

CLAIMS RESOLUTION TRIBUNAL

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

Certified Award

to Claimant Nicole Nerson

in re Account of Daniel Nerson

Claim Number: 206856/WT

Award Amount: 26,750.00 Swiss Francs

This Certified Award is based upon the claim of Nicole Nerson, née Abenheimer (the “Claimant”) to the published account of Daniel Nerson (the “Account Owner”), over which Nicole Nerson (the “Power of Attorney Holder”) held power of attorney, at the Geneva branch of the [REDACTED] (the “Bank”). On 27 January 2002, the Court approved an award to the Claimant for one custody account held by the Account Owner,¹ but did not make a determination regarding the disposition of a demand deposit account held by the Account Owner, pending further consideration. This award addresses the demand deposit account.

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.

Information Provided by the Claimant

The Claimant submitted a Claim Form identifying the Account Owner as her husband, Fortuné Daniel Nerson, who was born on 19 July 1901 in Saint Maurice, France, and was married to the Claimant, Nicole Nerson, née Abenheimer, on 16 November 1938 in Paris, France. The Claimant indicated that her husband, who was Jewish, owned a box company, and that he lived at 45 Rue Michel Ange in Paris in 1939. The Claimant indicated that after the Nazi invasion of France her husband fled to Algeria and then to London, England, before returning to Paris in November 1944. The Claimant further indicated that she and her husband had two children: [REDACTED] (now [REDACTED]), who was born on 17 October 1945 in Boulogne, France; and [REDACTED] (now [REDACTED]), who was born on 5 August 1948 in Paris. According to the information provided by the Claimant, her husband resided in Paris until he passed away on 18 January 1990.

In support of her claim the Claimant submitted documents, including: (1) an extract from her family book (*livret de famille*), indicating that Fortuné Daniel Nerson married Nicole Nerson,

¹ See *In re Account of Daniel Nerson* (approved on 27 January 2002).

née Abenheimer, on 16 November 1938 in Paris, and bearing Daniel Nerson's signature; (2) her husband's will, dated 6 January 1958, bearing his signature and indicating that Fortuné Daniel Nerson named his wife, Nicole Nerson, née Abenheimer, as his sole heir; and (3) the Claimant's own identity card, indicating that her name is Nicole Nerson, née Abenheimer.

The Claimant indicated that she was born on 13 December 1914 in Brussels, Belgium.

Information Available in the Bank's Records

The Bank's records consist of an account opening form, a customer card, a signature sample, and a register of suspended accounts. According to these records, the Account Owner was Daniel Nerson, a French citizen who resided at 50 rue Certambert in Paris, France, and the Power of Attorney Holder was his wife, Nicole Nerson, née Abenheimer. These records indicate that the Account Owner held a custody account and a demand deposit account, which were held under the numbered account relationship M.W. 22287, and which were opened on 6 May 1939.² According to these records, the Account Owner instructed the Bank to hold all correspondence.

With regard to the demand deposit account, the Bank's records indicate that the account held a balance of 53.17 Pounds Sterling ("£") on 14 November 1949. The Bank's records indicate that the account was transferred to a suspense account on 8 February 1950. The value of the account on the date of its transfer is not indicated. The Bank's records also indicate that on 16 January 1970, it had a balance of £41.15. The account remains open and dormant.

The CRT's Analysis

Identification of the Account Owner

The Claimant has plausibly identified the Account Owner. The Claimant's husband's name and city and country of residence match the published name and city and country of residence of the Account Owner. Additionally, the Claimant's name and maiden name match the published name and maiden name of the Power of Attorney Holder. In support of her claim, the Claimant submitted documents, including an extract from her family book, her husband's will, and her own identity card, providing independent verification that the persons who are claimed to be the Account Owner the Power of Attorney Holder had the same names and resided in the same city recorded in the Bank's records as the name and city of residence of the Account Owner and the Power of Attorney Holder. The Claimant also submitted a sample of her husband's signature, which matches the signature sample contained in the Bank's records. The CRT notes that there are no other claims to this account.

² As noted above, the CRT previously awarded the Account Owner's custody account to the Claimant.

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, who was Jewish, fled France following the Nazi invasion.

The Claimant's Relationship to the Account Owner

The Claimant has plausibly demonstrated that she is related to the Account Owner by submitting specific information and documents, demonstrating that the Account Owner was the Claimant's husband and that she is his sole heir. These documents include an extract from her family book, her husband's will, and her own identity card.

The Issue of Who Received the Proceeds

The account remains open and dormant.

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 husband, and that she is his sole heir, and that relationship justifies an Award. Third, the CRT has determined that neither the Account Owner, nor the Power of Attorney Holder, nor their heirs received the proceeds of the claimed account.

Amount of the Award

For the purpose of this award, the Account Owner held one demand deposit account. The Bank's records indicate that the demand deposit account had a balance of £53.17 as of 14 November 1949, which was equivalent to 843.28 Swiss Francs ("SF").³ In accordance with Article 31(1) of the Rules, this amount is increased by an adjustment of SF 450.00, which reflects numbered account fees and standardized bank fees charged to the demand deposit account between 1945 and 1949. Consequently, the adjusted balance of the account at issue is SF 1,293.28. According to Article 29 of the Rules, if the amount in a demand deposit account was less than 2,140.00, and in the absence of plausible evidence to the contrary, the amount in the account shall be determined to be SF 2,140.00. 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, to produce a total award amount of SF 26,750.00.

³ The CRT uses official exchange rates when making currency conversions.

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
12 October 2007