

WAIVER OF PRIORITY OF MORTGAGE

KNOW ALL MEN BY THESE PRESENTS THAT, CHARTER ONE BANK, F.S.B., a federally chartered savings bank (herein "Bank") the owner and holder of the hereinafter described mortgage (herein "Mortgage") and note secured by it, for Ten Dollars (\$10.00) and other valuable consideration, the receipt of which is hereby acknowledged, does hereby waive the priority of the Mortgage executed by DAVID SCOTT & PAMELA BRYANT FETTEROLF ("Borrower") to Bank on the 24TH day of AUGUST 2000, and recorded in INST. # 2000-30131, of SHELBY County, ALABAMA Records, which Mortgage encumbers the following described property (the "Property"): 09-1-11-0-000-010.001

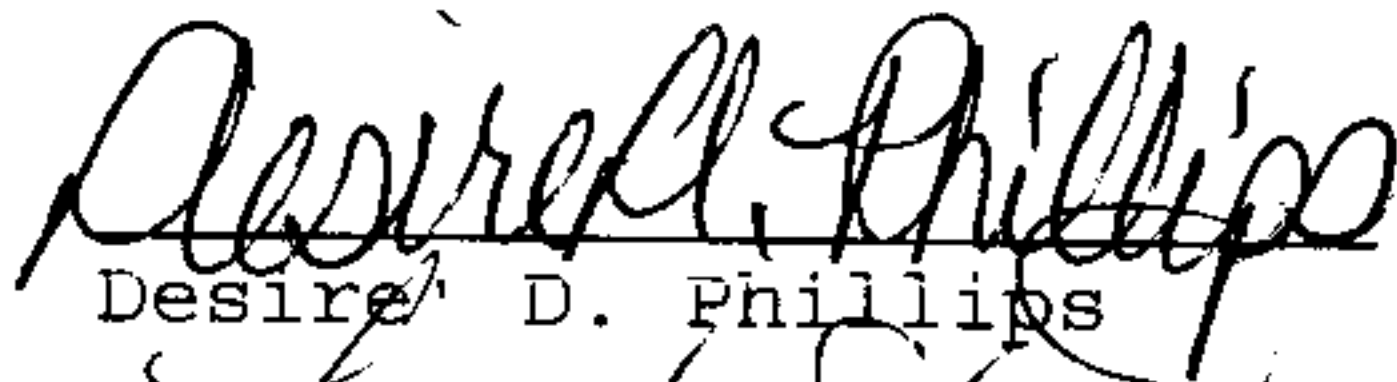
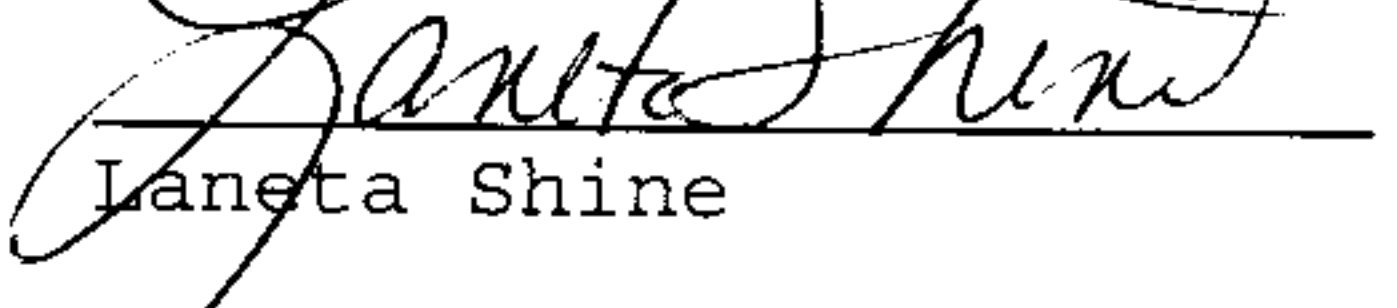
See Attached Exhibit A for Legal Description


