NOTICES

This training series is designed to provide an introduction to and/or summary of various aspects of check payments and the legal and rules framework for electronic check exchange. Responsibility for compliance with electronic check exchange rules, and/or the legal, operational and regulatory requirements applicable to electronic check exchange, remains at all times with the financial institution participating in the exchange and/or the individual or company using an exchange service provider.

This presentation and the information contained herein is not intended as legal or compliance advice or recommendation to any person or company. This document could include technical inaccuracies or typographical errors and individual users are responsible for verifying any information found in this presentation and related “live” webinar or webinar playback.

Financial institutions should consult with their legal counsel regarding legal and operational requirements applicable to any electronic check exchange program they may offer or in which they may participate.

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Meeting Agenda

• Welcome
• What is NCP Day?
• Recognition of NCPs
• Class of 2018
• High Score in 2018
• Drawing for ECCHO/NCP Workshop
• Continuing Education Session
  – “Understanding Cashier’s Checks & Common Exceptions”
    • Speaker: Karen Bradway, NCP Operations Manager – Stafford Savings Bank
• Q&A
What is NCP Day?

- Day in August each year to honor and recognize all NCPs
  - An opportunity to celebrate YOU as an NCP, your staff NCPs, and your member NCPs
  - National day of recognition: Others across the country will be celebrating too!
  - Bring focus to the NCP program and raise awareness through unique celebrations within each of your organizations
- Plus. . .unique industry perspectives with an educational session each year!
National NCP Day

• We’ve set aside this day just for you!

CELEBRATE!
Recognize and Celebrate!

• Recognition Ideas
  – Special parking space
  – New business cards
  – Announce accomplishment to other employees
    • Newsletter, email, intranet
  – Decorate new NCPs workspace, announce new NCPs at a staff meeting or at a recognition lunch / breakfast / social
  – Send announcement to clients about new NCPs and related in-house skills
  – Allow NCP to represent your company at a conference, trade show, client event, or charity
  – Have the NCPs formal certificate framed
  – Provide them with a gift card or donation to their favorite charity
Now that You’re an NCP . . .

• RECOGNITION: NCPs listed in online directory: www.eccho.org/ncpc_current_ncp_dir

• MAINTAIN: Continuing education guidelines to retain NCP status (5-year renewal cycle): www.eccho.org/ncpc_cont_edu
  

• SHARE: Become a Guide through the NCP Guide Program: www.eccho.org/ncp_guide
Happy 8th Anniversary NCP Program!
NCP Program Highlights

• Welcome 100 new NCPs for 2018!

• 2018 Exam window: April 21 – May 12
  – 244 registered for NCP exam
  – 193 setup exam appt’s; 181 took NCP exam

• NCP Program Cumulative Totals (2011-2018):
  – 1,733 Registered
  – 1,418 Examinees
  – 823 passed exam all years
NCP Historical Overview

- Registered
- Tested
- Passed
- Dropped

<table>
<thead>
<tr>
<th>Year</th>
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<th>Tested</th>
<th>Passed</th>
<th>Dropped</th>
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<td>2017</td>
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<td>244</td>
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</tr>
<tr>
<td>2018</td>
<td>181</td>
<td>100</td>
<td>0</td>
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</table>
Continuing Education

FOR NEW NCP’s.

Year certification period
April 1, 2018 through December 31, 2023

Maintenance Requirements
50 NCP CE Credits + 3 NCP Workshops

- Workshops typically offered each May, August and November @ $199/ea. Register for Aug or Nov 2017
- This (exam passing) year only education taken after April 1st is eligible for 2017 CE Credit submission
- CE Credits are filed annually. NCP Workshops are recognized automatically.
- The filing window is Jan 1-Mar 31st
- NCP Connect is your touchstone for filing submissions, maintenance status & contact info updates

Free CE Credit Treasure Map
NCP CE Pre-Approved Sessions
Credit & Workshop Earning Center
NCP Day free 90-min webinar August 6th Register | worth 1.2 CE Credits
NCP Policies & Procedures

Contact us: ncpc@eccho.org | 214-273-3218

Review Continuing Education Handbook for full details.
Most Test-Takers From FIs

- Non-FI test-takers listed their organization type as “OTHER” – relates to:
  - RPA staff
  - Clearinghouse staff
  - Processors
  - Hardware/software providers

