Spring 2012

FDIC Consumer News

Big Purchases, Big Decisions

Practical Tips on:

- Buying a Bank CD
- Borrowing for College
- Getting an Auto Loan

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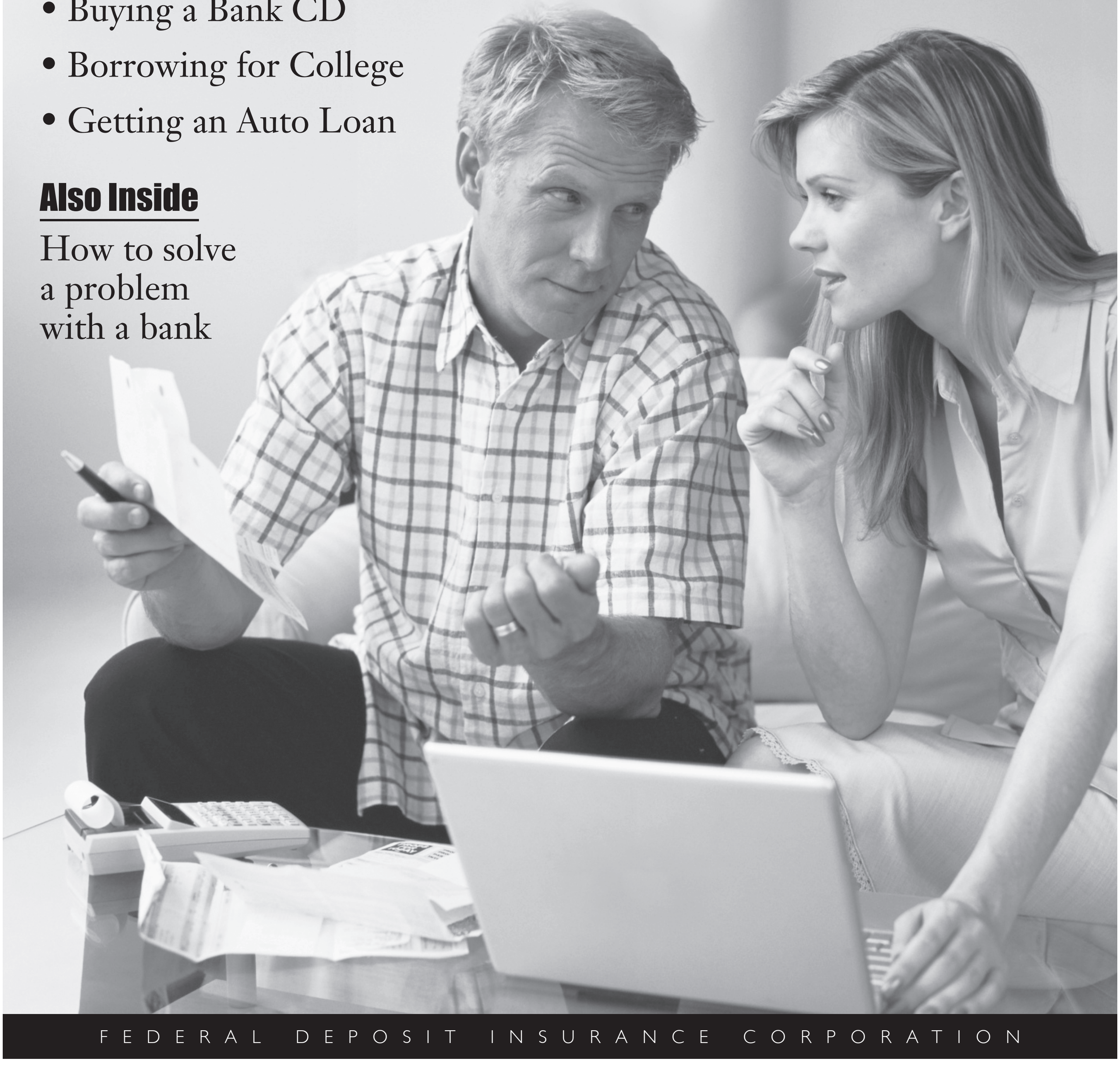
How to solve a problem with a bank



Market-Linked CDs: Don't Let the Possibility of Higher Returns Cloud Your View of the Potential Risks

Questions to ask before you sign on the dotted line

Market-linked certificates of deposit (CDs), also known as indexed or structured CDs, have been around since the 1980s but recently are being marketed more aggressively to consumers, including seniors. These CDs have the potential to earn more than traditional, fixed-rate CDs because the return is linked to the future performance of a market index that could include stocks, bonds, foreign currency or other assets. That may sound good, especially in the current low interest-rate environment. But be careful.

