

BANK FEE CLAIM FORM INSTRUCTIONS

Included in this mailing is a list of telemarketing transactions that are eligible for a direct refund. A check for these transactions, less any refunds the records show you have already received, is enclosed. You should deposit that check.

If you believe that you incurred **bank fees** that would not have been charged had the listed transactions not occurred, you should complete and return this claim form.

You may request an Easy Refund of \$35 without providing your bank records, or you may provide records and obtain a Documented Refund of all bank fees caused by the transactions listed on the back side of the enclosed letter.

To seek an Easy Refund:

1. You must complete a claim form by checking the "Easy Refund" option and signing the certification that you incurred and paid at least one bank fee as a result of a listed transaction.
2. You may submit this form by mail, or you may submit your claim on-line at www.restitutionpayment.com.

To seek a Documented Refund:

1. You must complete this form, by checking the "Documented Refund" option and signing the certification.
2. **You must provide bank records showing both the transactions listed on the back side of the enclosed letter and the fees you believe were caused by those transactions as well as bank statements covering two months after the last fee you believe should be refunded.**
3. It is recommended that you provide at least six months' statements for each of the transactions listed on the back side of the enclosed letter.
4. Please circle any fees you believe were caused by telemarketing transactions on the documents you provide.
5. In addition to your bank records, you also **may** use the attached Claim Form to describe the fees you believe should be refunded, and to describe any special circumstances that may apply in your case. You are especially encouraged to do so if your bank records show any refunds that you believe were applied to other transactions.

The amount of your refund will be determined by a person appointed by the Court, known as a "Master," who will inform you of that determination.

How do I determine whether a fee was caused by a telemarketing transaction?

In many instances, when telemarketers issued checks on individuals' accounts, the checks caused the individuals' account balance to fall so that there was not enough money in the account to cover the amount of other checks written (or other payments or withdrawals) without incurring a charge. In some cases, multiple payments made by check or debit card, for instance, incurred charges that would not have been assessed if the telemarketing charge had not been made.

In most cases, the issue is simply whether the fee would have occurred had your account balance not been reduced by the amount of the transaction (and any other fees that were caused by that transaction). These fees are typically charged on later checks that would have cleared if the telemarketing charge had not been made your account.

To illustrate: A person with \$300 in her account incurs a \$200 telemarketing charge, leaving her with \$100 in her account. Any check over \$100 that is posted thereafter will likely incur an overdraft or bounced check fee. If the person wrote two checks for \$75 dollars after the account balance has been reduced to \$100, the second one would bounce, but it would not have bounced if the balance had been \$300. Any fee for a check that would have bounced in any event, even if the telemarketing charge had never occurred, will not be refundable.

For every transaction, the Court-appointed Master will determine what the account balance would have been had the telemarketing charge never occurred. In most cases, if a fee was charged within two months of the telemarketing charge where the balance would have been sufficient to make the payment, you will be able to recover the fee. Fees incurred two months after the telemarketing charge may be recoverable as determined by the Court-appointed Master, but absent explanation, will likely not be found to have been caused by the telemarketing transaction.

There are a number of other factors that may be considered, however, such as refunds your bank may have provided. The Master appointed by the Court will make this determination based on the account information you provide, and you will have an opportunity to seek further review if you do not agree with that determination.



BANK FEE REFUND CLAIM FORM

FOR OFFICE USE ONLY



Name: _____

Address: _____

City: _____ State: ____ Zip Code: _____

You should submit a claim form only if you want to apply for a refund of bank fees—such as overdraft or bounced check fees—incurred as a result of the telemarketing transactions that are listed on the back side of the enclosed letter. You should have already received a check for the full amount of those transactions (less any refunds you have received), which is not affected by this claim form.

1. SELECT YOUR REFUND OPTION

- A. I am seeking an **Easy Refund** of \$35. Skip to step 3 if you select this option.
- B. I am seeking a **Documented Refund**. I have enclosed bank records that show the bank fees for which I want a refund. I have read the instructions for this option on the back of this form.

2. ENCLOSE BANK RECORDS, IF YOU ARE SEEKING A DOCUMENTED REFUND

You do not need to enclose any documents if you are seeking an Easy Refund. Instructions for documenting a Documented Refund claim are included in this mailing.

3. SIGN AND DATE

I certify that, to the best of my knowledge and understanding, I incurred at least one bank fee that was caused by a charge to my account that has been identified as eligible for a refund under this settlement, and that at least some of the bank fees that I incurred were not refunded by my bank.

Signature: _____ Date: ____ / ____ / ____

4. SUBMIT YOUR CLAIM

Refund requests must be submitted by March 4, 2009. You may submit your application online at www.restitutionpayment.com or mail your signed form to:

Clerk
United States District Court for the Eastern District of Pennsylvania
P.O. Box 37765
Philadelphia, PA 19101-7765

Description of Bank Fees Incurred (Optional)

Use this space to explain any issues you believe would be helpful in determining the full value of the fees you had to pay as a result of the telemarketing transactions listed on the back side of the enclosed letter. You may attach additional pages as needed.

