

## Funds Availability Act Disclosure

(Regulation CC)

### **YOUR ABILITY TO WITHDRAW FUNDS AT 1ST CAPITAL BANK**

Our policy is to make funds from your cash and check deposits available to you on the first business day after the day we receive your deposit. However, funds from electronic direct deposits will be available on the day we receive the deposit. Once the funds are available, you can withdraw them in cash and/or we will use them to pay checks that you have written.

For determining the availability of your deposits, every day is a business day, except Saturdays, Sundays and Federal Holidays. If you make a deposit before 5:00 p.m. Monday through Thursday or before 6:00 p.m. on Friday of a business day that we are open, we will consider that day to be the day of your deposit. However, if you make a deposit after 5:00 p.m. Monday through Thursday, 6:00 p.m. on Friday, or on a day we are not open, we will consider that the deposit was made on the next business day we are open.

### **RESERVATION OF RIGHT TO HOLD**

In some cases, we will not make all of the funds that you deposit by check available to you on the first business day after the day of your deposit. 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. The first \$225 of your deposit, however, may be available on the first business day after the day of your deposit. If we are not going to make all of the funds from your deposit available on the first business day, 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 premises, we will mail you the notice by the business day after we receive your deposit. If you need funds from a deposit right away, you should ask us when the funds will be available.

### **LONGER DELAYS MAY APPLY**

We may delay your ability to withdraw funds deposited by check into your account an additional number of days for these reasons:

- You deposit checks totaling more than \$5,525 on any one day
- You redeposit a check that has been returned unpaid
- You have overdrawn your account repeatedly in the last six months
- We believe a check you deposit will not be paid
- There is an emergency, such as failure of computer or communications equipment

We will notify you if we delay your ability to withdraw funds for any of these reasons, and we will tell you when the funds will be available. They will generally be available no later than the seventh business day after the day of the deposit.

### **SPECIAL RULES FOR NEW ACCOUNTS APPLY**

If you are a new customer, the following special rules will apply during the first 30 days your account is open. Funds from electronic deposits will be available on the day we received the deposit. Funds from deposits of cash, wire transfers, and the first \$5,525 of a day's total deposit of cashiers, certified, travelers, and federal, state, and local government checks will be available on the first business day after the day of your deposit, if the deposit meets certain conditions, (for example, the check must be payable to you). The amount in excess of \$5,525 will be available on the ninth business day after the day of your deposit. If your deposit of checks (other than a U.S. Treasury check) is not made in person to one of our employees, the first \$5,525 will not be available until the second business day after the day of your deposit. Funds from all other check deposits will be available on the ninth business day after the day of your deposit.

### **HOLDS ON OTHER FUNDS**

If we cash a check for you that is drawn on another financial institution, we may withhold the availability of a corresponding amount of funds that are already in your account. Those funds will be available at the time funds from the check we cashed would have been available if you had deposited it. If we accept for deposit a check that is drawn on another financial institution, we may make funds from the deposit available for withdrawal immediately but delay your availability to withdraw a corresponding amount of funds that you have on deposit in another account with us. The funds in the other account would then not be available for withdrawal until the time periods that are described elsewhere in this disclosure for the type of check that you deposited.

### **ATM DEPOSIT AVAILABILITY**

If you made a deposit at a proprietary ATM before 3:00 p.m. on a business day that we are open, we will consider that day to be the day of your deposit. However, if you make a deposit at an ATM after 3:00 p.m. or on a Saturday or on a day we are not open, we will consider that the deposit was made on the next business day we are open.

Deposits made at Nonproprietary (non 1st Capital Bank) ATM's will be made available by the fifth business day following the business day of the deposit.