

ACH UNAUTHORIZED ENTRY FORM

(Written Statement Under Penalty of Perjury)

State of _____ Branch # _____ Name _____
 County of _____ Branch personnel _____

I, _____ [consumer name], depose and say that I have examined the attached statement or other notification from AmTrust Bank indicating that an ACH debit entry was charged to my account _____ [account number], on _____ [posting date] in the amount of _____ and that the entry was unauthorized or improper.

An **unauthorized** debit means an electronic fund transfer from a consumer's account initiated by a person/company which was not authorized by the consumer, via a writing that was either signed or similarly authenticated or an oral authorization, to initiate the transfer.

An **improper** debit means a Re-presented Check Entry, Point-of-Purchase Entry, Accounts Receivable Entry or Corporate item that meets the criteria described below.

For unauthorized entries, I further depose and say that: [complete one]

- I authorized _____ [company name] to originate one or more electronic entries to debit funds, from my account, but on _____ [date] I revoked that authorization by notifying:

Company Name: _____

Address: _____

City, State, Zip: _____

- I did not authorize, and have not ever authorized, in writing, _____ [company name] to originate one or more electronic entries to debit funds from any account at _____ [financial institution name].

- I authorized _____ [company name] to originate one or more electronic entries to debit funds from my account, but the amount debited was different than the amount I authorized to be debited.

The amount I authorized is _____. OR
 in the case of variable amounts, the amount debited was different than the amount on the required notice which was _____. OR
 the debit was made to my account on a date earlier than the date I authorized to be debited. I authorized the debit to be made to my account on or no earlier than _____ [date or day of month].

For improper entries, I further depose and say that: [complete one]

- The notice stating the terms of the re-presented check entry policy was not provided to me in advance of receiving the item to which the re-presented check entry relates.

- The item was ineligible because the item to which the re-presented check entry relates: (check appropriate reason)

is not an item within the meaning of the Revised Article 4 of the Uniform Commercial Code (1990 Official Text) such as:

- non-cash item;
- drafts drawn on the Treasury of the United States, a Federal Reserve bank, or a Federal Home Loan Bank
- drafts drawn on a state or local government that are not payable through or a Participating Depository Financial Institution;
- United States Postal Service money orders;
- items payable in a medium other than United States currency; items which are third-party items;
- demand drafts and third-party drafts that do not contain the signature of the Receiver.

is not a negotiable demand draft on or payable through or at a participating depository financial institution, other than a Federal Reserve Bank or Federal Home Loan Bank;

is in an amount of \$2500.00 or more;

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.

is dated for more than 180 days from the date the entry was transmitted to the receiving depository financial institution.

is drawn on a non-consumer account;

has been previously presented (a) no more than twice in paper form (for initial re-presented check entries) or (b) no more than once in paper form and no more than once as a re-presented check entry (for reinitiated re-presented check entries).

- All signatures on the item to which the re-presented check entry relates are not authentic or authorized or the item has been altered.

- The amount of the re-presented check entry was not accurately obtained from the item.

- Both the re-presented check entry and the item to which it relates have been presented for payment.

- Notice was not provided by the Originator in accordance with the requirements of the NACHA Operating Rules.

- The source document used for the debit entry is improper.

- Both the source document and the accounts receivable entry to which it relates have been presented for payment.

- The amount of the accounts receivable entry was not accurately obtained from the source document.

- Both the source document and the point of purchase entry to which it relates have been presented for payment.

- Point of purchase entry was unauthorized.

- Point of purchase source document used for the debit entry is improper.

- The corporate item submitted is a consumer debit, and was unauthorized.

I certify under penalty of perjury that the forgoing is true and correct. 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.

Date: _____ Signature _____

The *ACH Rules* state the electronic entry must be returned within 60 days of the settlement date of the original entry. If the consumer requests the form after the sixty day deadline, the consumer must settle the claim with the company directly.

ACH stop payments require consumers to place a stop payment order on a debit at least three banking days prior to the scheduled date of the entry. **The financial institution will retain the form for one year from the date of the return entry.**

Print on legal sized paper.