

# Affidavit of Unauthorized Improper ACH Debit Activity



Member Number \_\_\_\_\_

State \_\_\_\_\_ County \_\_\_\_\_

I, \_\_\_\_\_, depose and say that I have examined the attached statement or other notification from MIT Federal Credit Union indicating that an ACH debit entry was charged to my account number \_\_\_\_\_ on \_\_\_\_\_, 20\_\_ in the amount of \$ \_\_\_\_\_, and that the debit was unauthorized or improper.

*AN UNAUTHORIZED DEBIT means an electronic fund transfer from a consumer's account was initiated by a person that 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 electronic funds transferred with fraudulent intent by the consumer or any person acting in concert with the consumer.*

*AN IMPROPER DEBIT means a(n) [PPD]<sup>1</sup> [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 Debit Entries only, the Receiver provided the Originator with notice not to truncate the item to which the entry relates.*

For Unauthorized Entries, I further depose and say that: *(Please Check one)*

I did not authorize and have not ever authorized in writing \_\_\_\_\_ to originate one or more ACH entries from any account at MIT Federal Credit Union.

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

I authorized \_\_\_\_\_ to originate one or more ACH entries to debit funds from an account at MIT Federal Credit Union, but the amount exceeds the amount I authorized to be debited. The amount that I authorized is \$ \_\_\_\_\_.

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 \_\_\_\_\_ 20\_\_.

<sup>1</sup> For purposes of an improper debit entry, the term "PPD entry" refers to both the re-presented check entry interim rule for PPD Accounts Receivable Truncated Check Debit Entries

# Affidavit of Unauthorized Improper ACH Debit Activity



For **Improper** Entries, I further depose and say that, (Check one)

The notice stating the terms of the re-presented check entry policy or truncated check entry policy was not provided to me in advance of receiving the item to which the represented check entry of PPD Accounts Receivable Truncated Check Debit Entry relates.

The item was ineligible because: (Check appropriate reason)

The item to which the re-presented check entry or PPD Accounts Receivable Truncated Check Debit Entry relates is not an item within the meaning of Revised Article 4 of the Uniform Commercial Code (1990 Official text)

The item to which the re-presented check entry or PPD Accounts Receivable Truncated Check Debit Entry relates 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

The item to which the re-presented check entry or PPD Accounts Receivable Truncated Check Debit Entry relates is in an amount of \$2,500 or more

The item to which the re-presented check entry relates does not indicate on the face of the document that the item was returned due to "Not Sufficient Funds," "NSF," "Uncollected Funds," or comparable languages

The item to which the re-presented check entry or PPD Accounts Receivable Truncated Check Debit Entry relates is dated more than 180 days from the date the entry is transmitted to the RDFI

The item to which the PPD Accounts Receivable Truncated Check Debit Entry relates is drawn on a non-consumer account

The item to which the re-presented check relates has been previously presented (a) more than twice in paper form (for initial re-presented check entries) or (b) more than once in paper form and more than once as a re-presented check entry (for reinitiated re-presented check entries)

The PPD Accounts Receivable Truncated Check Debit Entry has been previously presented in its physical form

The PPD Accounts Receivable Truncated Check Debit Entry has been presented more than three times

The PPD Accounts Receivable Truncated Check Debit Entry has not been completed by the customer

All signatures on the item to which the re-presented check entry or PPD Accounts Receivable Truncated Check Debit Entry relates are not authentic or authorized.

The item to which the re-presented check entry or PPD Accounts Receivable Truncated Check Debit Entry relates has been altered.

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. I assert that the written statement of unauthorized debit is true and correct and that I am an authorized signer and authority to act on the account.*

Signature \_\_\_\_\_ Date \_\_\_\_\_