

# Written Statement Under Penalty of Perjury for Unauthorized/Improper ACH Debit Activity

In accordance with the ACH Rules and Operating Guidelines

STATE OF \_\_\_\_\_ COUNTY OF \_\_\_\_\_ FINANCIAL INSTITUTION \_\_\_\_\_ BRANCH \_\_\_\_\_

I, \_\_\_\_\_, depose and say that I have examined the attached statement or other notification from my Financial Institution indicating that an ACH debit entry was charged to my Account No. \_\_\_\_\_ on \_\_\_\_\_, 20\_\_\_\_, in the amount of \$ \_\_\_\_\_, and that the debit entry was unauthorized, improper, or a prior authorization was revoked.

### FOR REVOKED AUTHORIZATION, I FURTHER DEPOSE AND SAY THAT:

I authorized \_\_\_\_\_ ("the Company") to originate one or more ACH entries to debit funds from my account, but on \_\_\_\_\_, 20\_\_\_\_, I revoked that authorization by notifying the Company in the manner specified in the authorization.

### FOR UNAUTHORIZED ENTRIES, I FURTHER DEPOSE AND SAY THAT (check one):

- (A) I did not authorize, and have not ever authorized, in writing, or by similarly-authenticated means (for WEB, TEL, and POP), \_\_\_\_\_ to originate one or more ACH entries to debit funds from this account at my financial institution.
- (B) I authorized \_\_\_\_\_ to originate one or more ACH entries to debit funds from this account at my financial institution in writing or by similarly-authenticated means, but: \_\_\_\_\_ the amount debited exceeds the amount I authorized to be debited. The amount I authorized was \$ \_\_\_\_\_; OR \_\_\_\_\_ the debit was made to this account on a date earlier than the date on which I authorized the debit to occur. I authorized the debit to be made to this account no earlier than \_\_\_\_\_, 20\_\_\_\_.

### FOR IMPROPER ENTRIES (RCK, ARC, and POP), I FURTHER DEPOSE AND SAY THAT (check one):

- (A) The item to which the represented check (RCK) entry relates was ineligible because (check one):  
\_\_\_\_\_ the item is drawn on a non-consumer account.  
\_\_\_\_\_ the item is not within the meaning of Revised Article 4 of the Uniform Commercial Code (1990 Official Text - ineligible items include non-cash items; drafts drawn on the U.S. Treasury, a Federal Reserve Bank, a Federal Home Loan Bank, or state or local government; U.S. Postal Service money orders; non-U.S. currency items; third-party items; demand drafts; and third-party drafts without Receiver's signature).  
\_\_\_\_\_ the item is not a negotiable demand draft drawn on, or payable through or at, a Participating Depository Financial Institution other than a Federal Reserve Bank or Federal Home Loan Bank.  
\_\_\_\_\_ the item is in an amount of \$2,500 or more.  
\_\_\_\_\_ the item does not indicate on the face of the document that it was returned due to Not Sufficient Funds, NSF, Uncollected Funds, or comparable language.  
\_\_\_\_\_ the item is dated more than 180 days from the date the entry was transmitted to the RDFI.  
\_\_\_\_\_ the item has been presented more than three times in any combination of paper and electronic means, including the original presentation.
- (B) The item to which the accounts receivable (ARC) entry relates was ineligible because (check one):  
\_\_\_\_\_ the item is not a consumer check or sharedraft.  
\_\_\_\_\_ the item was not completed and signed by the Receiver.  
\_\_\_\_\_ the item does not contain a pre-printed serial number.  
\_\_\_\_\_ the item is a third-party check; a demand draft or third-party draft that does not contain the signature of the Receiver; a credit card check; an obligation of a financial institution such as a traveler's check, money order, cashier's check, or official check; a check drawn on the Treasury of the United States, a Federal Reserve Bank, or a Federal Home Loan Bank; a check drawn on a state or local government; or a check payable in a medium other than United States currency.
- (C) The item to which the point-of-purchase (POP) entry relates was ineligible because (check one):  
\_\_\_\_\_ the item is not a consumer check or sharedraft.  
\_\_\_\_\_ the item does not contain a pre-printed serial number.  
\_\_\_\_\_ the item is a third-party check; a demand draft or third-party draft that does not contain the signature of the Receiver; a credit card check; an obligation of a financial institution such as a traveler's check, money order, cashier's check, or official check; a check drawn on the Treasury of the United States, a Federal Reserve Bank, or a Federal Home Loan Bank; a check drawn on a state or local government; or a check payable in a medium other than United States currency.
- (D) Both the electronic and paper items have been presented. (RCK, ARC, POP)
- (E) Amount was not accurately obtained from the source document. (RCK and ARC only)
- (F) The notice stating the terms of the policy was not provided to me in advance of receiving the item to which the represented check entry or accounts receivable entry relates. (RCK and ARC only)
- (G) All signatures on the original item are not authentic or authorized. (RCK only)
- (H) The original item has been altered. (RCK only)

I further depose and say that the debit transaction was not originated with fraudulent intent by me or any person acting in concert with me, and that the signature below is my own proper signature. I certify under penalty of perjury that the foregoing is true and correct.

DATE \_\_\_\_\_ SIGNATURE \_\_\_\_\_ PRINT NAME \_\_\_\_\_

DATE \_\_\_\_\_ SIGNATURE (WITNESS) \_\_\_\_\_ PRINT NAME \_\_\_\_\_

**A REVOCATION OF AUTHORIZATION** means that the written agreement with the originating company which was signed or similarly authenticated by an individual to allow payments processed through the ACH network to be deposited in or withdrawn from an account at a financial institution has been cancelled. The consumer must revoke authorization directly with the originating company prior to the return of the debit.

ACH Operations Staff: Use code R07 to return a debit where authorization was revoked. R07 cannot be used for TEL, POP, or single-entry WEB entries.

**AN UNAUTHORIZED DEBIT** means an electronic funds transfer from a consumer's account was never properly authorized by the consumer. An ACH debit in an amount greater than that authorized by the consumer, or that occurs on an earlier date than that authorized by the consumer, is also considered unauthorized. An unauthorized debit does not include an electronic funds transfer initiated with fraudulent intent by the consumer or any person acting in concert with the consumer.

ACH Operations Staff: Use code R10 to return an unauthorized debit.

**AN IMPROPER DEBIT** means an RCK, ARC, or POP entry where the item to which the entry relates is ineligible, or other criteria related to notice of policy, amount, or authenticity of signature as described to the left are not met. An RCK, ARC, or POP entry is also considered improper if both the electronic and paper items have been presented.

ACH Operations Staff: Use R10 for improper ARC or POP entries, and R51 for improper RCK entries. If the source document (paper item) has been presented for payment, use R37 for ARC or POP entries, and R53 for RCK entries. Although outside the scope of this document, please note that if a stop payment was placed on the source document, use R33 to return an ARC entry, and R52 for an RCK entry.