



FUNDS AVAILABILITY NOTICE AND CHECK 21

What is Funds Availability?

Funds Availability refers to the time that passes before funds deposited in your account are actually available to you for check writing and cash withdrawals. Our policy has been designed to give you quality service, meet regulatory requirements and protect both you and ourselves from loss.

If we change or further improve any of the availability schedules listed in this disclosure, we will notify you within 30 days of any such change.

We recommend that you keep this brochure with your other account records so that you may refer to it in the future. If you have questions, we would be happy to answer your questions. Please stop in our branch:

Oakland Chinatown

360 8th Street
Oakland, CA 94607
Phone: (510) 268-8108

Our policy is to make funds from your deposits available to you on the first business day after the day we receive your deposit. Electronic direct deposits will be available on the day we receive the deposit. The following types of deposits will be available on the first business day after the banking day of deposit (next-day availability):

- Cash;
- U.S. Treasury checks (must be deposited into an account held by the payee of the check);
- U.S. Postal Service money orders;
- Federal Reserve Bank and Federal Home Loan Bank checks;
- State or local government checks;
- Cashier's, certified, or teller's checks (deposited in person to a bank employee and into an account held by the payee of the check); and
- Check drawn on a Gateway Bank account

It is important to understand that even after the funds from a deposited item have been made available and withdrawn from the account, the customer is still responsible for checks deposited into the account. If a deposited item is returned to us unpaid, that amount will be debited from the customer's account(s) with Gateway Bank.

For determining the availability of your deposits, every day is a business day, except Saturday, Sundays, and federal holidays. If you make a deposit before 4:00 p.m. on a business day that we are open, we will consider that day to be the banking day of your deposit.

Longer Delays May Apply

Depending on the type of check that you deposit, funds may not be available until the second business day after the day of your deposit. Unless certain circumstances apply, the first \$225 of your deposit will be available on the first business day after we receive your deposit. Funds you deposit by check may be delayed for a longer period under the following circumstances:

- We believe a check you deposited might not be paid.
- You deposit a check(s) totaling more than \$5,525 on anyone day.

- You redeposit a check that has been returned unpaid.
- You have overdrawn your account repeatedly in the last six months.
- There is an emergency, such as failure of communication or computer equipment.

If we are going to delay all or part of the funds from your deposit, we will notify you at the time you make your deposit. We will also tell you when the funds will be available.

If your deposit is not made directly to one of our employees, or if we decide to take this action after you have left the bank, we will mail a notice no later than the day after we receive the deposit. Generally, the funds will be available no later than the seventh business day after the day of your deposit. If you will need the funds from a deposit right away, you should ask when the funds will be available.

Special Rules For New Accounts

If you are a new customer the following special rules will apply during the first 30 days your account is open:

- Funds from electronic direct deposits to your account will be available on the day we receive the deposit.
- Funds from deposits of cash, electronic payments, and the first \$5,525 of any other next-day items will be available on the first business day after the day of your deposit if the deposit meets the following conditions:
 - The check(s) must be payable to you;
 - You must make the deposit in person to one of our employees.

Funds from all other check deposits and the excess over \$5,525 will be available up to the 9th business day after the day of your deposit.

Substitute Checks and Your Rights

What is a substitute check?

To make check processing faster, federal law permits banks to replace original checks with “substitute checks.” These checks are similar in size to original checks with a slightly reduced image of the front and back of the original check. The front of the substitute 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 like the original check.

Some or all of the checks that you receive back from us may be substitute checks. This section describes rights you have when you receive substitute checks from us. The rights in this notice do not apply to original checks or to electronic debits in your account. However, you have rights under other law with respect to those transactions.

What are my rights regarding substitute checks?

In certain cases, federal law provides a special procedure that allows you to request a refund for losses you suffer if a substitute check is posted to your account (for example, if you think that we withdrew the wrong amount from your account or that we withdrew 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 fees that were charged as a result of the withdrawal (for example, bounced check fees).

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.

If you use this procedure, you may receive up to (\$2,500) of your refund (plus interest if your account earns interest.) within (10) business days after we received your claim and the remainder of your refund (plus interest if your account earns interest) not later than (45) calendar days after we received your claim.

We may reverse the refund (including any interest on the refund) if we later are able to demonstrate that the substitute check was correctly posted to your account.

How do I make a claim for a refund?

If you believe that you have suffered a loss relating to a substitute check that you received and that was posted to your account, please contact us by any of the methods listed below. You must contact us within (40) calendar days of the date that we mailed (or otherwise delivered by a means to which you agreed) the substitute check in question of the account statement showing that the substitute check was posted to your account, whichever is later. We will extend this time period if you were not able to make a timely claim because of extraordinary circumstances.

Your claim must include - -

- A description of why 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] the following information to help us identify the substitute check: (the check number, the name of the person to whom you wrote the check, the amount of the check).

Filing a claim for a refund:

Write to us At:

Gateway Bank, FSB
360 8th Street
Oakland, CA 94607 510-

268-8108

www.gatewayfsb.com



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Check 21

Oakland Office
360 8th Street
Oakland, CA 94607
(510) 268-8108

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MEMBER FDIC