

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 2] and [REDACTED 3]

and to Claimant [REDACTED 4]
also acting on behalf of [REDACTED 5]

in re Accounts of Erich Ullmann, Hilde Ullmann, and *Albert Stiftung*

Claim Numbers: 221145/AC; 500576/AC¹

Award Amount: 894,000.00 Swiss Francs

This Certified Award is based upon the claims of [REDACTED 1] (“Claimant [REDACTED 1]”) to the accounts of Erich Ullmann and *Albert Stiftung* and to the claim of [REDACTED 4] (“Claimant [REDACTED 4]”) (together the “Claimants”) to the accounts of Erich Ullmann. This Award is to the published accounts of Erich Ullmann (“Account Owner Erich Ullmann”) and Hilde Ullmann (“Account Owner Hilde Ullmann”) at the [REDACTED] (“Bank I”) and to the published and unpublished accounts of the foundation *Albert Stiftung* (“Account Owner *Albert Stiftung*”) (together the “Account Owners”), over which [REDACTED] (the “Power of Attorney Holder”) held power of attorney, at the Zurich branch of the [REDACTED] (“Bank II”).²

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 Claimant [REDACTED 1] submitted additional claims to the accounts of his father, [REDACTED], his aunt, Hilde Ullmann, and his great-aunt, [REDACTED], which are registered under the Claim Number 221145. Claimant Lane submitted an additional claim to the account of his grandmother, Hilde Ullmann, which is registered under the Claim Number 500577. The CRT will treat the claims to these accounts separately.

² The CRT notes that, on the February 2001 published list of accounts determined by the Independent Committee of Eminent Persons (“ICEP”) to be probably or possibly those of Victims of Nazi Persecution (the “ICEP List”), *Albert Stiftung* is indicated as having one account. Upon careful review, the CRT has concluded that Bank II’s records evidence the existence of three accounts held by *Albert Stiftung*. Based upon careful review of the Banks’ records, the CRT has further concluded that Erich Ullmann of Germany and Erich Ullmann of Italy are the same person, Account Owner Erich Ullmann.

Information Provided by the Claimants

Claimant [REDACTED 1]

Claimant [REDACTED 1] submitted a Claim Form identifying Account Owner Erich Ullmann as his paternal uncle, Erich Julius Ullmann. During a telephone conversation with the CRT on 31 June 2002, Claimant [REDACTED 1]'s brother, [REDACTED 2], whom Claimant [REDACTED 1] represents, indicated that their uncle, Erich Ullmann, was born on 27 February 1893 in Frankfurt am Main, Germany, and was married to Hilde Ullmann, née Perutz in 1922 in Frankfurt am Main. Claimant [REDACTED 1]'s brother further stated that their uncle was the son of [REDACTED], née [REDACTED], and that their uncle had two daughters, [REDACTED 3], née [REDACTED], who was born in 1924 in Berlin, Germany, and [REDACTED], née [REDACTED], who was born in Leipzig, Germany, and is now deceased. Claimant [REDACTED 1] identified Claimant [REDACTED 4] and Claimant [REDACTED 4]'s sister, [REDACTED 5], as the children of [REDACTED]. Claimant [REDACTED 1]'s brother indicated that in 1927, their uncle's family moved to Leipzig, where their uncle worked for *IG Farben*, and that in 1929, the family moved to Milan, Italy, where their uncle worked as a managing director of *Monte-Catini*, which was a local subsidiary of the company *IG Farben*.

Claimant [REDACTED 1] indicated that his father, [REDACTED], was born on 15 May 1898 in Frankfurt am Main, and was married to [REDACTED], née [REDACTED], on 7 January 1929 in Frankfurt am Main. Claimant [REDACTED 1] further indicated that his parents had two children, Claimant [REDACTED 1] and Claimant [REDACTED 1]'s brother, whom he represents. According to Claimant [REDACTED 1], in 1935, his father immigrated to Milan, and that on 5 March 1939, the family immigrated to Australia. According to Claimant [REDACTED 1], the [REDACTED] family is Protestant, albeit of Jewish descent, and they were forced to flee first to Italy and later to Australia as a result of racial legislation in Germany and Italy. Claimant [REDACTED 1] indicated that at some point after 1939, the family's name was changed from [REDACTED] to [REDACTED]. Claimant [REDACTED 1] further stated that his father passed away on 15 July 1985 in Melbourne, Australia, and that his mother passed away on 6 July 1998, also in Melbourne.