- FIs 91%
- Non FIs 9%
Organizations Registered

- Continue to see growth in registrants and NCPs in the credit union segment

- Banks 63%
- Credit Unions 28%
- Non-FI 9%
Primary Function: Payment Ops

- Majority of test-takers from the Payment Ops / Check Ops area
  - Continue to see growth in compliance areas

![Pie Chart]

- Payment Ops: 79%
- Prod Mgmt / Cash Mgmt / Treasury: 6%
- Compliance / Audit / Legal: 9%
- Other: 6%
Work Experience

• 44% of 2018 test-takers reported 11 years or more work experience in a check-related function
  – Increase over last three exam years
Continued Support for Program

- Year over year, more than 90% of survey respondents answer positively:
  - Yes, would recommend NCP program (97%)
  - Yes, believe it will help their career (95%)
  - Yes, work for organization that recognizes and values the NCP certification (93%)
Congrats to NCPs of 2018

Michelle Anthony
Zions Bancorporation

Marissa Baker
Municipal Employees CU

Jodi Baldwin
High Country Bank

Colleen Belanger
Notre Dame FCU

Brie Bell
TD Bank, N.A.

Andrew Benhardus
UMACHA

Mallory Berdal
Alerus Financial NA

Catherine A. Braunlin
Indiana University CU

Jeremy Brown
TAB Bank

Robin Bryan
Hancock Whitney Bank

Natasha Bukowski
Anchor Bank

Kelly Burroughs
US Bank

Robin Causey
Logix FCU

Colene Ciach
Michigan First CU

Gary W. Claybrook
Field and Main Bank

Holly Connors
Clinton Savings Bank

Diana Cornett
Vantage Credit Union

Nicole Corral
HAPO Community CU

Will Corrdin
Harvard University Empl CU

Rebecca Crowley
Johnson Bank

Erinn Cuipa
Cambridge Savings Bank
Congrats to NCPs of 2018

Pamela Cutler
UniBank for Savings

Estelle Czajkowski
Pan American Bank Trust

Sarah Draxler
Blackhawk Community CU

Jeanne Dupre
Workers Credit Union

Myriah Garvey
UMACHA

Sarah Draxler
Blackhawk Community CU

San Juana Duran
First State Bank of Ben Wheeler

Yelena Grigorieva
United Bankers' Bank

Susan Dallies
Rondout Savings Bank

Carrie Faulise
KeyBank

Stephanie L. Hayes
Guaranty Bank Trust NA

Stephanie DeMars
Johnson Bank

Matthew Feighner
Marine CU

Christopher Herrin
PNC Bank NA

Michael Dickerson
Heritage FCU

Kristen Fitzpatrick
City National Bank & Trust

Lynette Hillis
Lake Area Bank

Mark Dixon
New Hampshire Mutual Bancorp

Wanda Downs
ePayResources

Katie Kennett
First Premier Bank

Wanda Downs
ePayResources

Paula K. Fritzke
Citizens State Bank of Waverly

Lori Kibler
St Louis Bank
Congrats to NCPs of 2018

Colleen Kinworthy
1st Financial Federal Credit Union

Michelle Liang
Boston Private

Holly Lynn McNamara
Newtown Savings Bank

Tina Kirtley
Merchants Bank of Indiana

Bryce Lowder
The Clearing House

Brittney Mendez
FNB of Le Center

Beth Klima
First National Bank in New BRM

Sean Lydon
Washington Savings Bank

Theresa Mertikas
Silver State Schools CU

Rebecca Laudermilk
Bank of Lexington

Jessica Mann
Integrity FCU

Tammy Middendorf
Harvest Bank

Eugene Lee
Technology CU

Mayra Martin
Green Dot Corporation

Angela Miller
Centennial Bank

Kyung Lee
Hanmi Bank

Tonya Lyn Martin
Bank of America

Jessie Miller
Numerica CU

Vivian Lee
Hanmi Bank

Andrea McGuire
Esquire Bank

Stacy Mills
Bank of the Bluegrass & Tst Co
## Congrats to NCPs of 2018

<table>
<thead>
<tr>
<th>Name</th>
<th>Organization</th>
</tr>
</thead>
<tbody>
<tr>
<td>Debra Montminy</td>
<td>TD Bank, N.A.</td>
</tr>
<tr>
<td>Autumn Perry</td>
<td>TD Bank, N.A.</td>
</tr>
<tr>
<td>Jason Reiss</td>
<td>Comerica</td>
</tr>
<tr>
<td>Debra L. Murphy</td>
<td>Field and Main Bank</td>
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<tr>
<td>Jennifer Peters</td>
<td>Community National Bank &amp; Trust</td>
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<tr>
<td>Javier M. Reyes</td>
<td>CoBank ACB</td>
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<tr>
<td>Sheila Navarro</td>
<td>Hapo Community Credit Union</td>
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<tr>
<td>Linda Peterson</td>
<td>Spire Credit Union</td>
