

WRITTEN STATEMENT UNDER PENALTY OF PERJURY
An Affidavit of Unauthorized/Improper Entry (For Consumer ACH Debits Only)

State of _____

County of _____

I, _____ (consumer's name) state that I have examined the attached statement (or other notification) from _____ (financial institution's name) indicating that an ACH debit entry was charged to my account _____ (account number) on _____ (MM/DD/YY), in the amount of \$ _____, and that the entry was unauthorized or improper.

¹An unauthorized debit means that an electronic funds transfer (EFT) from a consumer's account was initiated by a person who was not authorized by the consumer (via written authorization signed or similarly authenticated or, in the case of a TEL transaction, via oral authorization) to initiate the transfer, or was initiated for an amount greater than that authorized by the consumer; or that results in a debit to the consumer's account earlier than that authorized by the consumer. NOTE: An unauthorized debit DOES NOT include an EFT initiated with fraudulent intent by the consumer or by any person acting in concert with the consumer.

²An improper debit means a Re-presented Check (RCK), Point-of-Purchase (POP) or Accounts Receivable (ARC) entry which meets the criteria in Section II below.

Section I. I further state that: (check one)

UNAUTHORIZED –

I did not authorize, and have never authorized, _____ (the Company name) to originate one or more ACH debit entries to my account at this financial institution.

I AUTHORIZED BUT –

I authorized _____ (the Company name) to originate one or more ACH/Draft debit entries to my account at this financial institution, but:

The amount debited exceeds the amount I authorized to be debited. The amount I authorized is \$ _____, or:

The debit was made to my account on a date earlier than the date on which I authorized the debit to occur. I authorized the debit to be made to my account on (or no earlier than) _____ (MM/DD/YY).

Other (specify) _____

Authorization Revoked –

I authorized _____ (the company name) to originate one or more ACH debit Entries to my account, but on _____ (MM/DD/YY) I revoked that authorization by Notifying the Company at _____ (Company address, City, State Zip) by phone, letter, or other

Section II. I further state that: (check one)

The debit was improper due to the following reason – (check one)

I was not provided the required notice [RCK] [ARC] or receipt. [POP]

The signatures on the item are not authentic or authorized, and/or the item has been altered. [RCK] [ARC] [POP]

The amount of the entry is different from the amount of the check. [RCK] [ARC] [POP]

The item is ineligible to be initiated as an ACH entry. [RCK] [ARC] [POP]

Incorrect Standard entry class (SEC) Code was used. [PPD vs. CCD]

Both the check and the ACH entry posted to my account. [RCK] [ARC] [POP]

I further state that the debit transaction was not originated with fraudulent intent by me or by 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 _____

INSTRUCTIONS – HOW TO COMPLETE A WRITTEN STATEMENT UNDER PENALTY OR PERJURY

(Affidavit of Unauthorized/Improper Entry)

The Written Statement Under Penalty of Perjury (Affidavit of Unauthorized/Improper Entry) is for consumer ACH debit entries only. This includes debit entries with Standard Entry Class (SEC) codes: ARC, POP, PPD, RCK, TEL and WEB. This form CANNOT be completed for corporate entries CCD and CTX unless they were posted erroneously to a consumer account.

You must have a signed Written Statement Under Penalty of Perjury on file before the entry is returned. Also, you must make a copy available upon request to the Originating Depository Financial Institution up to one year from date of return.

STANDARD ENTRY CLASS (SEC) CODES

ARC – Accounts Receivable Entry

POP – Point-of-Purchase Entry

PPD – Direct Payment Entry

RCK – Re-Presented Check Entry

TEL – Telephone-Initiated Entry

WEB – Internet-Initiated Entry

WHEN THE CONSUMER CONTACTS YOU, ASK THE FOLLOWING QUESTIONS:

- a) When did the entry post? (Make sure that it is within the last 60 calendar days or it may not be returned.)
- b) Is the entry amount familiar? (Sometimes the company name might be wrong.)
- c) Is there a check number by it?
- d) Did you write this check number out to anyone else?
- e) Were you given your check back?
- f) Did you give anyone your account information over the phone?
- g) Did you order anything over the Internet?
- h) Did you sign an authorization for this company or this amount?
- i) Did you pay this company's bill by check? Did you receive notice that they would convert it to an electronic payment?

These questions will help you determine what type of an entry it is and how the authorization was obtained. You should also contact the operations department for verification of the SEC code and the date of posting.

NOTE:

- Consumers cannot return entries as unauthorized if they don't like what they purchased. The need to work with the company directly to resolve disputes.
- If the consumer has authorized a single entry (TEL, ARC, POP and a single entry WEB), they cannot revoke their authorization once the single entry has posted.

COMPLETING THE WRITTEN STATEMENT...:

- You must fill out the top section of the form in its entirety. You will then choose between Section I and Section II depending on the entry and the reason the consumer wishes the entry to be returned. Be sure the consumer signs and dates the form.
- The ACH Rules do not require that the Written Statement Under Penalty of Perjury be notarized. However, some states may require it so check with your state to determine the need for notarization. This form may be placed on your Internet Banking site and authenticated by the consumer.