

# Written Statement Under Penalty of Perjury FOR ACH DEBITS

State of \_\_\_\_\_

County of \_\_\_\_\_

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

## Complete Section 1 or 2 as applicable.

### I. For **UNAUTHORIZED CONSUMER ENTRIES** (check one)

- I have not ever authorized \_\_\_\_\_ (company) to originate one or more ACH entries to debit funds from any account at this financial institution (R10).
- I authorized \_\_\_\_\_ (company) to originate one or more ACH entries to debit funds from an account at \_\_\_\_\_ (financial institution), but:  
\_\_\_\_\_ the amount I authorized is \_\_\_\_\_ (R10); or  
\_\_\_\_\_ I authorized the debit to be made to my account on or no earlier than \_\_\_\_\_ (month/day/year) (R10).
- I authorized \_\_\_\_\_ (company) to originate one or more ACH entries to debit funds from my account, but on \_\_\_\_\_ (month/day/year) I revoked that authorization by notifying the company above in the manner specified in the authorization (R07). (cannot be used for single-entry WEB, POP, or TEL)

### For **UNAUTHORIZED BUSINESS ENTRIES TO A CONSUMER ACCOUNT** (CCD, CTX, or CBR) (check one)

- I have not ever authorized \_\_\_\_\_ (company) to originate one or more ACH entries to debit funds from any account at this financial institution (R05).
- I authorized \_\_\_\_\_ (company) to originate one or more ACH entries to debit funds from an account at \_\_\_\_\_ (financial institution), but:  
\_\_\_\_\_ the amount I authorized is \_\_\_\_\_ (R05); or  
\_\_\_\_\_ I authorized the debit to be made to my account on or no earlier than \_\_\_\_\_ (month/day/year) (R05).

### 2. For **IMPROPER / INELIGIBLE ENTRIES** (check one)

*Checks mailed for payment (ARC) or in-person payments converted in the back office (BOC): (applies to business and consumer checks).*

- notice was not provided by the Originator in accordance with the requirements of the NACHA ACH Operating Rules (R10);
- the source document and the ARC or BOC entry to which it relates have been presented for payment (R37); or
- the amount of the ARC or BOC entry was not accurately obtained from the source document (R10); or
- improper source document (R10); or
- opted out of check conversion activity (R10)

*Checks converted in-person (POP entries): (applies to business and consumer checks).*

- the debit entry for which the Receiver is seeking re-credit was not authorized by the Receiver (R10);
- the source document used for the debit entry is improper (R10); or
- both the source document and the POP entry to which it relates have been presented for payment (R37).

*Re-presented - NSF - Bounced checks (RCK entries): (consumer only)*

- the item to which the entry relates is ineligible to be initiated as an RCK entry (R51);
- the required notice stating the terms of the re-presented check entry policy was not provided by the Originator in accordance with the requirements of the NACHA ACH Operating Rules (R51);
- all signatures on the item to which the RCK entry relates are not authentic or authorized, or the item has been altered (R51);
- the amount of the RCK entry was not accurately obtained from the item (R51); or
- both the RCK entry and the item to which the RCK entry relates have been presented for payment (R53).

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: \_\_\_\_\_

Acknowledged by financial institution branch #: \_\_\_\_\_ Employee: \_\_\_\_\_ Date: \_\_\_\_\_

# Instructions – How to complete a Written Statement Under Penalty of Perjury

The RDFI must obtain a written statement under penalty of perjury from its account holder prior to initiating a return for an entry the account holder claims is unauthorized, ineligible or improper, or for which the authorization has been revoked. This includes debit entries with Standard Entry Class (SEC) codes: ARC, BOC, POP, POS, PPD, RCK, TEL and WEB; CCD and CTX entries to consumer accounts. **Verify the transaction will be returned so the ODFI receives it by the day following the 60<sup>th</sup> day after settlement of the original transaction.**

**NOTE:** Regulation E provides the consumer protection for electronic transactions for a period of 60 days following the transmittal of the statement. Refer to your Reg E error resolution procedures for transactions brought to your attention after the ACH 60 day right of return, but within the Reg E 60 day from statement date period.

**Unauthorized** debit (with the exception of TEL entries) refers to an electronic funds transfer (EFT) withdrawn from a consumer account by an entity not authorized in writing by the consumer (either signed or similarly authenticated). With respect to TEL entries, an unauthorized debit refers to an EFT from a consumer account initiated by an entity not authorized by the consumer, via oral authorization. An EFT in an amount greater than that authorized by the consumer or one that results in a debit to the consumer's account earlier than authorized is also an unauthorized debit. An unauthorized debit does not include an EFT initiated with fraudulent intent by the consumer or any person acting in concert with the consumer. An **improper / ineligible** debit means a Re-presented Check (RCK) entry, Point-of-Purchase (POP) entry, Accounts Receivable (ARC), or Back Office Conversion (BOC) entry that meets the criteria described in the 'Improper / Ineligible Entries' section.

## UNAUTHORIZED ENTRIES

| Reason for dispute   | SEC Entry Types                      | Return Code  |
|--|--------------------------------------|--|
| I have not ever authorized...<br>I authorized...but the amount or debit date is wrong. | ARC, BOC, POP, POS,<br>PPD, TEL, WEB | <b>R10</b> (Customer Advises Not Authorized, Notice Not Provided, Improper Source Document, or Amount of Entry Not Accurately Obtained from Source Document) |
| I revoked authorization with that company.   | PPD, Recurring WEB                   | <b>R07</b> (Authorization Revoked by Customer, Cannot be used for Single-entry WEB, TEL, or POP entries)   |

## UNAUTHORIZED BUSINESS ENTRIES TO A CONSUMER ACCOUNT

| Reason for dispute   | SEC Entry Types | Return Code  |
|--|-----------------|--|
| I have not ever authorized...<br>I authorized...but the amount or debit date is wrong. | CCD, CTX        | <b>R05</b> (Unauthorized Debit to Consumer Account Using Corporate SEC Code) |

## IMPROPER ENTRIES

| Entry Type  | Return Code  |
|---|--|
| Checks mailed in for payment (ARC entries)<br>Checks converted in person at the time of purchase (POP entries)<br>Checks converted in the back office (BOC entries) | <b>R37</b> (Source Document Presented for Payment)   |
| Re-presented / NSF / Bounced checks (RCK entries)   | <b>R51</b> (Item is Ineligible, Notice Not Provided, Signature Not Genuine, Item Altered or Amount of Entry Not Accurately Obtained from Item)<br><b>R53</b> (Both the paper check and ACH entry were presented for Payment) |

The Written Statement Under Penalty of Perjury should always be signed and dated by the account holder.