

Modern Bank, N.A.

**ELECTRONIC SIGNATURE & ELECTRONIC CONSENT DISCLOSURE**

This disclosure provides important information required by the Electronic Signatures in Global and National Commerce Act (E-SIGN Act). By clicking on the "I accept" button, you consent to open a Modern Bank account by using your electronic signature. You consent to conduct business electronically with Modern Bank and certify that the number entered within this account application is your correct Social Security Number/Taxpayer Identification Number and that you are U.S. person (including a U.S. Resident Alien).

Before we can engage in this transaction electronically, it is important that you understand your rights and responsibilities. Please read the following and affirm your consent to conduct business with us electronically. For purposes of this Agreement, 'Disclosure Agreement' means the New Account Documents related to this transaction that are provided electronically, "You" and "Your" mean the account holder(s) under the applicable new account to which such New Account Documents apply, and "We", "Our" and "Us" are used to refer to Modern Bank, N.A.

**YOUR CONSENT**

- Your consent to participate in this transaction electronically will apply to all New Account Documents for the applicable account for which you are opening. If you provide your consent by clicking the "I Accept" button at the bottom of the page, we will conduct this transaction electronically, instead of providing you with the New Account Documents in paper form.
- Your consent will also apply to any other person named on your account, product or service, subject to applicable law.
- If a document related to the New Account Documents is not available in electronic form, a paper copy will be provided to you free of charge.
- Conducting this transaction electronically is an option. If you choose not to accept receipt of Electronic Disclosures, paper New Account Documents will be mailed to you.
- If you do not consent to receive these New Account Documents electronically, then you will be provided with copies of the New Account Documents in paper form. Additionally: You will not be required to pay a fee for receiving paper copies of the New Account Documents.
- Your consent applies only to this transaction and not to future transactions or services that may be made available during your relationship with Modern Bank, N.A.

**WITHDRAWAL OF CONSENT**

- You have the right to withdraw your consent at any time. By declining or revoking your consent to receive Electronic Disclosures, we will provide you with the New Account Documents in paper form.
- If you originally consent to receive Electronic Disclosures, but later decide to withdraw your consent, then you can do so by writing to us at: 250 W. 55<sup>th</sup> Street, 15<sup>th</sup> Floor, New York, NY 10019, Attn: Service Officers

- If you originally consent to receive Electronic Disclosures, but later withdraw your consent, then you will not be required to pay a fee for withdrawing consent and receiving paper copies of the New Account Disclosures.

### **OBTAINING PAPER COPIES**

- After your consent is given, you may request from us paper copies of your New Account Documents. Please send this request to us at: 250, Teaneck, NJ 07666, Attn: Online Account Opening Department
- If you request paper copies of the New Account Documents, then you will not be required to pay a fee for receiving paper copies of the New Account Documents.

### **HARDWARE AND SOFTWARE REQUIREMENTS**

- In order to receive Electronic Disclosures, you must have a computer with Internet access and an Internet email account and address; an Internet web browser which is capable of supporting 128-bit SSL encrypted communications, which requires a minimum web browser version of with Microsoft Internet Explorer version 6.0 (available for downloading: <http://www.microsoft.com/windows/ie/downloads/default.asp>) and your system or device must have 128-bit SSL encryption software.. You must have software which permits you to receive and access Portable Document Format or "PDF" files, such as Adobe Acrobat Reader version 8.0 and above (available for downloading at <http://www.adobe.com/products/acrobat/readstep2.html>). Access to a printer or the ability to download information in order to keep copies of your Electronic Disclosures for your records.
- If the software or hardware requirements change in the future, and you are unable to continue receiving Electronic Disclosures, paper copies of such New Account Documents will be mailed to you once you notify us that You are no longer able to access the Electronic Disclosures because of the changed requirements. We will use commercially reasonable efforts to notify you before such requirements change. If you choose to withdraw your consent upon notification of the change, then you will be able to do so free of charge.

### **HOW WE CAN REACH YOU**

- You must promptly notify us if there is a change in your email address or in other information needed to contact you electronically. You can contact us at: Phone: (212) 323-1100 Address: 250 W. 55<sup>th</sup> St., 15<sup>th</sup> Floor New York, NY 10019