"While some of these market-linked products might be right for some consumers, there are definitely potential risks and other issues to consider before investing" cautioned Martin W. Becker, an FDIC Senior Deposit Insurance Specialist. "Indexed CDs have features that are different from conventional, insured certificates of deposit with a fixed rate of interest."

FDIC Consumer News offers questions to ask before you commit to a market-linked CD.

Is the principal amount of my CD guaranteed against loss?

This is crucial to know if you want FDIC deposit insurance coverage for your funds. That's because, to qualify for FDIC insurance coverage, the principal amount you invest must be guaranteed by the issuing bank. "If the principal is subject to loss — other than for an early withdrawal penalty — the product is not insured by the FDIC if the bank were to fail," Becker explained.

When will the CD mature?

Index-linked CDs often are designed for a long-term commitment ranging up to *20 years*. These differ from most traditional CDs that generally require depositors to keep the funds in the account for three months to five years.

What are the restrictions or penalties on early withdrawals?

While most traditional CDs allow for early withdrawal after paying a penalty, most market-linked accounts do not. However, some indexed CDs may allow a deceased depositor's survivors to redeem the full value early without penalty. In addition, the contract may or may not provide that the CD can be sold to other investors on the secondary market. If your contract does allow for a sale and if you want your money back before maturity, a deposit broker may be able to find a buyer for your CD. But keep in mind that if current interest rates for new CDs are higher than yours, you may be selling at a loss.

"If you think you may need the funds prior to the maturity date, this product is not for you," Becker said. "And, if you want your heirs to be able to access the funds early if you die, it is extremely important to read the contract carefully to see what their options are, if any."

He added, "Even if you may be able to withdraw funds early, you still should ask yourself whether you can afford to wait for your principal and any interest income for a long time. For seniors, this is especially relevant, because if you are 75 years old, are you sure you can afford to wait to have access to the principal of your CD as well as any interest earnings for five, 10 or even 20 years?"

Do I understand how the return on my CD will be calculated?

With market-linked CDs, the formula for calculating the return may be extremely complex. Some banks will offer a return solely based on the performance of the market-linked index while others may also offer an additional minimal guaranteed return.

Start by looking at the disclosures for the CD. You should understand how a particular increase in the value of the underlying index during the full term of the CD, minus any fees (such as sales charges by a deposit broker), would translate into your actual return.

And look carefully at the terms for the CD. "You may find that your share of any uptick in an index will be limited to a certain percentage and subject to a maximum cap," said Meron Wondwosen, an FDIC Consumer Affairs Specialist. "For example, it's possible for the market index to increase by 25 percent but your actual return on the CD may be only 10 percent."

When will interest be added to my account balance?

One of the key components of a market-linked CD is that, unlike most fixed-rate CDs, interest earned might only be accrued (unconditionally added to the account balance) when the CD matures. However, you may be required to include interest income in your taxable income each year that you receive a Form 1099-INT from the issuing bank, even though you were not paid interest during that year but will be paid the interest at the maturity of the CD. Paying tax on interest earned but not paid to you is commonly known as "phantom income." A tax advisor or CPA can explain the tax implications of "phantom income."

Is it possible that I might not earn any interest on a market-linked CD, even after many years?

Yes, that is possible. Some indexed CDs guarantee that depositors will earn interest, but some do not. Also, as explained above, interest often is only credited at maturity. So if the index performs poorly enough, when the CD matures you might receive your initial investment back (minus any fees or commissions) but zero interest, even after many years. To learn more about this risk with a particular CD, review the disclosure statements. Also see below about what may happen to the interest if your bank fails before your CD matures.

Can the bank redeem the CD before the maturity date? If so, what does that mean for me?

Some market-linked and other long-term, high-yield CDs have "call" features in their contract giving the bank — not the depositor — the right to close the account early without paying a penalty. The bank is most likely to exercise this option when interest rates fall, which means a callable CD would limit your ability to lock in an attractive interest rate for a long time.