</tr>
<tr>
<td>Rebecca Richter</td>
<td>Thrivent FCU</td>
</tr>
<tr>
<td>Leticia Oquendo</td>
<td>The Westchester Bank</td>
</tr>
<tr>
<td>Allison Poock</td>
<td>Access Bank</td>
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<tr>
<td>Tamara Riley</td>
<td>SunWest FCU</td>
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<tr>
<td>Diane Palmer</td>
<td>Salisbury Bank and Trust Co</td>
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<tr>
<td>Stephanie Preza</td>
<td>Nicolet National Bank</td>
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<tr>
<td>Joel D. Schepmann</td>
<td>First State Bank</td>
</tr>
<tr>
<td>Jazmyne Passmore</td>
<td>Bank of America</td>
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<tr>
<td>Shannon Racine</td>
<td>Town and Country CU</td>
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<tr>
<td>Jennifer Schilling</td>
<td>Ripco CU</td>
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<tr>
<td>Maria Patch</td>
<td>UMACHA</td>
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<tr>
<td>Kathy Ramos</td>
<td>Redstone FCU</td>
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<tr>
<td>Kerry Selby</td>
<td>Southwest National Bank</td>
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</table>
## Congrats to NCPs of 2018

<table>
<thead>
<tr>
<th>Matthew Sharp</th>
<th>Melanie Weiss</th>
<th>Amber Zinn</th>
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<tbody>
<tr>
<td>Bank of America</td>
<td>Crown Bank</td>
<td>FirstBank of Colorado</td>
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<tr>
<td>Elizabeth Shelton</td>
<td>Stephanie White</td>
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<tr>
<td>First Western Trust Bank</td>
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<td>Stock Yards Bank and Trust Company</td>
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<td>Stacy Soldatke</td>
<td>Alexandra Wilson</td>
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<td>Great Western Bank</td>
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<td>UVA Credit Union</td>
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<tr>
<td>Dianne Steinhoff</td>
<td>Kylleen Wisham</td>
<td></td>
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<tr>
<td>Alliant Credit Union</td>
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<td>American Riviera Bank</td>
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<tr>
<td>James Talavera</td>
<td>Janice L. Yatsko</td>
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<td>Citizens Business Bank</td>
<td></td>
<td>First Commonwealth Bank</td>
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<tr>
<td>Tamara Umberhandt</td>
<td>Helena Yi</td>
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<tr>
<td>United Bankers' Bank</td>
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<td>Royal Business Bank</td>
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<tr>
<td>Erin Washam</td>
<td>Kellie Michelle Zahrte</td>
<td></td>
</tr>
<tr>
<td>Woodforest National Bank</td>
<td></td>
<td>1st Community Credit Union</td>
</tr>
</tbody>
</table>
What NCPs are saying... 

"I found the NCP very beneficial to my current job. I am the Check Processing test manager and am often called into projects as the Check SME. The information I gathered from studying the NCP documentation was very valuable for my job and allows me to understand other impacts to the bank from ACH to Check to Exceptions and Returns. I wouldn't have traded this experience for anything and I am positive it will be a great step in my career advancement!"

Theresa A. Dappe, NCP, Production Support, Comerica Bank

"The thought of taking the NCP test was overwhelming, but I'm so glad I did it! The information gained from studying for and taking the test has given me additional tools and increased knowledge in the area of research and adjustments. Passing the NCP test makes me a more valuable team member!"

