating that Eduard Fürst was her mother [REDACTED]'s brother; that Edward's wife was named [REDACTED]; and submitted a document linking her name with the name of her mother, [REDACTED]. Claimant [REDACTED 6] submitted the will of her great-uncle which indicates that Edward Fürst named his wife, [REDACTED], as his sole heir; the will of her great-aunt [REDACTED], which indicates she wished her estate to be divided as if she had died intestate; and her uncle's death certificate, which indicates that his name was Edward Fürst. These documents provide independent verification that the person who is claimed to be the Account Owner had the same name recorded in the Bank's records as the name of the Account Owner.

The CRT notes that Claimant [REDACTED 5] filed an Initial Questionnaire with the Court in 1999, asserting her entitlement to a Swiss bank account owned by her father, [REDACTED] 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"). The CRT also notes that Claimant [REDACTED 2] filed two IQs with the Court in 2000, asserting her entitlement to a Swiss bank account owned by her spouse, Hugo Ascher, prior to the publication of the ICEP List. This indicates that Claimant [REDACTED 5] and Claimant [REDACTED 2] had reason to believe that their respective relatives owned Swiss bank accounts prior to the publication of the ICEP List. This supports the credibility of the information provided by Claimant [REDACTED 5] and Claimant [REDACTED 2]. The CRT notes that there are no other claims to this account.

Status of the Account Owner as a Victim of Nazi Persecution

The Claimants have made a plausible showing that the Account Owner was a Victim of Nazi Persecution. The Claimants indicated that the Account Owner was Jewish. Claimant [REDACTED 1] further indicated that during the Second World War, the Account Owner lived in hiding in Zlate Moravce. Claimant [REDACTED 6] indicated that the Account Owner lived

in Nitra until the beginning of the Second World War, and that during the war he was forced to live in hiding in various places in Czechoslovakia.⁷

The Claimants' Relationship to the Account Owner

The Claimants, who are related, have plausibly demonstrated that they are related to the Account Owner by submitting specific information and documents demonstrating that the Account Owner was Claimant [REDACTED 1]'s great-uncle, Claimant [REDACTED 5]'s uncle, Claimant [REDACTED 2]'s spouse's first wife's uncle, and Claimant [REDACTED 6]'s uncle.

Claimant [REDACTED 1] submitted a detailed family tree, indicating that his maternal aunt was Clara [REDACTED], née [REDACTED], and that the husband of his maternal great-aunt was Eduard Fürst; his great-aunt's will, indicating her name as [REDACTED]; and a letter from a Toronto law firm, indicating that the surviving heirs of [REDACTED] were [REDACTED] (Claimant [REDACTED 1]'s mother) and [REDACTED] (Claimant [REDACTED 1]'s mother's sister, Claimant [REDACTED 6]). The letter also indicates that Claimant [REDACTED 1]'s mother is the daughter of the late [REDACTED], who was the sister of [REDACTED].

Claimant [REDACTED 5] indicated that her mother's name was [REDACTED], and that her mother had a brother, Edward Fürst, who was a factory owner. Claimant [REDACTED 5] also indicated that Edward's wife's name was [REDACTED]. Claimant [REDACTED 5] submitted a form compiled in 1944 that contains the signatures of Claimant [REDACTED 5]'s parents, [REDACTED] and [REDACTED].

Claimant [REDACTED 2] submitted her spouse's marriage certificate from his first marriage with [REDACTED], which indicates [REDACTED]'s parents as [REDACTED] and [REDACTED], and that Eduard Fürst was a witness to the marriage; a court document regarding the divorce of [REDACTED] and [REDACTED], indicating that Eduard Fürst and [REDACTED] offered him a job at their factory; a document from the city of Kosice, Slovakia, indicating that her spouse changed his name in 1945 from [REDACTED] to [REDACTED]; and her marriage certificate, indicating she was married to [REDACTED].