Claimant [REDACTED 1] identified Account Owner *Albert Stiftung* as a family foundation that was incorporated on 31 January 1938 by his father and his uncle. Claimant [REDACTED 1] submitted a notarized translation of the Notarial Deed of a Family Foundation, dated 31 January 1938, (the "Deed"), indicating that Claimant [REDACTED 1]'s father and paternal uncle founded, under Swiss law, a family foundation by the name of *Albert Stiftung* (the "Foundation"). In the Deed, Claimant [REDACTED 1]'s father used the name [REDACTED] and Claimant [REDACTED 1]'s uncle used the name Erich Julius Ullmann-Perutz, and it is also stated that both founders were from Milan. According to Article 1 of the Deed, the purpose of the Foundation was to safeguard the maintenance of the founders, their wives, and their descendants. Article 2 of the deed indicates that the founders agreed to transfer a first payment of 2,000.00 Swiss Francs ("SF") to the Foundation's account and to later transfer further assets. According to Article 3 of the Deed, the Foundation's domicile was in Glarus, Switzerland. According to Article 7 of the Deed, the Foundation was established without any time limit. Claimant [REDACTED 1] also submitted a translation of a power of attorney agreement made

by his father and his uncle, empowering [REDACTED] of Basel, Switzerland, to incorporate the Foundation in their name, and to transfer to the Foundation an initial sum of SF 2,000.00. Furthermore, Claimant [REDACTED 1] submitted a translation of a supplement to the Deed, dated 20 April 1939, indicating that the founders were German nationals living in Melbourne, Australia. The supplement indicates that the founders agreed to insert a clause to the Foundation's regulations, providing that in the event that the Foundation Council resolved to distribute the revenues or to dissolve the Foundation, the revenues and the assets of the Foundation were to be paid to [REDACTED] and to the founders, such that [REDACTED] would receive 25% of the Foundation's revenues and assets, and each of the founders would receive 37.5% of the Foundation's revenues and assets. The supplement further contains the instruction that in the event that one of the aforementioned parties should die, their legal heirs would represent them. Claimant [REDACTED 1] also submitted a translation of a power of attorney agreement, drafted in Melbourne on 11 April 1939, empowering [REDACTED] of Basel to make the above revision to the Foundation's rules.

Claimant [REDACTED 1] indicated that he was born on 20 September 1937 in Milan. Claimant [REDACTED 1] represents his brother, [REDACTED 2], who was born on 29 April 1930 in Frankfurt am Main, and his cousin, [REDACTED 3], née Ullmann, who was born on 5 July 1924 in Berlin.

Claimant [REDACTED 1] and his brother submitted documents in support of their claim. These documents include: 1) a copy of their grandmother, [REDACTED]'s Australian certificate of naturalization, dated 31 January 1945, indicating that she was a stateless person at the time of naturalization, that she was born on 21 November 1872 in Frankfurt-on-Main, Germany, that she was a widow, and providing a signature sample for [REDACTED]; 2) a copy of [REDACTED]'s identification card for persons living in the zone occupied by the French army, dated 18 February 1924, indicating that he was born on 15 May 1898 in Frankfurt, that he was Prussian by nationality, and that he resided in Königstein, Germany; 3) a copy of their father's identity card for commercial travel, dated 5 January 1929, indicating that his name was [REDACTED], that he was born on 15 May 1898 in Frankfurt am Main, where he also worked and resided, and providing a signature sample for [REDACTED]; 4) a copy of their father's driver's license, dated 11 May 1937, indicating that his name was [REDACTED], that he was born on 15 May 1898 in Frankfurt am Main, and that he resided in Frankfurt am Main; 5) a statement by their father, [REDACTED], dated 1 May 1939, indicating that he was born on 15 May 1898 in Frankfurt am Main, that he was married with two children, that the [REDACTED] family was Protestant, but of Jewish descent, and that he worked in Germany until the family was forced to flee to Italy and later to Australia due to racial legislation in Germany and Italy; 6) a copy of their mother's German passport, indicating that her name was [REDACTED], née [REDACTED]; 7) a copy of their mother's driver's license, dated 5 July 1938, indicating that her name was [REDACTED], née [REDACTED], that she was born on 24 February 1905 in Frankfurt am Main, and that she resided in Milan; 8) a copy of a deed establishing a Family Foundation, dated 31 January 1938, indicating that their father and uncle founded, under Swiss law, a family foundation by the name of *Albert Stiftung*, and further indicating the specific provisions outlined in the previous paragraph; 9) copies of a power of attorney form and translations of a supplement, dated 20 April 1939, and a power of attorney agreement, drafted in Melbourne on 11 April 1939, all relating to the Deed for *Albert Stiftung*, and indicating the

