

**9-340. EFFECTIVENESS OF RIGHT OF RECOUPMENT OR SET-OFF AGAINST DEPOSIT ACCOUNT.**

(A) EXCEPT AS OTHERWISE PROVIDED IN SUBSECTION (C), A BANK WITH WHICH A DEPOSIT ACCOUNT IS MAINTAINED MAY EXERCISE ANY RIGHT OF RECOUPMENT OR SET-OFF AGAINST A SECURED PARTY THAT HOLDS A SECURITY INTEREST IN THE DEPOSIT ACCOUNT.

(B) EXCEPT AS OTHERWISE PROVIDED IN SUBSECTION (C), THE APPLICATION OF THIS ARTICLE TO A SECURITY INTEREST IN A DEPOSIT ACCOUNT DOES NOT AFFECT A RIGHT OF RECOUPMENT OR SET-OFF OF THE SECURED PARTY AS TO A DEPOSIT ACCOUNT MAINTAINED WITH THE SECURED PARTY.

(C) THE EXERCISE BY A BANK OF A SET-OFF AGAINST A DEPOSIT ACCOUNT IS INEFFECTIVE AGAINST A SECURED PARTY THAT HOLDS A SECURITY INTEREST IN THE DEPOSIT ACCOUNT WHICH IS PERFECTED BY CONTROL UNDER § 9-104(A)(3), IF THE SET-OFF IS BASED ON A CLAIM AGAINST THE DEBTOR.

**9-341. BANK'S RIGHTS AND DUTIES WITH RESPECT TO DEPOSIT ACCOUNT.**

EXCEPT AS OTHERWISE PROVIDED IN § 9-340(C), AND UNLESS THE BANK OTHERWISE AGREES IN AN AUTHENTICATED RECORD, A BANK'S RIGHTS AND DUTIES WITH RESPECT TO A DEPOSIT ACCOUNT MAINTAINED WITH THE BANK ARE NOT TERMINATED, SUSPENDED, OR MODIFIED BY:

- (1) THE CREATION, ATTACHMENT, OR PERFECTION OF A SECURITY INTEREST IN THE DEPOSIT ACCOUNT;
- (2) THE BANK'S KNOWLEDGE OF THE SECURITY INTEREST; OR
- (3) THE BANK'S RECEIPT OF INSTRUCTIONS FROM THE SECURED PARTY.

**9-342. BANK'S RIGHT TO REFUSE TO ENTER INTO OR DISCLOSE EXISTENCE OF CONTROL AGREEMENT.**

THIS TITLE DOES NOT REQUIRE A BANK TO ENTER INTO AN AGREEMENT OF THE KIND DESCRIBED IN § 9-104(A)(2), EVEN IF ITS CUSTOMER SO REQUESTS OR DIRECTS. A BANK THAT HAS ENTERED INTO SUCH AN AGREEMENT IS NOT REQUIRED TO CONFIRM THE EXISTENCE OF THE AGREEMENT TO ANOTHER PERSON UNLESS REQUESTED TO DO SO BY ITS CUSTOMER.

**SUBTITLE 4. RIGHTS OF THIRD PARTIES.**

**9-401. ALIENABILITY OF DEBTOR'S RIGHTS.**

(A) EXCEPT AS OTHERWISE PROVIDED IN SUBSECTION (B) AND §§ 9-406, 9-407, 9-408, AND 9-409, WHETHER A DEBTOR'S RIGHTS IN COLLATERAL MAY BE VOLUNTARILY OR INVOLUNTARILY TRANSFERRED IS GOVERNED BY LAW OTHER THAN THIS TITLE.

(B) AN AGREEMENT BETWEEN THE DEBTOR AND SECURED PARTY WHICH PROHIBITS A TRANSFER OF THE DEBTOR'S RIGHTS IN COLLATERAL OR MAKES THE TRANSFER A DEFAULT DOES NOT PREVENT THE TRANSFER FROM TAKING EFFECT.