

MODEL CUSTOMER WRITTEN STATEMENT FOR WARRANTY CLAIM UNDER SECTION XIX(O)

**[NAME OF BANK]
WRITTEN STATEMENT UNDER PENALTY OF PERJURY FOR UNAUTHORIZED OR FORGED SIGNATURE¹**

Customer Name: _____

Customer Address: _____

Account Number: _____ SS# or TIN: _____

Check Number(s): _____

Home Phone Number: _____ Area Code () _____
Work Phone Number: _____ Area Code () _____

This written statement of an unauthorized or forged signature is submitted by the undersigned Customer to the Bank in support of the undersigned's claim that the above referenced check(s) of the undersigned drawn on the above referenced Account were improperly paid for the reason indicated below. In submitting this written statement, the undersigned affirms that all representation and statements contained herein are true and agrees that the undersigned render all reasonable assistance required by Bank to locate and prosecute the persons responsible for the unauthorized or forged signature on the above referenced check(s).

The undersigned hereby states and affirms the following: (Use additional sheet and attach, if necessary.):

1) Please indicate type/reason for this claim:

Check contains a forged or otherwise unauthorized Customer's signature in the drawer signature line.

Check is counterfeit.

2) Describe when and how you first became aware of the forged or otherwise unauthorized signature on your check. If the matter was disclosed in an account statement(s), please attach photocopies of the same.

3) Indicate whether either the unauthorized signer of the check(s) is known to you. If so, indicate the relationship and provide any information you may have about this person, include name, address, telephone number and Social Security Number.

¹ **Note to Bank:** This model written statement should only be used to obtain a customer's written statement relating to a forged or otherwise unauthorized check. The written statement, once completed by customer, will be used by the Bank in connection with making a claim for a breach of one of the warranties provided under Section XIX(O) of the ECCHO Rules. This model written statement should not be used when a customer is making any other claim relating to check or checking account, such as an altered dollar amount, altered payee, missing endorsement, etc.

4) Indicate whether you received part or all of the proceeds or any other benefit on account of, said check(s). This would include reimbursement by any other bank or any other arrangement you have made to recover funds.

5) Please provide a detailed narrative statement of the circumstances surrounding your claim of a forged or otherwise unauthorized signature on the checks.

If additional space is needed, use a sheet of paper and attach.

I acknowledge that, in order to complete its investigation, Bank may require further information concerning the matters set forth in the written statement, which I agree to provide.

I further acknowledge that Bank may need to disclose the contents of this written statement to third parties, including other banks in the check collection process and/or the person that created/signed the unauthorized check, as part of its investigation. I hereby consent to such disclosure.

Finally, I acknowledge that, to the extent my account is credited for the amount of the above listed check(s), Bank will have the right to recover all amounts so paid from the person I have identified as the person that created/signed the unauthorized check(s), and to bring a criminal action against such person, if it so elects. I agree to provide whatever assistance Bank may require in any such civil or criminal lawsuit.

Witness my hand, under penalties of perjury, this _____ day of _____, 20____.

Signature

Street Address

City, State and Zip Code

DISCLAIMER FORM FOR SECTION XIX(O)

DISCLAIMER FORM

BREACH OF WARRANTY – FORGED OR UNAUTHORIZED DRAWER SIGNATURE OR COUNTERFEIT CHECK

I _____, a representative of _____ hereby disclaim and refuse the
(Please print) (Depository Bank)

“Breach of Warranty – Forged or Unauthorized Drawer Signature Or Counterfeit Check” claim made by

_____ (ABA#) _____
(Claimant Paying Bank) (Claimant Bank’s R/T number)

Name of Paying Bank: _____

Name of Paying Bank’s Customer: _____

Paying Bank’s Customer’s Account Number: _____

(Account Number of Above Named Account)

Amount Claimed: _____

- 1) Account closed
- 2) Claim amount exceeds funds in account
- 3) Claim was not made timely, as follows:
 - a) Paying Bank’s customer did not provide customer written statement within 60 calendar days after account statement of check made available
 - b) Paying Bank did not deliver warranty claim within 15 Business Days of receipt of customer written statement
 - c) Paying Bank failed to deliver copy of customer written statement within 15 Business Days to Depository Bank
- 4) Depository Bank is not the first bank to which the check was transferred (BOFD)
- 5) Depository Bank had in place at the time of the Electronic Check exchange an effective election to have its Electronic Check exchanges not subject this Section XIX(O) of the ECCHO Rules
- 6) Other defenses as provided by other applicable law

Specify: _____

_____/_____/_____(_____)_____
Signature of Representative – Depository Bank Date Phone

INSTRUCTIONS TO Sending Bank:

- 1. This form is to be completed and signed by a representative of the Depository Bank. A defense MUST be specified.
- 2. Keep a copy of the completed form and a copy of the check, Electronic Check, a paper copy of the front and back of such Electronic Check or substitute check stamped “Breach of Warranty - Do not Redeposit or Re-Present” or with similar language (the claim) for your files.
- 3. Attach the original check, Electronic Check, a paper copy of the front and back of such Electronic Check or substitute check stamped “Breach of Warranty - Do not Redeposit or Re-Present” or with similar language to this form and deliver to the Claimant Paying Bank in full compliance with Section XIX(O) of the ECCHO Rules

DO NOT SEND THIS FORM THROUGH THE FEDERAL RESERVE BANK – IT WILL BE REJECTED