specific provisions outlined in the previous paragraph; and 10) a copy of their cousin, [REDACTED 3]'s birth certificate, indicating that she was born on 5 July 1924 in Berlin, and that her parents were Erich Ullmann and Hilda Ullmann, née Perutz.

Claimant [REDACTED 4]

Claimant [REDACTED 4] submitted a Claim form identifying Account Owner Erich Ullmann as his maternal grandfather, Erich Julian Ullmann (also Ullin), who was born on 27 February 1893 in Frankfurt am Main, and was married to Hilde Ullin, née Perutz on 2 October 1823 in Vienna, Austria. Claimant [REDACTED 4] indicated that his grandfather was a company director who lived in Milan before immigrating to Australia in 1939. Claimant [REDACTED 4] stated that his grandfather was the son of [REDACTED], née [REDACTED], and that his grandfather had two children, [REDACTED 3], née [REDACTED], who was born on 5 July 1924 in Berlin, and Claimant [REDACTED 4]'s mother, [REDACTED], née [REDACTED], who was born on 8 December 1929 in Leipzig, and who passed away on 29 July 1976 in Brighton, Australia. According to Claimant [REDACTED 4], his grandfather, who was Jewish, fled to Italy from Germany due to anti-Semitic persecution, and he later fled Italy, subsequent to a Nazi demand that German Jews in Italy be sent back to Germany. Claimant [REDACTED 4] stated that his grandfather died on 5 September 1958 and that his grandmother died on 22 June 1966, both in Melbourne.

Claimant [REDACTED 4] indicated that he was born on 5 February 1958 in East Brighton, Melbourne. Claimant [REDACTED 4] represents his sister, [REDACTED 5], née [REDACTED], who was born on 11 February 1956 in Caulfield, Melbourne.

Claimant [REDACTED 4] submitted documents in support of his claim. These documents include: 1) a copy of his grandfather's death certificate, indicating that Eric Julian Ullin passed away on 5 September 1958 in Melbourne, that he was born in Frankfurt, that his parents were [REDACTED] and [REDACTED], née [REDACTED], that he was a company director by profession, that he married Hilda Perutz in Vienna, and that he had two children, [REDACTED 3] and [REDACTED]; 2) a copy of his grandmother's death certificate, indicating that Hilde Ullin, a widow, passed away on 22 June 1966 in Melbourne, that she was born in Czechoslovakia, that her parents were [REDACTED] and [REDACTED], that she married Eric Julian Ullin in Vienna, and that she had two children, [REDACTED 3] and [REDACTED]; 3) a copy of his mother's death certificate, indicating that [REDACTED] passed away on 29 July 1976 in Brighton, that she was born in Leipzig, that her parents were Eric Julian Ullin and Hilda Ullin, née Perutz, that Eric Julian Ullin was a company director by profession, that she was married to [REDACTED], and that she had two children, [REDACTED 5] and [REDACTED 4]; and 4) a copy of his own birth certificate, indicating that he was born on 5 February 1958 in Brighton, Melbourne, that his parents were [REDACTED] and [REDACTED], née [REDACTED], that they were married in Melbourne on 29 January 1955, that [REDACTED], née [REDACTED] was born in Leipzig, and that his parents had one child two years prior to his birth, [REDACTED 5].

Information Available in the Banks' Records

Bank I

Bank I's records consist of four customer cards. According to these records, Account Owner Erich Ullmann was Erich Ullmann, who resided in Leipzig, Germany and later in Milan, Italy, and Account Owner Hilde Ullmann was Hilde Ullmann, who resided in Milan.

According to Bank I's records, Account Owner Erich Ullmann held three demand deposit accounts and one custody account. Bank I's records also indicate that Account Owner Erich Ullmann and Account Owner Hilde Ullmann jointly held a safe deposit box, a custody account, and a demand deposit account which was later transferred to Account Owner Erich Ullmann.

