

Funds Availability Policy

When you deposit checks or other items to your account, your ability to withdraw those funds may be delayed. This disclosure describes when your funds are available for withdrawal; this policy applies to checking, savings, money market, NOW and other non-time deposit accounts.

Your Ability to Withdraw Funds. When we delay your ability to withdraw funds you have deposited, you may not withdraw the funds in cash and we will not pay checks you have written using these funds. Even after your funds become available, you are responsible for the checks returned unpaid and for any fees associated with any returned item.

Length of Delay. The length of a delay in the availability of your funds is counted in Business Days from the day of your deposit. Every day is a "Business Day" except a Saturday, Sunday or federally declared legal holiday. First Market Bank has established a "cut-off time" for processing transactions. If you make a deposit before 2:00 PM at the drive-in window of or inside a First Market Bank branch on a Business Day that we are open, we will consider that day to be the day of your deposit and your funds will be available immediately. If you make a deposit after 2:00 PM or on a day that we are not open, we will consider the deposit to be made on the next Business Day we are open and your funds will not be available until that next Business Day.

If you make a deposit at an automated teller machine (ATM) owned and operated by First Market Bank, the deposit will be considered made on the next Business Day. Temporary availability of up to \$200.00 may be made immediately available. The remainder of the deposit will normally be available on the next Business Day.

Holds on Other Funds for Check Cashing. 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.

Longer Delays May Apply. In some cases, we will not make all of the funds that you deposit by check available to you according to the previously stated availability schedule. Depending on the type of check that you deposit, funds may not be available until the fifth business day after the day of your deposit. The first \$100.00 of your deposits, however, may be available on the first business day.

Notice of Delay. If we are not going to make all of the funds from your deposit available to you according to the previously stated availability schedule, 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 day after we receive your deposit. If you will need the funds from a deposit right away, you should ask us when the funds will be available.

Other Delays: Funds you deposit by check may be delayed for a longer period under the following circumstances: (a) we believe a check you deposit will not be paid; (b) you deposit checks totaling more than \$5,000 on any one day; (c) you redeposit a check that has been returned unpaid; (d) you have overdrawn your account repeatedly in the last six months; or (e) an emergency condition arises that would not enable us to make the funds available to you, such as the failure of computer or communications equipment.

We will notify you if we delay your availability 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 eleventh business day after the day of your deposit.

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 opened. Funds from electronic direct deposits to your account will be available on the day we receive the deposit. Funds from deposits of cash, wire transfers, and the first \$5,000 of a day's total deposits of cashier's, certified, teller's, traveler's, and federal, state and local government checks will be available on the first business day after the day of deposit if the deposit meets certain conditions. For example, the checks must be payable to you and you may have to use a special deposit slip. The excess over \$5,000 will be available on the ninth business day after the day of your deposit. If your deposit of these checks (other than a U.S. Treasury check) is not made in person to one of our employees, the first \$5,000 will not be available until the second business day after the day of deposit. Funds from all other check deposits will be available on the ninth business day after the day of your deposit.