Claimant [REDACTED 6] submitted the wills of her great-uncle and great-aunt, dated February 1953 and August 1962, respectively, indicating that Edward Fürst named his wife, [REDACTED], as his sole heir, and that [REDACTED] wished her estate to be divided as if she had died intestate; and her uncle's death certificate, indicating that his name was [Edward Fürst].⁸

The CRT notes that these documents provide independent verification that the Claimants' relative bore the same name as the Account Owner. The CRT further notes that the foregoing information is of the type that family members would possess and indicates that the Account

⁷ The CRT notes that Czechoslovakia ceased to exist as a single entity after the Sudetenland region was annexed by Germany on 10 October 1938. The CRT further notes that Slovakia was granted autonomy under patronage of the Nazi regime on 10 October 1938 whereupon Jews were persecuted.

⁸ The CRT notes that Claimant [REDACTED 2] indicated that her spouse is the beneficial owner of the account, but after careful examination of the Bank's records, the CRT is unable to conclude that the account was owned by anyone other than the Account Owner, Ed. Fürst.

Owner was well known to the Claimants as a family member, and all of this information supports the plausibility that the Claimants are related to the Account Owner, as they have asserted in their respective Claim Forms. There is no information to indicate that the Account Owner has other surviving heirs.

The Issue of Who Received the Proceeds

The Bank's records indicate that on 30 June 1937, the account was transferred to a suspense account, where it remains.

Basis for the Award

The CRT has determined that an Award may be made in favor of Claimant [REDACTED 1] and Claimant [REDACTED 6]. First, the claims are admissible in accordance with the criteria contained in Article 18 of the Rules. Second, the Claimants have plausibly demonstrated that the Account Owner was Claimant [REDACTED 1]'s great-uncle and Claimant [REDACTED 6]'s uncle, and those relationships justify an award. Third, the CRT has determined that neither the Account Owner nor his heirs received the proceeds of the claimed account.

Further, the CRT notes that Claimant [REDACTED 1] and Claimant [REDACTED 6], as the Account Owner's beneficiaries under the inheritance documents submitted with their claims, have a better entitlement to the account than Claimant [REDACTED 5], and Claimant [REDACTED 2] and her daughters, represented parties [REDACTED 3] and [REDACTED 4].⁹

Amount of the Award

In this case, the Account Owner held an account of unknown type. The Bank's records indicate that the value of the account of unknown type, as of 30 June 1937, was SF 15.55. According to Article 29 of the Rules, if the amount in an account of unknown type was less than SF 3,950.00, and in the absence of plausible evidence to the contrary, the amount in the account shall be determined to be SF 3,950.00. The current value of the amount of the award is determined by multiplying the balance as determined by Article 29 by a factor of 12.5, in accordance with Article 31(1) of the Rules. Consequently, the total award amount in this case is SF 49,375.00.

Division of the Award

According to Article 23(2)(b) of the Rules, if none of the named beneficiaries has filed a claim, the CRT shall make an award to any claimant who has submitted an unbroken chain of wills or other inheritance documents, starting with the will of, or other documents pertaining to, the Account Owner. Additionally, according to Article 23(2)(c) of the Rules, if a claimant bases a claim of entitlement on a chain of inheritance but has not submitted an unbroken chain of wills or other inheritance documents, the CRT may use the general principles of distribution

⁹ The CRT notes that in the absence of inheritance documents, Claimant [REDACTED 5] would be entitled to the total award amount, as she is the only claimant who is a blood relative of the Account Owner. However, according to the inheritance documents, only Claimant [REDACTED 1] and Claimant [REDACTED 6] are entitled to share in the proceeds of the Account Owner's account.

established in Article 23(1) to make allowance for any missing links in the chain, consistent with principles of fairness and equity.

In this case, Claimant [REDACTED 6] submitted the Account Owner's will which provides that his entire estate should pass to his wife, [REDACTED]. Claimant [REDACTED 6] also submitted the will of [REDACTED], which provides that her estate shall pass as if she had died intestate. Claimant [REDACTED 1] submitted a letter from a Toronto law firm, dated 30 July 1973, which indicates that the surviving heirs of [REDACTED] were [REDACTED] (Claimant [REDACTED 1]'s mother) and [REDACTED] (Claimant [REDACTED 1]'s maternal aunt, Claimant [REDACTED 6]). Accordingly, Claimant [REDACTED 6] and Claimant [REDACTED 1] are each entitled to one-half 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
18 April 2006