Bank I's records indicate that Account Owner Erich Ullmann held a demand deposit account in Swiss Francs, which was opened on 20 January 1930 from Leipzig, and an interim demand deposit account which was opened on 10 June 1934. Bank I's records further indicate that the balance of the interim demand deposit account was transferred to the demand deposit account in Swiss Francs on 31 July 1934, and that the interim account was subsequently closed. Furthermore, Bank I's records indicate that the demand deposit account in Swiss Francs was closed on 10 December 1935, and that its balance was transferred to a demand deposit account in Pound Sterling, which was opened on the same date. The demand deposit account in Pound Sterling was closed on 20 January 1936. The balance of this account on the date of its closure is not known. In addition, Bank I's records show that Account Owner Erich Ullmann held a custody account, numbered L36889, which was opened on 15 December 1929 and was closed on 17 January 1936. The value of the contents of this account is not known. There is no evidence in Bank I's records that Account Owner Erich Ullmann or his heirs closed the accounts and received the proceeds themselves.

Bank I's records indicate that Account Owner Erich Ullmann and Account Owner Hilde Ullmann jointly held one safe deposit box, numbered 923, that was opened in 1935 (the exact opening date is illegible) and was closed on 29 June 1938. The contents of the safe deposit box are not known.

According to Bank I's records, Account Owner Erich Ullmann and Account Owner Hilde Ullmann jointly held custody account numbered L54961, which was opened on 5 September 1935 and was closed on 18 April 1938. Bank I's records indicate that Account Owner Erich Ullmann and Account Owner Hilde Ullmann also jointly held a demand deposit account in Swiss Francs. The demand deposit account was closed on 10 December 1935 and its balance was transferred to a demand deposit account in Pound Sterling which was opened on the same date. According to Bank I's records, on 25 April 1938, the ownership of the demand deposit account in Pound Sterling was transferred to Account Owner Erich Ullmann. Bank I's records indicate that this account was closed on 10 November 1938 and transferred to a demand deposit account in United States Dollars. Bank I's records further indicate that the demand deposit account in United States Dollars was closed on 20 February 1939. The balance of this account on the date of its closure is not known.

There is no evidence in Bank I's records that Account Owner Erich Ullmann, Account Owner Hilde Ullmann or their heirs closed the accounts and received the proceeds themselves.

Bank II

Bank II' records submitted by the auditors who carried out the ICEP Investigation consist of a customer card and printouts from Bank II's database. According to these records, Account Owner Albert Stiftung was *Albert Stiftung* (Albert Foundation), which was domiciled in Glarus, Switzerland. Bank II's records indicate that Bank II was directed to send all correspondence to Dr. S. Brunschwig in Zurich, Switzerland. Bank II's records further indicate that the sole members of the board of Account Owner *Albert Stiftung* were Erich Julius Ullmann-Perutz, who resided in Milan and [REDACTED], who also resided in Milan.

Bank II's records indicate that Account Owner *Albert Stiftung* held a custody account, numbered 42120, which was closed on 24 January 1939. The value of the contents of the custody account on the date of its closure is not known.

Pursuant to Article 6 of the Rules Governing the Claims Resolution Process, as amended (the Rules), the CRT requested the voluntary assistance of Bank II to obtain additional information about this account ("Voluntary Assistance"). On 3 June 2004, Bank II provided the CRT with additional documents. These documents consist of a power of attorney form, a certificate issued by a notary in Basle, Switzerland, a declaration regarding deposit in the custody account, and a receipt.

These above cited documents indicate that Account Owner *Albert Stiftung* was a family foundation formed under Swiss law and, as such, an independent legal entity. According to these documents, custody account 42120 contained a sealed suitcase with a declared value of SF 40,000.00. The suitcase was deposited in the account on 15 July 1938.

According to the power of attorney form, signed by Erich Ullmann on 9 September 1938 in Basle and certified by a notary, the Power of Attorney Holder was [REDACTED]. According to the notations made on this form and signed by the Power of Attorney Holder, the latter opened the suitcase deposited in the custody account on 31 October 1938 and then returned it to Bank II's custody.

There is no evidence in Bank II's records that Account Owner *Albert Stiftung*, persons authorized to act on its behalf, its beneficiaries, or their heirs closed the account and received the proceeds themselves.

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 two claims of the Claimants in one proceeding.