For example, a bank might decide to call for the early redemption of a 10-year CD after only a year or two if market rates on new CDs have dropped significantly. "You'd get back your money plus accrued interest, but your earnings will likely be less than if the CD had been held to maturity," Wondwosen said. "Of course, you could turn around and purchase another CD, but most likely it will have a lower interest rate."

What will be covered by the FDIC if the bank that issued the CD fails?

If the bank has guaranteed that the principal will not go down in value, the FDIC will cover both the principal and any accrued interest, up to the federal insurance limit. But if interest is only credited at maturity, and if the bank were to fail before the CD matured, no interest would be insured because no interest had accrued.

How can I decide if a market-linked CD makes sense for me?

Before purchasing any CD, it's best to shop around at a few different financial institutions for the best combination of terms and conditions, such as rates, minimum deposit requirements, maturity dates, and early withdrawal provisions. Consider your tolerance for risk and your willingness to commit money for the long term. Then, if you're thinking about going with a market-linked CD, carefully read the contract agreement and all the associated documents, including the fine print. Make sure you completely understand the main features and the potential risks and that you are comfortable with them.

"Market-linked CDs are not suitable for all consumers," Becker concluded. "If you are confused about the terms and conditions offered under the product and you are unclear or uncomfortable about the risks you are assuming, a conventional CD might be better for you."

For additional information about CDs in general, including market-linked products, see the resources listed in the box on the next page.

Thinking of Buying a CD? What to Consider Before Handing Over Your Money

Shopping tips for choosing wisely, including ways to avoid scams

A bank certificate of deposit (CD) typically offers a higher rate of interest than a regular savings account in exchange for you keeping the money on deposit for, say, three months to five years or more. Whether you are considering buying a simple, fixed-rate CD or one with more complex features, either directly from a bank or indirectly from a non-bank broker, here are tips for selecting the right CD for your needs.

Make sure you are purchasing a "deposit" product issued by a federally insured institution. Not all companies with bank-sounding names are actually banks that are insured by the FDIC. To verify that an institution is FDIC-insured, click on "Find Your Bank" at www.fdic.gov or contact the FDIC's toll-free Call Center at 1-877-275-3342.

If you purchase a CD from a third-party broker instead of directly from the bank, you will have to rely on the broker to make your deposit and acquire the CD. "Remember that the FDIC does not license or register deposit brokers and that an unscrupulous broker could mislead or defraud its customers," explained Martin Becker, an FDIC Senior Deposit Insurance Specialist. "If the broker fails to place your funds into a CD at an FDIC-insured bank, your money will not be insured by the FDIC. Also, be sure to review the account agreement and other supporting documentation to confirm you are in fact purchasing a CD and not a financial product that is not insured by the FDIC."

If you purchase a CD issued by an institution where you already have deposits, make sure that all of your funds are insured. "If the new CD combined with your existing deposits at the same bank would put your total bank deposits above the $250,000 FDIC basic insurance limit, you may need to take steps to make sure all of your deposits are fully protected," explained Jan Templeman, an FDIC Consumer Affairs Specialist.

If you have more than $250,000 on deposit at a FDIC-insured bank you can call the FDIC toll-free at 1-877-275-3342 and speak to a deposit insurance specialist who will help to make sure you are fully insured. You can also use the FDIC's online

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deposit insurance estimator "EDIE" at www.fdic.gov to verify your deposit insurance coverage.

Know what the contract says about your interest payments. Some banks are offering CDs with variable interest rates based on a pre-set schedule or tied to the performance of a basket of market indexes (such as the S&P 500, bonds or foreign currency). Many market-linked CDs accrue interest only when the CD matures, not every day or every month. To learn more about the potential benefits and risks of market-linked CDs (also known as indexed or structured CDs), see Page 2.

Be suspicious if the advertised CD rate is far above the competition. The product may be offered by a company that is not federally insured, in which case any money invested could be lost if the firm goes bankrupt. There is also a common marketing ploy to lure customers with a temporary high CD rate with the goal of eventually selling them something else. "A very high interest rate advertised on an FDIC-insured bank CD could be a scheme created when a finance company or an insurance agent adds a small bonus to the CD to lure people in the door and, sooner or later, tries to sell the customers uninsured, long-term investments that may not be in their best interest," advised Richard M. Schwartz, an FDIC attorney.

