**Section 145.105 Trust Funds**

a) All funds received by a debt settlement provider or its agent from a debtor, for the purpose of paying bills, invoices or accounts of that debtor, shall constitute trust funds owned by and belonging to the debtor from whom they were received. All such funds received by the provider shall be separated from the funds of the provider not later than the end of the business day following receipt by the provider. All trust funds shall be kept separate and apart at all times from funds belonging to the provider or any of its officers, employees or agents and may be used for no purpose other than paying bills, invoices or accounts of the debtor and for provider fees. All debtor payments received at the main or branch offices of a provider shall be deposited, on or before the close of the business day following receipt, in a federally insured bank in trust for the benefit of the payor.

b) Funds segregated for the debtor are not subject to attachment, lien, levy of execution or sequestration by order of court as assets of the debt settlement provider.

c) A debt settlement provider shall maintain records of the amounts of all deposits into and payments out of the trust account for each consumer it services. The records shall be maintained for 5 years after the date of transaction.

d) At least once every month, the debt settlement provider shall render an accounting to the debtor that itemizes the total amount received from the debtor, the total amount paid each creditor, the amount of provider fees deducted, and any amount held in reserve, if applicable, and the status of each of the debtor's enrolled accounts. A debt settlement provider shall, in addition, provide an accounting to a debtor within 7 days after written demand, but not more than 3 times per 6 month period.

e) Nothing in the Act requires the establishment of a trust account if no consumer funds are held or controlled by the provider that are to be distributed to creditors, i.e., if the only funds received are in payment of provider fees.