Identification of the Account Owners

The Claimants have plausibly identified Account Owner Erich Ullmann and Account Owner Hilde Ullmann. The Claimants' relatives' names match the published names of Account Owner Erich Ullmann and Account Owner Hilde Ullmann. The Claimants' relatives' cities and countries of residence match the unpublished cities and countries of residence of Account Owner Erich Ullmann and city and country of residence of Account Owner Hilde Ullmann. The Claimants also identified the family relationship between Account Owner Erich Ullmann and Account Owner Hilde Ullmann, which is consistent with the unpublished information contained in Bank I's records that Account Owner Erich Ullmann and Account Owner Hilde Ullmann jointly held accounts. The information provided by Claimant [REDACTED 4] is consistent with the information provided by Claimant [REDACTED 1], which contributes to the credibility of the information provided by the Claimants and supports the plausibility of the identification of Account Owner Erich Ullmann and Account Owner Hilde Ullmann.

Claimant [REDACTED 1] has plausibly identified Account Owner *Albert Stiftung*. The names of the Foundation and of Claimant [REDACTED 1]'s father and uncle match the published names of Account Owner *Albert Stiftung* and its members. Claimant [REDACTED 1] identified the Foundation's address and his father's alternative name (Heinz), which matches unpublished information about Account Owner *Albert Stiftung* and its members contained in Bank II's records. Claimant [REDACTED 1] identified the maiden names of the his mother and of his aunt, which match the published surnames added to the names of the members of Account Owner *Albert Stiftung*, as indicated in Bank II's records. Also, Claimant [REDACTED 1] also submitted a sample of his grandmother's signature, which matches the signature sample for the Power of Attorney Holder contained in Bank II's records. Finally, the CRT notes that the information provided in the Foundation-related documents submitted by Claimant [REDACTED 1] is consistent with the information about Account Owner *Albert Stiftung* contained in Bank II's records.

In support of their claim, Claimant [REDACTED 1] and his brother submitted documents, including: 1) a copy of their cousin, [REDACTED 3]'s birth certificate, indicating that her father was Erich Ullmann; 2) a copy of their grandmother's Australian certificate of naturalization; 3) a copy of a Notarial Deed of a Family Foundation, dated 31 January 1938, indicating that Erich and [REDACTED] founded, under Swiss law, a family foundation by the name of *Albert Stiftung*, domiciled in Glarus; and 4) copies documents relating to the Deed for *Albert Stiftung*, providing independent verification that the person who is claimed to be Account Owner Erich Ullmann had the same name recorded in Bank I's records as the name and city of Account Owner Erich Ullmann, and that the Foundation that is claimed to be Account Owner *Albert*

Stiftung had the same name and was domiciled in the same city recorded in Bank II's records as the name and city of Account Owner *Albert Stiftung*.

In support of his claim, Claimant [REDACTED 4] submitted documents, including 1) a copy of his grandfather's death certificate, indicating that his name was Eric Julian Ullin; 2) a copy of his grandmother's death certificate, indicating that she was married to Eric Julian Ullin; 3) a copy of his mother's death certificate, indicating that her father was Eric Julian Ullin, providing independent verification that the person who is claimed to be Account Owner Erich Ullmann had the same name recorded in Bank I's records as the name of Account Owner Erich Ullmann.

The CRT notes that the name *Albert Stiftung* appears only once on the February 2001 published list of accounts determined by ICEP to be probably or possibly those of victims of Nazi persecution.

The CRT notes that there are no other claims to these accounts.

Status of the Account Owners as Victims of Nazi Persecution

The Claimants have made a plausible showing that Account Owner Erich Ullmann, Account Owner Hilde Ullmann, and the members and the beneficiaries of Account Owner *Albert Stiftung* were Victims of Nazi Persecution. The Claimants stated that [REDACTED], Erich Ullmann, Hilde Ullmann and [REDACTED] and their families were Jewish, or of Jewish heritage, and that due to anti-Semitic persecution in Germany and later in Italy, they were forced to flee Europe for Australia.

The Claimants' Relationship to the Account Owners

Claimant [REDACTED 1] has plausibly demonstrated that he, his brother, and his cousin, whom he represents, are related to Account Owner Erich Ullmann and Account Owner Hilde Ullmann by submitting specific information and documents, demonstrating that Claimant [REDACTED 1] and his brother are the children of [REDACTED], a co-founder and a member of Account Owner *Albert Stiftung*, and that Claimant [REDACTED 1]'s cousin, [REDACTED 3], née [REDACTED], is the daughter of Account Owner Hilde Ullmann and Account Owner Erich Ullmann, who is also a co-founder and a member of Account Owner *Albert Stiftung*. These documents include official documents relating to Account Owner *Albert Stiftung*, and a copy of Claimant [REDACTED 1]'s cousin's birth certificate.