Find out if the CD would automatically renew at the maturity date if you don't withdraw the money. If that is the case, check to see if the automatic renewal will be at the "old" interest rate or the current rate at the time of the renewal. If market rates have risen, it may not be to your benefit to renew at the old rate.

Determine whether you can terminate the CD early. The terms of most fixed-rate CDs will allow the depositor to pay a fee to redeem the deposit prior to maturity. However, most market-linked CDs do not allow for an early redemption. Also be aware that market-linked and other long-term, high-yield CDs typically have "call" features that give the bank the right to close the account early. A callable, fixed-rate CD could undermine your ability to lock in an attractive, long-term interest rate. Why? If interest rates fall, the issuing bank may decide to call the CD and give you back your money (plus accrued interest) because it can issue new CDs at the lower interest rates.

For additional guidance, see the box below.

For More Help or Information Regarding CDs

To learn more about a variety of CDs and issues to consider before you buy, read the FDIC's "Certificates of Deposit: Tips for Savers," at www.fdic.gov/deposit/deposits/certificate/index.html.

For help or information on deposit insurance coverage, visit www.fdic.gov/deposit/deposits or contact the FDIC's Call Center toll-free at 1-877-275-3342.

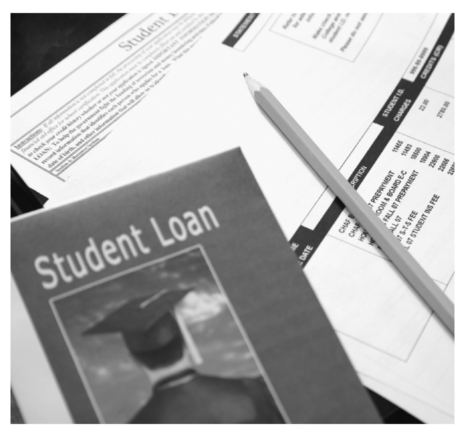
If you have a complaint about a CD you purchased through a bank, try to resolve the matter directly with that institution. If you are unable to work things out with the bank, you may complain to its federal regulator. Not sure who that is? You can call the FDIC's Call Center (see above) for guidance.

If you have a problem with a CD sold by an investment firm, you have a couple of options. To submit a complaint against a salesperson who represents an investment firm, contact the Financial Industry Regulatory Authority (www.finra.org or 1-301-590-6500). If your complaint is about a CD or another financial product sold by an investment firm, consult the U.S. Securities and Exchange Commission (www.sec.gov or 1-800-SEC-0330).

Higher Education, Lower Debt: Ways to Minimize the Borrowing Costs for College

The average annual cost of higher education has increased dramatically in the last decade. And with education debt continuing to rise along with the increase in costs, many people face a tough financial situation. ***FDIC Consumer News*** offers these tips to help students and their families avoid debt overload as they plan for — and pay for — college, graduate school or other education.

Start saving early to reduce the amount you may need to borrow. In particular, Section 529 college investment plans, which are mostly offered by individual state governments, are a helpful tool for building a savings fund. One type of 529 plan gives you the right to lock in future tuition at today's prices. The other allows you to place funds in an investment or deposit account and receive tax benefits.



U.S. Savings Bonds are another way to save for the future and, for qualified taxpayers, to benefit from a tax exclusion if the money is used for education expenses. To learn about Savings Bonds, start at www.treasurydirect.gov/indiv/indiv.htm. For information about the tax exclusion, go to www.treasurydirect.gov/indiv/planning/plan_education.htm.

Auto Loans: Test Drive the Financing Before You Go to the Dealership

For most consumers, an auto loan is their biggest monthly expense after their mortgage or rent payment. That's why, when you're thinking about buying a car, it's as important to research the loan as it is to check out sales prices and gas mileage. Here are some strategies to consider.

Before Going to the Dealership

Review your credit reports from each of the three major credit bureaus long before you apply for a loan. Something as simple as fixing mistakes in your report — for example, correcting erroneous information that indicates you made late payments when you always paid on time — may qualify you for a smaller down payment or a lower interest rate.

Under federal law, consumers are entitled to a free credit report every 12 months from each of the three major bureaus — Equifax, Experian and TransUnion. Since the information can vary significantly among those three companies, obtain copies from all three. To order your free copies, go to www.AnnualCreditReport.com or call toll-free 1-877-322-8228.

