

Substitute Checks and Your Rights

This notice is ONLY applicable to Consumer Accounts (any account used primarily for personal, family, or household purposes) where original Checks may be returned in the monthly statement.

What is a Substitute Check?

In an effort to make Check processing more efficient, Federal law and regulation permits banks to replace original Checks with "Substitute Checks." A Substitute Check is similar in size to the original Check with a slightly reduced image of the front and back. The front of a Substitute Check states: "This is a legal copy of your Check. You can use it the same way you would use the original Check." You may use a Substitute Check as proof of payment just as with the original Check.

Some or all of the Checks that you receive back from us may be Substitute Checks. This notice describes rights you have when you receive Substitute Checks from us. The rights in this notice do not apply to original Checks or to ACH Debit Entries that post to your Account; however, you have rights under other Federal law and regulation with respect to such transaction types.

What are My Rights Regarding Substitute Checks?

Under certain circumstances, Federal law and regulation provides a special procedure that allows you to request a refund in the event a Substitute Check posts to your Account and you suffer a loss (for example, we withdrew the wrong amount from your Account or that we withdrew money from your Account more than once for the same Check). The losses you may attempt to recover under this procedure may include the amount that was withdrawn from your Account and applicable fees that were charged as a result of the withdrawal.

The amount of your refund under this procedure is limited to the amount of your loss or the amount of the Substitute Check, whichever is less. You also are entitled to interest on the amount of your refund if your Account is an interest-bearing account. If your loss exceeds the amount of the Substitute Check, you may be able to recover additional amounts under other law.

In the event you use this procedure, you may receive the lesser of the Substitute Check or \$2,500, plus interest if your Account is an interest-bearing account, within 10 Business Days after we receive your claim and the remainder of your refund (plus interest if your Account is an interest-bearing account) not later than 45 calendar days after we receive your claim. We may reverse the refund (including any interest on the refund) if we later demonstrate that the Substitute Check was correctly posted to your Account.

How Do I Make a Claim for a Refund?

In the event you believe you have suffered a loss which pertains to a Substitute Check that you received and that has posted to your Account, please call us immediately at 877.839.2265 (Client Support). You must contact us within 40 calendar days of the date that we mailed to you (or otherwise made available by an agreed upon means) the Substitute Check in question or the periodic statement on which the Substitute Check is reflected, whichever is later. We will extend the 40 calendar day timeframe in the event you were unable to make a timely claim due to extraordinary circumstances.

Your claim must include:

- A description of why you believe you have suffered a loss (for example, you think the amount withdrawn was incorrect);
- An estimate of the amount of your loss;
- An explanation of why the Substitute Check you received is insufficient to confirm that you suffered a loss; and
- A copy of the Substitute Check and/or these details to help us identify the Substitute Check:
 - Account number
 - Check number
 - Payee (the name of the person to whom you wrote the Check)
 - Amount of the Check
 - Date you discovered the issue
 - Date the Check paid against your Account