

AFFIDAVIT OF UNAUTHORIZED/IMPROPER ACH DEBIT ACTIVITY

I, _____, being duly sworn, depose and say that I have examined the attached statement or other notification from _____ (this financial institution) indicating that an ACH debit entry was charged to my Account No. _____, on _____ in the amount of \$ _____, and that the debit was unauthorized or improper.

An unauthorized debit means an electronic fund transfer from a consumer's account initiated by a person not authorized by the consumer in writing to initiate the transfer. An electronic fund transfer in an amount greater than that authorized by the consumer or which results in a debit to the consumer's account earlier than that authorized by the consumer is also an unauthorized debit. An improper debit means a represented check entry or accounts receivable truncated check debit entry for which (1) notice stating the terms of the ACH debit policy was not provided by the Originator, (2) the item to which the entry relates is not an eligible item, (3) all signatures on the item to which the entry relates are not authentic or authorized, (4) the item to which the entry relates has been altered, or (5) for accounts receivable truncated check debit entries only, the Receiver provided the Originator with notice not to truncate the item to which the entry relates.

I. For unauthorized entries, I further depose and say that: (check one)

- I did not authorize, and I have not ever authorized, in writing, _____ 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 exceeds 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 _____.

II. For improper entries, I further depose and say that: (check one)

- The notice stating the terms of the represented check entry policy or truncated check entry policy was not provided to me in advance of receiving the item to which the represented check entry relates.
- The item was ineligible because either: (check appropriate reason)
 - The item to which the improper entry relates is not an item within the meaning of Revised Article 4 of the Uniform Commercial Code (UCC 1990 Official Text);
 - The item to which the improper entry relates is not a negotiable demand draft drawn on or payable through or at a Participating DFI, other than a Federal Reserve Bank or Federal Home Loan Bank;
 - The item to which the improper entry relates is in an amount of \$2,500.00 or more;
 - The item to which the represented check entry relates does not indicate on the face of the document that the item was returned due to "Not Sufficient Funds", "NSF", "Uncollected Funds" or comparable language;
 - The item to which the improper entry relates is dated more than 180 days from the date the entry is transmitted to the RDFI;
 - The item to which the improper entry relates is drawn on a non-customer account;
 - The item to which the represented check entry relates has been previously presented (a) more than twice in paper form (for initial RCK entries) or (b) more than once in paper form and more than once as a represented check entry (for reinitiated represented check entries);
 - The item to which the accounts receivable truncated check debit entry relates has been previously presented in its physical form;
 - The accounts receivable truncated check debit entry has been presented more than three times; or
 - The accounts receivable truncated check debit entry has not been completed and signed by the consumer.
- All signatures on the item to which the improper entry relates are not authentic or authorized.
- The item to which the represented check entry relates has been altered.
- For accounts receivable truncated check debit entries, the Receiver provided the Originator with notice not to truncate the item to which the entry relates.

I further depose and say that the debit transaction was not originated with fraudulent intent by me or any other person acting in concert with me, and that the signature below is my own proper signature.

(Signature) Date : _____

STATE OF _____, _____ (COUNTY OR PARISH)

On this _____ day of _____, before me personally appeared _____
 producing _____ as identification showing h _____ personally known to me to be the person described in and who executed the foregoing instrument, and acknowledged that _____ executed the same as _____ free act and deed for the purposes therein contained.

In witness whereof I hereunto set my hand and official seal.

(Signature) _____
Title

My commission expires _____