Amy J. Resnicek, NCP, Transaction Reconciliation, Bank of the West

"NCP accreditation is very important for check professionals. Processing payments has always been complex, but the magnitude of change since Check 21 requires check professionals to be ahead of the curve on new regulations, new technology and new processes. This is the time for all of us to be at the top of our game."

Cherly Kendrick, NCP, Senior Vice President, Deposit Operations

Central Technology Services
Recognition of High Scorers

- Stephanie White
  - Stock Yards Bank & Trust Co

Congratulations!
Seeking NCPs in... 

- New Mexico and Rhode Island
  - First NCP in States... and only 2 states left

☞ Note ☞

$100 donation to the charity of choice for the first NCP in each of these states!
Thanks to our partners!

ePayResources
EPCOR
First National Bankers Bank
MACHA
NEACH
PaymentsFirst
Southern Financial Exchange
TCH Payments Authority
UMACHA
United Bankers’ Bank
WACHA
WesPay
Class Instructor Certification

• Each partner sends trainers to ECCHO for certification
  – Program offered annually to NCP Partner organizations
  – “Train-the-trainer” approach includes:
    • New trainers seeking to be certified in the NCP Core Curriculum; and
    • Returning certified trainers seeking to brush up on their knowledge, including unique presentations on most difficult topics
    • Networking with peers
And the Winner Is...  

- Two (2) free ECCHO-hosted NCP workshops
  - Drawn from registered attendees

Congratulations!

- Contact ECCHO at ncpc@eccho.org to redeem your free workshop!
Introduction

• Karen Bradway, NCP
  Operations Manager – Stafford Savings Bank
  • Began career in June 1982. Still here…
  • 25 years as a teller
  • Promoted to Operations Manager (2007)
  • Duties include:
    • Overseeing ACH and Check processing
    • Supervise processing of GL
    • Overdraft program Coordinator
    • On line banking and bill pay
    • Audits… lots and lots of audits…
    • And of course FRAUD
And… in 2014

I attained my NCP certification!!
Questions on Cashier’s Checks?

Lets Find the Answers!!
Definitions – Negotiable Instruments

- **Cashier’s check** is a draft with respect to which the drawer and drawee are the same bank or branches of the same bank.

- **Teller's check** is a draft drawn by a bank on another bank, or payable at or through a bank.

- **Bank Money Order:** Not defined by the UCC. Basically a cashier’s check with the words “money order” or “Bank money order” instead of “Cashier’s Check” on its face. The functional equivalent of a cashier’s check.

- **Check** is the equivalent of the above two items but can also be a certified check.
Further Definitions

- **Certified Check**: Means a check accepted by the bank on which it is drawn. Acceptance may be made as stated in UCC 3-409 or by a writing on the check which indicates that the check is certified. The drawee of a check has no obligation to certify the check, and refusal to certify is not a dishonor of the check.

- **Claimant**: a person who claims the right to receive the amount of a cashier’s check, tellers check, or certified check that was lost, destroyed, or stolen.

- **Obligated bank**: the issuer of a cashier’ check or teller’s check or the acceptor of a certified check.
Bank Money Orders

• Purchaser may not “stop payment” except under very limited circumstances.

• If lost, stolen or destroyed person claiming a right to item may submit declaration of loss to the Bank.

• Subject to faster availability under Reg CC then regular checks.
Facts About Cashier’s Check

• Except as provided in UCC 4-401(c), a check (referred to in UCC as an instrument) payable on demand is not payable before the date of the item.

• The date stated determines the time of payment if the instrument is payable at a fixed period after date.

• Items may be antedated or postdated.

• If a check is undated, its date is the date of its issue or, in the case of an unissued instrument, the date it first comes into possession of a holder.
Check Legends

What about a check with legend that says, “Not valid after 90 days”?

- Legends may encourage rapid presentment but are not binding under state or federal law.
- Cashier’s checks do not become stale dated. Banks using a legend should consider issues with refusing payment on its cashier's check solely based on the fact it's over 6 months.
Cashier’s Checks Cannot be Stale-Dated?

