

# Affidavit of 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 \_\_\_\_\_, 200\_\_ in the amount of \$ \_\_\_\_\_, and that the debit entry was unauthorized or improper.

☛ A REVOCATION OF AUTHORIZATION MEANS THAT THE WRITTEN AGREEMENT WITH THE ORIGINATING COMPANY WHICH WAS SIGNED OR SIMILARLY AUTHENTICATED BY AN EMPLOYEE, CUSTOMER OR MEMBER TO ALLOW PAYMENTS PROCESSED THROUGH THE ACH NETWORK TO BE DEPOSITED IN OR WITHDRAWN FROM AN ACCOUNT AT A FINANCIAL INSTITUTION HAS BEEN CANCELLED.

**NOTE:** CONSUMER MUST REVOKE AUTHORIZATION DIRECTLY WITH THE ORIGINATOR/COMPANY PRIOR TO THE RETURN OF THE DEBIT.  
*For Operations Staff Only: Use an ROT for customer authorization revoked.*

☛ AN UNAUTHORIZED DEBIT MEANS AN ELECTRONIC FUND TRANSFER FROM A CONSUMER'S ACCOUNT INITIATED BY A PERSON WHICH WAS 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 ALSO IS AN UNAUTHORIZED DEBIT. AN UNAUTHORIZED DEBIT DOES NOT INCLUDE AN ELECTRONIC FUND TRANSFER INITIATED WITH FRAUDULENT INTENT BY THE CONSUMER OR ANY PERSON ACTING IN CONCERT WITH THE CONSUMER.

*For Operations Staff Only: Use an R10 for customer advises unauthorized.*

☛ AN IMPROPER DEBIT MEANS A PPD/RCK ENTRY FOR WHICH (1) NOTICE STATING THE TERMS OF THE RE-PRESENTED CHECK ENTRY POLICY OR PPD ACCOUNTS RECEIVABLE TRUNCATED CHECK DEBIT ENTRY 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 PPD ACCOUNTS RECEIVABLE TRUNCATED CHECK DEBIT ENTRIES ONLY, THE RECEIVER PROVIDED THE ORIGINATOR WITH NOTICE NOT TO TRUNCATE THE ITEM TO WHICH THE ENTRY RELATES.

*For Operations Staff Only: Use an R51 for customer advises improper debit.*

**1** FOR REVOKED ENTRIES, I FURTHER DEPOSE AND SAY THAT: (CHECK ONE)

- I authorized \_\_\_\_\_ to originate one or more ACH entries to debit funds from my account, but on \_\_\_\_\_, 200\_\_, I revoked that authorization by notifying \_\_\_\_\_ in the manner specified in the authorization.

**2** FOR UNAUTHORIZED ENTRIES, I FURTHER DEPOSE AND SAY THAT: (CHECK ONE)

- I did not authorize, and have not ever authorized, in writing or by similarly authenticated (WEB, TEL) means for \_\_\_\_\_ to originate one or more ACH entries to debit funds from any account at my Financial Institution.
- I authorized \_\_\_\_\_ to originate one or more ACH entries to debit funds from an 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 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 \_\_\_\_\_, 200\_\_.

**3** FOR IMPROPER ENTRIES, I FURTHER DEPOSE AND SAY THAT: (CHECK ONE)

- (A)  The notice stating the terms of the re-presented check (referred to as RCK) entry policy or truncated check entry policy was not provided to me in advance of receiving the item to which the re-presented check entry, or (PPD Accounts Receivable Truncated Check Debit Entry) relates.
- (B)  The item, which the represented check entry (referred to as RCK), or PPD Accounts Receivable Truncated Check Debit Entry relates, was ineligible because either: (CHECK ONE)
- is not an item within the meaning of Revised Article 4 of the Uniform Commercial Code (1990 Official Text); (excludes non-cash items, drafts drawn on the US Treasury, a Federal Reserve Bank, Federal Home Loan Bank, state or local government, US Postal Service money orders, non-US currency items, third-party items, demand drafts and third-party drafts without Receiver's signature.)
- 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;
- is in an amount of \$2,500 or more; (RCK only)
- 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; (RCK only)
- is dated more than 180 days from the date the entry was transmitted to the RDFI;
- is drawn on a non-consumer account;
- has been previously presented (a) more than twice in paper form (for initial represented check entries) or (b) more than once in paper form and more than once as a re-presented check entry (for reinitiated represented check entries).
- has been previously presented in its physical form (PPD Accounts Receivable Truncated Check Debit Entry) only.
- has been presented more than three times (PPD Accounts Receivable Truncated Check Debit Entry) only.
- has not been completed and signed by the consumer (PPD Accounts Receivable Truncated Check Debit Entry) only.
- (C)  All signatures on the item to which the re-presented check entry (RCK), or (PPD Accounts Receivable Truncated Check Debit Entry) relates are not authentic or authorized.
- (D)  The item to which the re-presented check entry (RCK), or (PPD Accounts Receivable Truncated Check Debit Entry) relates has been altered.
- (E)  For (PPD 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 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 \_\_\_\_\_

DATE \_\_\_\_\_ SIGNATURE (WITNESS OR NOTARY) \_\_\_\_\_