Claimant [REDACTED 4] has plausibly demonstrated that he and his sister, whom he represents, are related to Account Owner Erich Ullmann and Account Owner Hilde Ullmann by submitting specific information and documents, demonstrating that Claimant [REDACTED 4] and his sister are the grandchildren of Account Owner Hilde Ullmann and Account Owner Erich Ullmann, who is also a co-founder and member of Account Owner *Albert Stiftung*. These documents include a copy of his birth certificate and copies of his grandparents' and his mother's death certificates.

There is no information to indicate that the Account Owners have surviving heirs other than the parties which the Claimants represent.

The Issue of Who Received the Proceeds

With respect to the demand deposit account in Swiss Francs and the interim demand deposit account held by Account Owner Erich Ullmann at Bank I, Bank I's records indicate that the interim demand deposit account was closed on 31 July 1934 and that its balance was transferred to the demand deposit account in Swiss Francs. Bank I's records further indicate that the demand deposit account in Swiss Francs was closed on 10 December 1935 and that its balance was transferred to a demand deposit account in Pound Sterling which was opened on the same date.

With respect to the custody account, numbered L36889, and the demand deposit account in Pound Sterling held by Account Owner Erich Ullmann, given that after coming to power in 1933, the Nazi regime embarked on a campaign to seize the domestic and foreign assets of the Jewish population through the enforcement of discriminatory taxes and other confiscatory measures, including confiscation of assets held in Swiss banks; given that Account Owner Erich Ullmann maintained his accounts under a German residence, and would not have been able to repatriate his accounts to Germany without losing ultimate control over its proceeds; given that there is no record of the payment of Account Owner Erich Ullmann's accounts to him; given that Account Owner Erich Ullmann and his heirs would not have been able to obtain information about his accounts after the Second World War from Bank I due to the Swiss banks' practice of withholding or misstating account information in their responses to inquires by account owners because of the banks' concern regarding double liability; given the application of Presumptions (a), (h) and (j), as provided in Article 28 of the Rules (see Appendices A and C),³ the CRT concludes that it is plausible that the account proceeds were not paid to Account Owner Erich Ullmann 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.

With respect to the safe deposit box and custody account number L54961 held jointly by Account Owner Erich Ullmann and Account Owner Hilde Ullmann at Bank I, Bank I's records indicate that the safe deposit box was closed on 29 June 1938, and that the custody account was closed on 18 April 1938. With respect to the demand deposit account held jointly by Account Owner Erich Ullmann and Account Owner Hilde Ullmann at Bank I, Bank I's records indicate that on 25 April 1938, the ownership of the account was transferred to Account Owner Erich Ullmann, that on 10 November 1938 the account was closed and the proceeds transferred to a demand deposit account in US dollars, and that that account was closed on 20 February 1939. With respect to the custody account held by Account Owner *Albert Stiftung* at Bank II, Bank II's records indicate that the account was closed on 24 January 1939.

Given that Account Owner Erich Ullmann and Account Owner Hilde Ullmann resided in Nazi-dominated Germany and Italy; given that Account Owner *Albert Stiftung* was founded and controlled by Account Owner Erich Ullmann and his brother, who both resided in Nazi-dominated Germany and Italy; given that there is no record of the payment of the Account Owners' accounts to the Account Owners, the members or beneficiaries of Account Owner *Albert Stiftung*, the Power of Attorney Holder, or their heirs; given that the Account Owners,

³ Appendix C appears on the CRT II website -- www.crt-ii.org.