Think carefully about how much you can afford to pay for a car. Your monthly payment will depend on the term (length) of your loan, the interest rate and the amount you borrow. In most cases, what you borrow will be the price you pay for the car plus any options you select minus your down payment and the value of any trade-in. In addition, consider the charges for car insurance, property and sales taxes, as well as registration, inspection and title fees.

An alternative to buying a car is leasing one for a few years. Monthly lease payments can be lower than monthly loan payments, but at the end of the lease you won't own the car. And if you need a car just once in a while, consider using a service that rents for periods as short as an hour.

Shop for a loan at your bank and several other lenders. Find out about the types of loans and the Annual Percentage Rate (APR) for which you qualify. The APR is a required disclosure showing the total cost of the

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Higher Education continued

Find ways to cut costs. High school students who take advanced courses or pass special college-level exams can earn college credits before they set foot on campus. "It's never too early or too late to start saving on future tuition expenses and reduce the amount you'll need to borrow for college," said Denise Waters, an FDIC Consumer Affairs Specialist.

Other ways to save include going to a nearby school and living at home; choosing a college regarded as both high-quality and low-cost; and attending a community college for a few semesters before transferring to a more expensive, four-year institution.

If you must take out a loan, understand the different options. Federal student loans usually have lower interest rates and more flexible repayment options than private loans from non-government lenders such as banks and credit unions. Under current law, all federal student loans are obtained through the Federal Direct Loan Program administered by the U.S. Department of Education. The easiest way to apply for a federal loan, as well as federal student aid and most state and college aid, is online at www.fafsa.gov. And, to learn more about federal student loans, start at http://federalstudentaid.ed.gov/students.html.

Private loans are available for expenses not covered by savings, financial aid or federal loans, but do your homework before borrowing. "Many private student loans have interest rates that may change periodically, which could increase your monthly payments," said Heather St. Germain, an FDIC Consumer Affairs Specialist. "It also is difficult to find a private lender that provides repayment options as attractive as those offered by the federal government."

"Some private loans can carry high interest rates that may be difficult to repay on the salary of the typical recent college graduate," added Evelyn Manley, a Senior Consumer Affairs Specialist at the FDIC.

Choose the best repayment plan. For federal student loans, a monthly, fixed payment over a standard, 10-year term is the most cost-effective arrangement and minimizes the total amount of interest you'll have to pay. However, there are alternatives, including repayment periods up to 25 years, graduated repayment plans that start low and increase every year or two, and monthly payments that increase or decrease based on your annual income (for certain loans). For guidance on whether income-based repayment may be right for you, visit http://studentaid.ed.gov/ibr.

For more information for students and parents from the FDIC, the U.S. Department of Education and other government agencies — on topics ranging from money tips for young adults to saving for college — start at www.mymoney.gov/category/topic1/going-college.html.

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loan, including interest charges and many fees, expressed as a yearly rate.

Consider getting "pre-qualified" by a bank or credit union for a specific loan amount. "This doesn't mean you have been approved for a loan," explained Joni Creamean, Chief of the FDIC's Consumer Response Center. "But it will help you know approximately how much you can afford to spend on a car and how much it will cost you in finance charges before you get to the dealership."

If you are trading in a vehicle, research how much your car is worth. "The more you know about the car's current value before you go into the dealership, the more likely you will be to get a good deal on the trade-in," said Heather Gratton, an FDIC Senior Financial Analyst.

At the Dealership

If you have been pre-approved for a bank loan, consumer advocates suggest keeping the financing decision separate from the negotiations on the price of the car. If you negotiate the vehicle price with the dealer before discussing a possible trade-in and financing, it is easier to see if you are getting a good price on the car.

Be cautious about offers to "pay off" anything you owe on a car to be traded in. A car dealer might advertise that it will pay off the balance of the loan on your trade-in vehicle, no matter how much you owe. However, if you have "negative equity" — you owe more on the car being traded in than it is worth — the promise to pay off the entire loan may be misleading. Instead of being paid off, the amount you owe on your trade-in may be rolled into your new loan, deducted from your down payment, or both. The result would be an increase in your monthly payments and, most likely, a major jump in the total cost of the loan after factoring in the interest to be paid.

If you still owe money on a car that you plan to trade in, consider waiting to make the new auto purchase until you have paid off your existing loan. "Then, when you buy a new car you will not have to borrow as much money and you will pay less in interest over the life of the new loan," explained Luke W. Reynolds, FDIC Acting Associate Director for Community Affairs.

