

WRITTEN STATEMENT OF UNAUTHORIZED DEBIT

I, _____, state that I have examined the attached statement or other notification from _____ (financial institution) indicating that a debit entry conducted through the Automated Clearing House (ACH) was charged to my Account No. _____, on _____ in the amount of \$ _____ for the benefit of _____ (the payee/party debiting the account), and that the debit was either an **Unauthorized Debit** or **Improper Debit**, as defined on Page 2 and specified below.

- ☐ **Unauthorized Debit** - I state that the debit described above is an unauthorized debit. I further state that: (check one)
- ☐ I did not authorize, and I have not ever authorized, _____ to originate one or more ACH entries to debit funds from any account at this financial institution.
 - ☐ I authorized _____ to originate one or more ACH entries to debit funds from my account, but on _____ I revoked that authorization by notifying _____ in the manner specified in the authorization.
 - ☐ I authorized _____ to originate one or more ACH entries to debit funds from an account at this financial institution but:
 - ☐ the amount debited is different than the amount I authorized to be debited. The amount I authorized is \$ _____.
 - ☐ the debit was made to my account on a date earlier than the date I authorized the debit to occur. I authorized the debit to be made to my account on or no earlier than _____.
- ☐ **Improper Debit** - I state that the debit described above is an improper debit. I further state that: (check appropriate reason)

For RCK Entries:

- ☐ The required notice stating the terms of the RCK entry policy was not provided to me in advance of delivering the item to which the RCK entry relates.
- ☐ The item to which the RCK entry relates is ineligible to be initiated as an RCK entry.
- ☐ The amount of the RCK entry was not accurately obtained from the item.
- ☐ Both the RCK entry and the item to which it relates have been presented for payment.
- ☐ All signatures on the item to which the improper RCK entry relates are not authentic or authorized.
- ☐ The item to which the RCK entry relates has been altered.

For ARC or BOC Entries:

- ☐ I opted out of check conversion.
- ☐ The initiator of the entry did not provide the required notice stating their policy to use my check or draft as a source document for the ARC or BOC entry.
- ☐ The source document (check or draft) used for the ARC or BOC entry is improper.
- ☐ Both the source document and the ARC or BOC entry to which it relates have been presented for payment.
- ☐ The amount of the ARC or BOC entry was not accurately obtained from the source document.

For POP Entries:

- ☐ I did not authorize the POP entry.
- ☐ The source document used for the POP entry is improper.
- ☐ Both the source document and the POP entry to which it relates have been presented for payment.

For IAT Entries:

- ☐ I did not authorize the IAT entry in accordance with the requirements of subsection 2.1.2 of the ACH Operating Rules.

I further state that the debit transaction was not originated with fraudulent intent by me or any other person acting in concert with me, that the signature below is my own proper signature, and that I am an authorized signer or have authority to act on the account.

I certify that the statements above are true and correct.

Date and place: _____

Signature

State: _____

County or Parish: _____

DEFINITIONS

Unauthorized Debit - For debit entries other than one-time, telephone-initiated debits, "unauthorized debit" means an electronic funds transfer from a consumer's account initiated by another person without a signed or similarly authenticated writing from the consumer authorizing the transfer. For one-time telephone-initiated debits, "unauthorized debit" means an electronic fund transfer from a consumer's account initiated by a person who has not received oral authorization from the consumer to initiate the transfer.

An electronic fund transfer in an amount different than that authorized by the consumer or that results in a debit to the consumer's account earlier than that authorized by the consumer is also an unauthorized debit.

An unauthorized debit also includes a debit pursuant to a purported authorization that is not clear and readily understandable or that is otherwise invalid under applicable law.

An unauthorized debit does NOT include an electronic fund transfer initiated with fraudulent intent by the consumer or any person acting in concert with the consumer.

Improper Debit - "Improper debit" means an electronic debit entry meeting one of the criteria for an improper entry as stated on Page 1. Types of transfers that might apply include:

"RCK Entry" - A "represented check" entry constituting presentment notice for an eligible item (for example, a check or draft drawn on a consumer's account). To be eligible, it must be an item with a pre-printed serial number drawn for an amount less than \$2,500 that has previously been returned due to "Not Sufficient Funds" (or "Uncollected Funds," or comparable language), and that is dated 180 days or less from the date the electronic entry was initiated. An eligible item must have been presented no more than two times in physical (paper) form, or no more than one time in physical form and one time in electronic form (for reinitiated RCK entries).

"ARC Entry" - An "accounts receivable truncated check" entry initiated singly from a consumer's account using the consumer's check or draft as a source document to capture routing number, account number and serial number information. The consumer provides the source document to the initiator of the debit entry through the mail or at a drop-box location. The initiator of the entry must have provided notice to the consumer that receipt of the consumer's check/draft will be considered authorization for the check or draft to be used as a source document for initiating the electronic debit. The initiator of the debit entry does not present the source document itself for payment, but destroys the original and retains a copy of the source document for later retrieval, as required.

"BOC Entry" - A "back office conversion" entry initiated singly from a consumer or business account using the consumer or business's check or draft as a source document to capture routing number, account number and serial number information. The consumer or business provides the source document to the initiator of the debit entry in person. The initiator of the entry must have provided notice to the consumer or business that receipt of the consumer or business's check/draft will be considered authorization for the check or draft to be used as a source document for initiating the electronic debit. The initiator of the debit does not present the source document itself for payment, but destroys the original and retains a copy of the source document for later retrieval, as required.

"POP Entry" - A "point-of-purchase" debit entry authorized and initiated singly and in-person at the point of purchase, using the consumer's check or draft as a source document to electronically capture the routing number, account number, and serial number information necessary to initiate a single electronic debit. The source document is then voided and cannot be reused. The consumer receives a receipt documenting the debit entry.

"IAT Entry" - An "International ACH Transaction" entry means an entry that is part of a payment transaction involving a financial agency's office that is not located in the territorial jurisdiction of the United States.