

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

**[NAME OF BANK]**

**WRITTEN STATEMENT UNDER PENALTY OF PERJURY OF UNAUTHORIZED REMOTELY CREATED CHECK**

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 remotely created check 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 above referenced unauthorized 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:

- Remotely created check (which contains no Customer signature) was not authorized by the Customer **in the amount stated on the check.**
- Remotely created check (which contains no Customer signature) was not authorized by the Customer **to the payee stated on the check.**

2) Describe when and how you first became aware of the unauthorized remotely created check. If the matter the matter was disclosed in an account statement(s), please attach photocopies of the same.

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

<sup>1</sup> **Note to Bank:** This model written statement should only be used to obtain a customer's statement relating to an unauthorized remotely created check. The written statement, once completed by customer, will be used by the Bank in connection with making a breach of warranty claim under Regulation CC 229.34(d) (RCC warranty) for a remotely created check and under the process as provided under Section XIX(N) 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.

- 3) Indicate whether the person that created the remotely created check 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.

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- 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.

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- 5) Please provide a detailed narrative statement of the circumstances surrounding your claim of an unauthorized remotely created check.

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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 the unauthorized remotely created 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 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\_\_\_\_.

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Signature

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Street Address

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City, State and Zip Code

**EXHIBIT V – EXHIBITS RELATED TO RULES IN SECTION XIX(N) AND XIX(O)**

**DISCLAIMER FORM FOR SECTION XIX(N)**

**DISCLAIMER FORM**  
***BREACH OF WARRANTY – UNAUTHORIZED REMOTELY CREATED CHECK***

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

“Breach of Warranty – Unauthorized Remotely Created Check” claim made by  
\_\_\_\_\_  
(Claimant Paying Bank) (ABA#) \_\_\_\_\_  
(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) Claim was not made timely, as follows
  - a) Paying Bank did not deliver warranty claim within 90 calendar days after   
presentation of the Electronic Check to the Paying Bank
  - b) Paying Bank failed to deliver copy of customer written statement within 15 Business   
Days to Depository Bank
- 2) Depository Bank is not the first bank to which the check was transferred (BOFD)
- 3) 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(N) of the ECCHO Rules

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