• The six-month "stale date" rule in UCC Section 4-404 only applies to checks drawn on checking accounts.

Does not apply to cashier's check, or tellers checks, or certified checks.

• Source: John Burnett First published on BankersOnline.com 06/16/03
Lost, Stolen or Destroyed?

• UCC 3-312 gives us direction to process a requested refund or stop payment of a bank issued check.
  *(cashier’s check, teller’s check, and certified check)*

• Purchasers and payees of cashier’s checks that are lost, destroyed or stolen may be able to obtain a refund or replacement check under certain circumstances by filing a declaration of loss with the bank.
What is a Declaration of Loss?

Declaration of loss:

• A statement, made in a record under penalty of perjury, to the effect that:
  
  (i) the declarer lost possession of a check,

  (ii) in the case of a cashier’s check or teller’s check, the remitter or payee of the check, or in the case of a certified check the declarer, is the drawer or payee of the check,
Declaration of Loss (cont.)

(iii) the loss of possession was not the result of a transfer by the declarer or a lawful seizure, and

(iv) the declarer cannot reasonably obtain possession of the check because the check was destroyed, its whereabouts cannot be determined, or it is in the wrongful possession of an unknown person or a person that cannot be found or is not amenable to service of process.
Claim to Lost, Stolen, or Destroyed Cashier's Check

I, ____________________________, (print or type name of claimant) hereby assert a claim to the following described cashier's check (attach copy):

Rmitter: ____________________________
Payee: ____________________________
Date: ____________________________
Amount: ____________________________
Check number: ____________________________
Account number: ____________________________

and request payment of the amount of the check. My Declaration of Loss is attached hereto. I understand that the claim has no legal effect until it is enforceable. A claim becomes enforceable at the LATER of
1. the time the claim is asserted; or
2. the 90th day following the date of the cashier's check.

I further understand that my claim may be unenforceable if the Declaration of Loss fails to meet the requirements of Section 3-312 of the Uniform Commercial Code or if it fails to reach the bank at a time and in a manner which affords the bank reasonable time to act on it before the check is paid.

I agree to provide reasonable identification if so requested by the bank.

Signature of claimant ____________________________ Date ____________________________

Address of claimant ____________________________ Phone Number ____________________________

Declaration of Loss

I, ____________________________, the remitter/payee (circle one of these choices) of the above-described cashier's check, I lost possession of the check. The loss of possession was NOT the result of a transfer of the check or a lawful seizure and I cannot obtain possession of the check because

_____ the check was destroyed;
_____ the check is in the wrongful possession of an unknown person;
_____ the whereabouts of the check cannot be determined; or
_____ the check is in the wrongful possession of a person that cannot be found or is not amenable to service of process.

The following is a brief description of the circumstances surrounding the loss, destruction, or theft of the cashier's check:

____________________________________________________________________________________
____________________________________________________________________________________
____________________________________________________________________________________
____________________________________________________________________________________
____________________________________________________________________________________
A claimant asserts:

• The amount of the check, description of the check, and requests payment.

• That they are the drawer, payee or remitter of the check.

• They complete the declaration of loss form with respect to the check.

• The communication is received by the bank affording reasonable time to act.

• The claimant provides ID if requested.
When the claim becomes enforceable:

• The obligated bank becomes obliged to pay the amount of the check to the claimant if payment of the check has not been made to a person entitled to enforce the check. (Subject to Section 4-302(a)(1))

• Very Important “payment to the claimant discharges all liability of the obligated bank with respect to the check”.
What happens if the check is paid and it has been declared lost?

- If the **obligated bank** pays the amount of a check to a claimant and the check is presented for payment by a person having rights of a **holder in due course**, the claimant is obliged to refund the payment to the obligated bank if the check is paid, or pay the amount of the check to the person having rights of a holder in due course if the check is dishonored.

- If a claimant has the right to assert a claim and is also a **person entitled to enforce** a **check** is lost, destroyed, or stolen, the claimant may assert rights with respect to the check either under UCC Section **3-309** or 3-312.
Can you issue a stop pay for a cashier’s check?

• Under UCC stop payments are technically not permitted.

• A bank that refuses to honor its cashier’s checks is liable to a person entitled to enforce the check.
  – Which could result in the payment of the item and other fees including consequential damages.