Account Owner *Albert Stiftung*'s members or beneficiaries, the Power of Attorney Holder and their heirs would not have been able to obtain information about their accounts after the Second World War from the Banks due to the Swiss banks' practice of withholding or misstating account information in their responses to inquiries by account owners because of the banks' concern regarding double liability; and given the application of Presumptions (a), (h), and (j), as provided in Article 28 of the Rules (see Appendix A), the CRT concludes that it is plausible that the account proceeds were not paid to the Account Owners, the Power of Attorney Holder, the members or beneficiaries of Account Owner *Albert Stiftung*, or their 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, the claims are admissible in accordance with the criteria contained in Article 18 of the Rules. Second, Claimant [REDACTED 1] has plausibly demonstrated that Account Owner *Albert Stiftung* was founded by his father and his uncle, who together with Claimant [REDACTED 1]'s grandmother and their heirs were its beneficiaries. Claimant [REDACTED 1] has also plausibly demonstrated that his cousin, [REDACTED 3], née [REDACTED], whom he represents, is the daughter of Account Owner Erich Ullmann. Claimant [REDACTED 4] has plausibly demonstrated that he and his sister, [REDACTED 5], née [REDACTED], whom he represents, are the grandchildren of Account Owner Erich Ullmann. The CRT has determined that those relationships justify an Award. Third, the CRT has determined that it is plausible that the neither the Account Owners, the members or the beneficiaries of Account Owner *Albert Stiftung*, the Power of Attorney Holder, or their heirs received the proceeds of the claimed accounts.

Amount of the Award

In this case, the Award is for one demand deposit account and one custody account held by Erich Ullmann, a safe deposit box, a custody account and a demand deposit account held jointly by Account Owner Erich Ullmann and Account Owner Hilde Ullmann and one custody account held by Account Owner *Albert Stiftung*.

With respect to the demand deposit account and custody account held by Account Owner Erich Ullmann, as well as the safe deposit box, the custody account and the demand deposit account held jointly by Account Owner Erich Ullmann and Account Owner Hilde Ullmann, 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 SF 2,140.00, the average value of a custody account was SF 13,000.00, and the average value of contents of a safe deposit box was SF 1,240.00. Thus, the total 1945 average value two demand deposit accounts, two custody accounts and one safe deposit box is SF 31,520.00. 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 an award amount of SF 394,000.00.

With respect to the custody account held by Account Owner *Albert Stiftung*, Bank II's records indicate that at the time of its opening in July 1938, the value of its contents was declared as being SF 40,000.00. The CRT notes that Bank II's records indicate that the Power of Attorney Holder opened the suitcase on 31 October 1938 and then returned it to Bank II's custody. There is no evidence in the Bank's records that the value of the suitcase, as indicated to Bank II in July 1938, changed as a result of its opening by the Power of Attorney Holder. Accordingly, the CRT considers the historic value of this account to be SF 40,000. The current value of the amount of the award is determined by multiplying the historic value by a factor of 12.5, in accordance with Article 31(1) of the Rules, to produce an award amount of SF 500,000.00.

Consequently, the total award amount in this case is SF 894,000.00.

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]'s cousin, [REDACTED 3], née [REDACTED], whom he represents, is the daughter of Account Owner Erich Ullmann, and Claimant [REDACTED 4] and his sister, [REDACTED 5], whom he represents, are the children of Account Owner Erich Ullmann's other daughter. Accordingly, Claimant [REDACTED 1]'s cousin is entitled to receive one-half of the award amount for the accounts of Account Owner Erich Ullmann; and Claimant [REDACTED 4] and his sister are entitled to receive the other one-half of this award amount, in equal shares.

According to Article 23(3) of the Rules, if the Account Owner is a legal or other entity (such as a corporation, association, organization, etc.), the Award will be made in favor of those Claimants who establish a right of ownership to the assets of the entity. According to information provided by the Claimants, Erich Ullmann and [REDACTED] held equal rights in the Foundation. The CRT has therefore determined that the descendants of each of the brothers are entitled to an equal share in the Foundation's accounts. Accordingly, Claimant [REDACTED 1] and his brother, whom he represents, are entitled to receive one-half of the award amount for the account of Account Owner *Albert Stiftung*, in equal shares; Claimant [REDACTED 1]'s cousin, whom he represents, is entitled to receive one-quarter of the award amount; and Claimant [REDACTED 4] and his sister, whom he represents, are entitled to receive one-quarter of the award amount, in equal shares.

Consequently, Claimant [REDACTED 1] and his brother [REDACTED 2], whom he represents, are each entitled to receive a total award amount of SF 125,000.00; Claimant [REDACTED 1]'s cousin, [REDACTED 3], née [REDACTED], whom he represents, is entitled to receive a total award amount of SF 322,000.00; and Claimant [REDACTED 4] and his sister, [REDACTED 5], née [REDACTED], whom he represents, are each entitled to receive a total award amount of SF 161,000.00.

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 November 2004