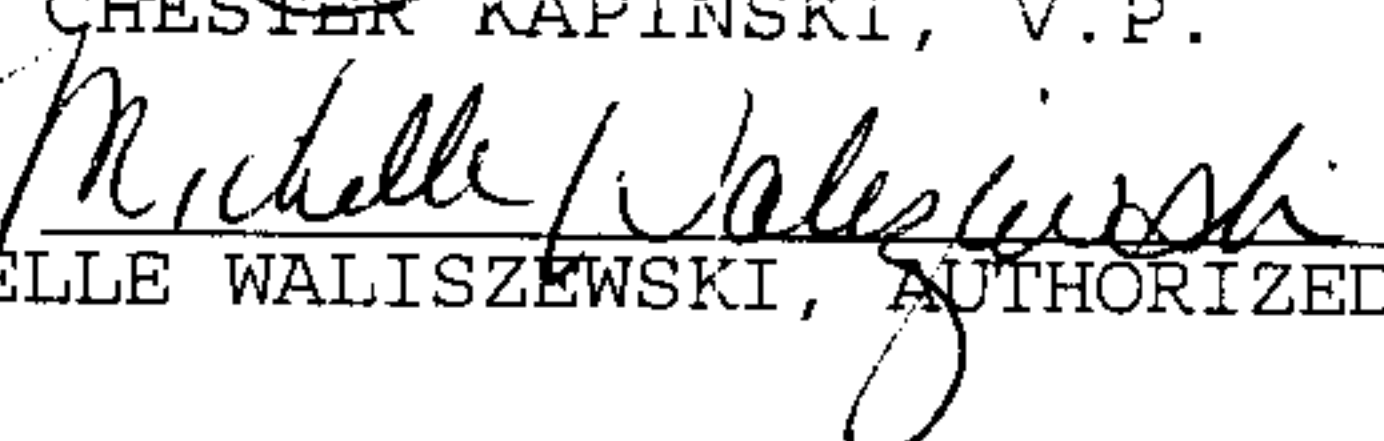
in favor of a mortgage in the amount of TWO HUNDRED TWENTY THOUSAND AND 00/100 Dollars (\$220,000.00) to be executed by Borrower to and in favor of CHARTER ONE MORTGAGE CORPORATION, which shall be a prior lien on the Property without otherwise affecting the lien of the Mortgage.

IN WITNESS WHEREOF, Bank has caused this waiver to be executed this 3RD day of JULY, 2001.

WITNESSED BY:

CHARTER ONE BANK, F.S.B.


Desiree D. Phillips

Laneta Shine

By: 
CHESTER KAPINSKI, V.P.
And By: 
MICHELLE WALISZEWSKI, AUTHORIZED SIGNER

STATE OF OHIO)
COUNTY OF CUYAHOGA) SS:

Before me, a Notary Public in and for said County and State, personally appeared the above named CHARTER ONE BANK, F.S.B. by CHESTER KAPINSKI its V.P., and MICHELLE WALISZEWSKI its AUTHORIZED SIGNER, who acknowledged that they did sign the foregoing instrument on behalf of said bank.

IN TESTIMONY WHEREOF, I have hereunto set my hand and official seal, at Cuyahoga, Ohio, this 3RD day of JULY, 2001.


Notary Public

ALEX BARTLETT
Notary Public, State of Ohio
My Commission Expires April 13, 2005

This Instrument Prepared by and Return to:
CHARTER ONE BANK, F.S.B.
1215 Superior Ave.
Cleveland, Ohio 44114
Attn: Consumer Loan Servicing

Account No. 9930473445

Inst # 2001-28971
07/12/2001-28971
11:21 AM CERTIFIED
SHELBY COUNTY JUDGE OF PROBATE
002 CH 14.00

Exhibit "A"

All that part of the Northeast 1/4 of the Northeast 1/4 lying South and East of Shelby County Highway 43, in Section 11, Township 19 South, Range 1 West, Shelby County, Alabama; being situated in Shelby County, Alabama. Mineral and mining rights excepted.

Inst # 2001-28971

07/12/2001-28971
11:21 AM CERTIFIED
SHELBY COUNTY JUDGE OF PROBATE
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