Remember that, as with the price of the vehicle, the interest rate and other financing terms offered are typically negotiable. "Instead of relying solely on a dealer's rate quote, you should speak with multiple lenders about the APRs they can offer you and let them know you are comparison shopping," suggested Keith Ernst, an Associate Director of the FDIC's Division of Depositor and Consumer Protection in charge of consumer research. He added, "Explore any opportunities to lower your financing cost with each lender by asking about options such as different repayment periods or discounts for setting up automatic payments."

Many auto dealers offer discounted loans (such as zero-percent financing) or cash rebates on car purchases, but usually not both. You may sometimes find the dealership financing more advantageous than bank financing.

Make sure you understand what any additional products you agree to purchase will or won't do, and how much they cost. The prices of those extras will be added to your original loan amount and will increase your total financing cost. Remember that products such as extended warranties or credit insurance (which could cover loan payments if you die, become ill or unemployed) are optional purchases. If you are interested, you don't have to buy them at the dealership. You may be able to find a better or cheaper offer elsewhere.

Read the contract carefully before you sign it. Federal law requires lenders to tell you the terms of a loan, including the APR and the total cost. Federal and state laws also prohibit unfair, deceptive and/or abusive business practices. "Before signing any loan documents, you should fully understand all the aspects of the transaction," said Ernst. "Verify that anything that was told to you is reflected in the agreement, including the treatment of a trade-in."

Don't rush into making a decision to buy a car or accept financing. Perhaps you've read in the news about reports from consumer groups that people sometimes mistakenly believed that a car purchase and dealer financing were final. The reports suggest that these consumers signed contracts or attachments (with titles such as "Special Delivery Agreement," "Rescission Agreement," or "Supplemental Agreement"), took the vehicle home, and then days or weeks later were asked to return to sign a new financing agreement with a higher interest rate or other less-favorable terms. Consumer groups refer to these as "yo-yo" scams.

The FTC has been seeking public comment to help evaluate the extent to which these concerns are found in the marketplace. To avoid falling for a scam — or just getting into a deal you don't want or don't understand — be careful to read through all the terms and conditions of any documents you are asked to sign.

"If you are unsure the loan is finalized, you may want to leave the car at the dealership and continue to comparison shop until the financing process is complete," added Gratton. "This way you can be certain about the final financing terms."

For More Help or Information

The FTC has several publications on vehicle financing and leasing at www.ftc.gov/bcp/menus/consumer/autos/finance.shtm.

The new Consumer Financial Protection Bureau takes complaints about vehicle loans at www.consumerfinance.gov/complaint. You can also call the Bureau toll-free at 1-855-411-2372.

Your state's Attorney General's office (listed in your phone book or at www.naag.org/current-attorneys-general.php) can provide guidance about any consumer protections under state laws and direct you to other sources of assistance in your state.

Do You Have a Complaint About a Bank? Here's How to Get Started

What can you do if you think your bank has not treated you fairly? Here are steps that may help you solve a problem.

Give your financial institution the chance to make things right. Before taking your case to the government or taking your business elsewhere, ask someone at your branch or another customer service representative at the bank to help address your concerns. "Starting directly with your bank is usually the quickest way to get things done," said Susan Boenau, Chief of the FDIC's Consumer Affairs Section.

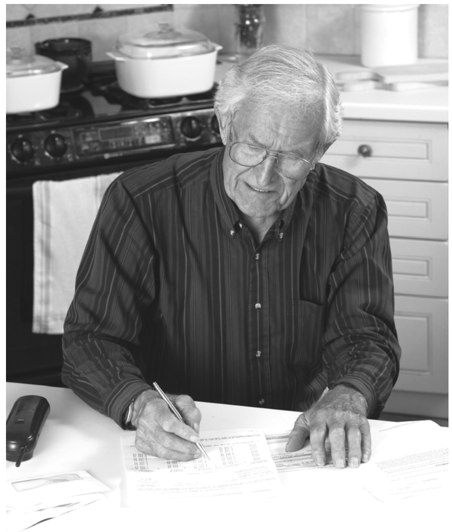
If you're not satisfied with the first answer you receive, consider speaking with a manager.

