

## **Montana Capital SMS Policy**

Montana Capital (Simple Cash Loans, Inc. dba) (hereinafter “Montana Capital”) communicates with its applicants and account holders via short message service (“SMS”) message or text message. If you provide Montana Capital with your cellular telephone number and consent to receive SMS Statement Notifications and/or SMS Promotional Messages as described herein, you will receive SMS messages pursuant to the terms of this Policy (the “SMS Policy”).

### **Definitions**

The words “us,” “our” and “we” refer to Montana Capital and any of our agents, with whom we have contracted to market to you or otherwise communicate with you, including providing assistance to facilitate payments to your account(s).

The words “you” and “your” mean the applicant or the individual(s) identified on the account(s) you have with us.

“SMS Statement Notification” means any informational or transactional SMS communication, or text message, from us to you pertaining to your application or account, including, but not limited to, application confirmation, account or payment information, due date reminders, or delinquent account notifications.

“SMS Promotional Message” means any promotional, marketing, or advertising message sent to you by us via SMS or text message.

### **Opt-In Consent**

In order to sign you up for SMS Statement Notifications, we will ask you to provide your cellular telephone number. When applicable, a confirmation message will be sent to you to verify that you are in possession of the device for the cell number you provided, and to inform you of applicable Message & Data Rates and frequency for all subsequent SMS or MMS.

We will not send you SMS Promotional Messages unless we have your valid prior express written consent to do so, which we will collect at the time you provide us with your cellular telephone number. If you agree, we will send you SMS Promotional Messages via an automatic telephone dialing system or using artificial or prerecorded messages to the cellular telephone number you provide. You are not required to agree to receive SMS Promotional Messages as a condition of making any purchase or signing up for any service.

## **Opt-Out**

You may cancel or otherwise withdraw your consent to receive SMS Statement Notifications by texting STOP to any message you receive. You may also cancel or otherwise withdraw your consent by calling us during our regular business hours: Monday through Saturday between 9am and 6pm at 818-503-9393. At our option, we may treat your provision of an invalid cellular phone number, or the subsequent malfunction of a previously valid cellular phone number, as a withdrawal of your consent to receive SMS Statement Notifications. Any withdrawal of your consent to use SMS Statement Notifications will be effective only after we have a reasonable period of time to process your withdrawal.

You may cancel or otherwise withdraw your consent to receive SMS Promotional Messages by any reasonable means, including by texting STOP in response to any SMS Promotional Message you receive, or by calling us directly at the number above.

We do not charge a fee to withdraw your consent to receive SMS Statement Notifications or SMS Promotional Messages.

To request additional information, text HELP in response to the message you receive or contact us by telephone at 818-503-9393.

## **Your Responsibility to Update Your Records**

It is your responsibility to provide us with a true, accurate and complete cellular telephone number and to maintain and update promptly any changes in this information. You can update your cellular telephone number by calling us during our regular business hours: Monday through Saturday between 9am and 6pm at 818-503-9393, or by sending us an email at [service@montanacapital.com](mailto:service@montanacapital.com)

## **Hardware and Software Requirements**

To receive SMS Statement Notifications that we make available to you, you must have:

- A SMS-capable cellular phone;
- An active cellular phone account with a communication service provider that offers SMS services; and
- Sufficient storage capacity on your cellular phone.

## **Communications in Writing**

All SMS Statement Notifications in electronic format shall be considered a “writing” to the extent allowed by law.

## **Charges**

There is no service fee for SMS Statement Notifications or SMS Promotional Messages, but you are responsible for any and all charges, including, but not limited to, fees associated with text messaging imposed by your communications service provider. Consult your mobile service carrier’s pricing plan to determine the charges for sending and receiving text messages. These charges will appear on your phone bill.

## **Indemnity**

You agree to indemnify, defend and hold us harmless from and against any and all claims, losses, liability, cost and expenses (including reasonable attorneys’ fees) arising from your provision of a cellular telephone number that is not your own or your violation of applicable federal, state or local law, regulation or ordinance. Your obligation under this paragraph shall survive termination of your enrollment in the SMS Statement Notification program and your consent to receive SMS Promotional Messages.

## **Limitation of Liability**

SMS Statement Notifications are provided for your convenience only. We will not be liable for losses or damages arising from any delay in delivery or disclosure of account information to third parties by your communication service provider.

## **Modifications**

We may terminate our text messaging services, or modify such services from time to time, for any reason, and without notice.

We reserve the right to modify this SMS Policy from time to time without notice. Please review this SMS Policy from time to time so that you are notified timely of any changes.

If you have any questions about this SMS Policy, would like us to mail you a paper copy of this policy or are having problems receiving or stopping our text messages, please contact us using the following information:

Montana Capital

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