

From: Robert Weinzapfel [mailto:robertw@msbtx.com]
Sent: Friday, September 24, 2010 8:08 PM
To: Overdraft Comments
Subject: Comments on Overdraft Payment Supervosry Guidance; FIL-47-2010

September 24, 2010

Federal Deposit Insurance Corporation
550 17th Street, N.W.
Washington, D.C. 20429-9990

Re: Comments on Overdraft Payment Supervisory Guidance

Ladies and Gentlemen:

I am an officer and director of a \$140 million community bank that has served our North Texas trade area for 87 years. We offer an in-house overdraft protection program to select customers and also approve some overdrafts on an ad hoc basis. We have always maintained below market fees for NSF activity and feel we treat our customer base in a fair manner. We retain our customers because of the customer service we provide them. If they felt as though we were taking advantage of them, we would certainly no longer be their bank of choice.

The proposal pegging six transactions in a 12 month period as being considered excessive or chronic is certainly out of touch with our customer expectations. We have customers who have substantially more than six NSF items in a month. These customer's are provided notices and are often counseled, yet they still prefer their items be paid and incur an NSF fee as opposed to the items being returned unpaid.

The proposed requirement to contact customers by phone or in person if they are considered to have excessive or chronic overdraft activity would be extremely time consuming and cumbersome, would likely embarrass and annoy customers, and ultimately would achieve very little. Once again, these customers know what they are doing and they choose to continue the activity.

We believe the recently implemented Regulation E changes requiring consumers to opt in to debit card coverage should be given time to work before additional changes are considered.

We appreciate the opportunity to comment on this matter and recommend the proposed guidance be withdrawn.

Sincerely,

Robert Weinzapfel
President