Yes you can, but should you?

• Only if . . .Declaration of Loss is completed
  – Wait 90 days for re-issue
  – But even then, stop payment label does not apply to the original item.
Uncashed Cashiers Check?

What is escheatment?

• The process of identifying customer assets (deposits, checks, safe deposit box contents) that are considered abandoned (unclaimed property) and remitted the funds to the appropriate state if the customer cannot be contacted.

• Each bank has procedures to escheat unclaimed property.

• Time frames and other criteria must be met prior to an item being escheated.

• Rules can vary by state
Uncashed Cashiers Check?

• Unclaimed cashier's checks are escheated as abandoned property in most states.
  – Once check is escheated, holder of the uncashed item can claim the lost funds with their State Treasurer’s office.

• Bank must keep records:
  – Of items escheated and date and place of escheatment.
  – If an issue arises or there is doubt where the funds were sent, those records could be referenced.
Counterfeit Cashier’s Checks

• A bank that pays a counterfeit check which appears to have been issued by it may be liable for its own loss.

• Under Reg CC a depository bank is not required to place a hold on funds deposited by means of a cashier’s check.

• To avoid a difficult situation ask simple questions to identify a fraudulent or counterfeit cashier’s check.

Procedures, procedures, procedures can help a lot!
Cashier’s Check Scams

Common Scenarios
Craig’s List Scams

• Customer receives a cashier’s check for an item that was sold.

• Buyer very nicely overnights the cashier’s check.

• The amount is greater than the asking price.

• Buyer claims they made an error when issuing the check— the extra funds were for the people picking up the item… have the extra funds available for when they get there.

JUST NO!
Money Mule Scam

- Referred to as the “work at home” scam.

- Customer receives payment that they are asked to deposit to their account and forward funds to another person (Otherwise known as laundering money).

- In the beginning the check payments will be legitimate and at some point a fraudulent check is received.

- At this point somebody is going to take a loss make sure it is not your bank!
Other Scams

Foreign Wealth Scams

• Ever get an email from somewhere asking for help to transfer funds to the US out of a corrupt nation and keep a tiny fraction of the transfer?

Inheritance and Lottery Scams

• Customers receive a check in the mail saying they have won the lottery – in another country-and after a small fee, or tax payment, you receive the winnings.

This is typically seen in Wire Transfers however these scams can easily be adapted to check, and the same investigative questions apply.
More Scams...

Property Rental Scam

• You receive funds for a rental deposit.
• The deal falls through and partial funds are returned to the renter.
• A few days later the original check comes back as a fraudulent check.

Charity Scam

• You are contacted by a foreign individual who wants to give money to charity and requests your bank information.
• This will only lead to that person draining the account of any funds.
Still More…

Military Scams

• Someone answers your ad stating they are very interested but cannot come to see what you are selling as they are deployed.

• Or the supposed military person is selling something very cheaply because they are going on deployment and don’t want to store something.

• Be very wary….
THANK YOU!!

Karen Bradway, NCP

kbradway@staffordsavingsbank.com
Resources

- UCC Articles 3 & 4
- Regulation CC
- www.ckfraud.org
- Bankers Online
- American Banker
- Web address for: Federal Trade Commission
  - Sign up for SCAM Alert emails.
    - https://www.consumer.ftc.gov
Resources (cont.)

- Regulation CC directory-Accuity.Com
- *Mastering Negotiable Instruments UCC Articles 3 and 4 and Other Payment Systems*
  - by Michael D Floyd
- *The Check Book Guide for Check Disputes*
- 12 CFR Part 229, Subpart B - Availability of Funds and Disclosure of Funds Availability Policies Regulation CC
  - SUPREME COURT OF THE UNITED STATES, No. 111, Orig.
  - STATE OF DELAWARE, PLAINTIFF v. STATE OF NEW YORK
  - on exceptions to report of special master
  - [March 30, 1993]
QUESTIONS???
Thank you!

For more information on NCP program and Continuing Education options, please contact:

Ellen Heffner, NCP
*Director - Program Manager*
*The Clearing House*

eheffner@eccho.org
Ellen.Heffner@theclearinghouse.org