**SAMPLE ELECTRONICALLY CREATED ITEM (ECI) INDEMNITY DISCLAIM FORM**

*This form may be used to disclaim an ECI indemnity claim*

A bank may make an indemnity claim pursuant to Regulation CC (12 CFR 229.34(g) (Indemnities with respect to electronically-created items (ECIs)), if the bank incurred losses resulting from the fact that:

* *The electronic image or electronic information is not derived from a paper check;*
* *The person on whose account the electronically-created item is drawn did not authorize the issuance of the item in the amount stated on the item or to the payee stated on the item; or*
* *A person receives a transfer, presentment, or return of, or otherwise is charged for an electronically-created item such that the person is asked to make payment based on an item or check it has already paid.*

Additional conditions for the ECI indemnity include that the bank transferring or presenting the ECI (ECI sending bank) received settlement or other consideration for the ECI.

Regulation CC 229.2(hhh) Electronically-created item (ECI) Definition:

“Electronically-created item” means an electronic image that has all the attributes of an electronic check or electronic returned check but was created electronically and not derived from a paper check.

**Instructions for Use of this ECI Indemnity Disclaim Form:**

* This ECI Indemnity Disclaim Form should not be used for any other matter except to disclaim an ECI indemnity claim.
* The use of confidential customer information in or attached to this ECI Indemnity Disclaim Form should be reviewed by the bank’s legal counsel prior to use.
* Use of this ECI Indemnity Disclaim Form is voluntary.
* Complete this ECI Indemnity Disclaim Form *as appropriate*, including the following:
	+ Date
	+ Bank information and case/reference number of bank that made ECI indemnity claim
	+ Your bank’s information and case/reference number
* Reason(s) for disclaiming (check all that apply)
* ECI MICR information
* Signature and contact information
* Copy of the ECI Indemnity Claim Letter

*Note: Not all information on this ECI Indemnity Disclaim Form is required to disclaim an ECI indemnity claim, but incomplete information may affect the processing of the disclaim.*

**SAMPLE ELECTRONICALLY CREATED ITEM (ECI) INDEMNITY DISCLAIM FORM**

*This form may be used to disclaim an ECI indemnity claim*

Date: INSERT DATE

**Re: ECI Indemnity Disclaim**

**Disclaim made to:** INSERT BANK NAME / INSERT ABA ROUTING NUMBER

**Your Bank Case/Reference Number:** INSERT NUMBER

**Disclaim made by:** INSERT OUR BANK NAME / INSERT OUR ABA ROUTING NUMBER

**Our Bank Case/Reference Number:** INSERT NUMBER

This letter constitutes our bank’s disclaim and refusal of your bank’s ECI indemnity claim under the ECI indemnity in Regulation CC (229.34(g)) based on the following:

[ ] Our bank did not send this ECI

[ ] Item was not an ECI

[ ] Received indemnity claim after the one-year deadline for claims

[ ] Other Reason(s): INSERT INFORMATION

|  |  |
| --- | --- |
| ***MICR Line:*** |  |
| External Processing Code: |  |
| ABA Routing Number: |  |
| Account Number: |  |
| Serial Number: |  |
| Amount: |  |

INSERT SIGNATURE

INSERT PHONE NUMBER / EMAIL ADDRESS

***Attached is a Copy of the ECI Indemnity Claim Letter Our Bank Received from Your Bank with a Copy of the Item.***