**SAMPLE Remote Deposit Capture (RDC) INDEMNITY DISCLAIM FORM**

*This form may be used* *by the bank receiving an RDC indemnity claim (Receiving Bank)*

*to disclaim the RDC indemnity claim*

A Paper Deposit Bank may make an RDC indemnity claim if the following conditions are met in accordance with Regulation CC (12 CFR 229.34(f)):

* Paper Deposit bank has experienced a loss due to the check having already been paid.
* Paper Deposit bank received deposit of the paper “original check.” Paper Deposit bank must have actually received the paper “original check” for deposit. Paper Deposit bank does not meet the conditions for making an RDC indemnity claim if its customer or another party has the paper check. According to Regulation CC 229.2(ww), “*Original check* means the first paper check issued with respect to a particular payment transaction.”
* If there is a restrictive indorsement on the paper check, then the indorsement must be consistent with paper deposit at the Paper Deposit bank. Reg CC refers to, but does not define, an inconsistent restrictive indorsement. However, it does provide this example of an inconsistent restrictive indorsement within the commentary: “For mobile deposit at Depositary Bank A only.” Other restrictive indorsements that reference RDC also may preclude the Paper Deposit bank from making an RDC indemnity claim under Reg CC.
* Additional conditions for the RDC indemnity include: RDC Bank allowed customer to truncate the check, did not receive the original check, received settlement/consideration for the check, and has not received return of check. (See 12 CFR 229.34(f)(1)).

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

* This RDC Indemnity Disclaim Form should not be used for any other matter except by the Receiving Bank to disclaim an RDC indemnity claim made by the Paper Deposit bank.
* The information contained in this RDC Indemnity Disclaim Form and the Paper Deposit bank’s RDC Indemnity Claim is to be used for the purpose of handling this RDC indemnity claim. The use of confidential customer information in or attached to this RDC Indemnity Disclaim Form, should be reviewed by a bank’s legal counsel prior to use.
* Use of this RDC Indemnity Disclaim Form is voluntary.
* Complete this RDC Indemnity Disclaim Form as appropriate, including the following:
	+ Date
	+ Name and ABA routing number of the Paper Deposit bank that is making the RDC indemnity claim
	+ Paper Deposit bank’s case/reference number for this claim
	+ Name and ABA routing number of Receiving Bank which disclaims the RDC indemnity claim
	+ Receiving Bank’s case/reference number for this claim
	+ Reason(s) for Receiving Bank’s disclaim (check all that apply) and add information as appropriate
* MICR code line from the check that the Paper Deposit bank can use to identify the check
* Confirm disclaim at the bottom of this RDC Indemnity Disclaim Form with a signature
* Our contact information for the Receiving Bank
* Attach a copy of the Paper Deposit Bank’s RDC Indemnity Claim Letter

*Note: Not all information on this RDC Indemnity Disclaim Form is required in order for the Receiving Bank to disclaim an RDC indemnity claim, but incomplete information may affect the processing of the disclaim.*

**SAMPLE Remote Deposit Capture (RDC) INDEMNITY DISCLAIM FORM**

*This form may be used by the bank receiving an RDC indemnity claim*

*to disclaim the RDC indemnity claim*

Date: INSERT DATE

**Re: RDC Indemnity Disclaim**

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

**Your/Paper Deposit 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 RDC indemnity claim under the RDC indemnity in Regulation CC (229.34(f)) based on the following:

[ ] Our bank was not the RDC bank for the RDC item

[ ] Our bank received this item via paper deposit

[ ] The copy of the check your bank provided with the claim shows a restrictive indorsement on the check that was inconsistent with the deposit of the paper check at your bank

[ ] Our bank received a return of the RDC item unpaid:

**Return cash letter date:** INSERT DATE

**Return reason:** INSERT INFORMATION

**Source** *(optional)***:** INSERT INFORMATION

[ ] Our bank did not receive settlement or other consideration for the RDC item

[ ] Other Reason(s): INSERT INFORMATION

DESCRIPTION OF PAPER CHECK RECEIVED BY YOUR BANK UPON WHICH THE RDC INDEMNITY CLAIM WAS MADE:

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

INSERT SIGNATURE

INSERT PHONE NUMBER / EMAIL ADDRESS

*Attached is a Copy of the RDC Indemnity Claim Letter Our Bank Received from Your Bank*