Prepare the information the bank will need to take action. At a minimum, expect to give your name and identifying information, such as an account number or your address. If you write a letter, you also may want to include your phone number or e-mail address for future communications.

Give a detailed description of what occurred and explain why the situation is unsatisfactory. Have ready any backup documentation, such as a monthly statement from the bank or your loan agreement. Also think about what you'd like the bank to do to correct the problem.

If you need to share any documents with a bank employee, only provide copies, not your originals. Also, "If you communicate with the bank using e-mail, do not provide your Social Security number, personal identification numbers or any other confidential information," warned Joni Creamean, Chief of the FDIC's Consumer Response Center. "Instead, visit the bank's Web site and file a complaint there."

Document your efforts to address the problem. Keep a record of your calls (including the date) and



correspondence with the bank. When you speak to someone on the phone, note the number you dialed, the person's name and department, and any actions he or she agrees to take on your behalf.

If you're happy with a proposed solution offered by a bank employee, ask for the details to be put it in writing and mailed to you. As an alternative, you can send the bank a letter or e-mail recounting who you spoke with, when, and what steps that person agreed to take on your behalf. Keep a copy of any letters or e-mails you send.

Take actions that will preserve your consumer rights. It's especially important to remember that federal consumer protection laws limit how long you have to file a complaint about an error.

"For instance, consumers are protected against unauthorized credit card and debit card transactions, but you need to notify your bank promptly to get the full benefit of the law," said Evelyn Manley, a Senior Consumer Affairs Specialist at the FDIC.

To learn more about how to protect yourself from unauthorized transactions, see the Winter 2008/2009

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Find current and past issues at www.fdic.gov/consumernews or request paper copies by contacting the FDIC Public Information Center. Call toll-free 1-877-ASK-FDIC (1-877-275-3342) or e-mail publicinfo@fdic.gov.

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For More Help or Information

Go to www.fdic.gov or call the FDIC toll-free at 1-877-ASK-FDIC (1-877-275-3342)

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FDIC Consumer News (for credit cards), which is online at www.fdic.gov/consumers/consumer/news/cnwin0809/creditcards.html, and the Spring 2006 issue (for debit cards) at www.fdic.gov/consumers/consumer/news/cnspr06/debitcard.html.

If you still believe there is a problem or that you're being treated unfairly, consider contacting the institution's government regulator. The FDIC and other federal regulators can only require banks to take action when issues involve the laws and regulations over which they have jurisdiction. The regulators don't, for example, settle disputes over whether a bank is complying with the terms of a loan or deposit contract (a private matter governed by state law) or serve as attorneys for individuals.

"But federal banking regulators may still be able to provide some assistance, even if your complaint only raises matters related to state law," added Manley. "Regulators may be able to get an answer from a bank that has not responded to a consumer complaint or seek corrective action by state or local authorities if the institution is in violation of a state law or regulation."

To find out who regulates a financial institution so you can contact the government agency directly (remember that the FDIC is not the primary regulator for all of the institutions it insures), you can call the FDIC toll-free at 1-877-ASK-FDIC (1-877-275-3342). See the box below for a list of the regulators of banks, savings associations and credit unions.

Where to File a Complaint

If you decide to file a complaint with the federal government about an insured depository institution, who do you contact? To determine which regulator has jurisdiction over a particular banking institution, so you can submit a complaint to the correct agency, you can call the FDIC toll-free at 1-877-ASK-FDIC (1-877-275-3342). Here is contact information for all the agencies:

Consumer Financial Protection Bureau: P.O. Box 4503, Iowa City, IA 52244; call 1-855-411-2372; go to www.consumerfinance.gov/complaint.

Federal Deposit Insurance Corporation: Consumer Response Center, 1100 Walnut Street, Box #11, Kansas City, MO 64106; call 1-877-275-3342; send a message at www2.fdic.gov/StarsMail/index.asp.

Federal Reserve: Consumer Help, P.O. Box 1200, Minneapolis, MN 55480; call 1-888-851-1920; e-mail consumerhelp@federalreserve.gov.

National Credit Union Administration: 1775 Duke Street, Alexandria, VA 22314-3428; call 1-800-755-1030; e-mail consumerassistance@ncua.gov.

Office of the Comptroller of the Currency: Consumer Assistance Group, 301 McKinney Street, Suite 3450, Houston, TX 77010; call 1-800-613-6743; visit www.helpwithmybank.gov.