

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 Raymond P. Yancey and Sandra K. Yancey to Bank on the 13th day of November 2000, and recorded in Instrument 2001-08277, of Shelby County, Alabama records, which Mortgage encumbers the following described property (the "Property"):

09-3-07-0-002-002.11 Lot 1411 Eagle Pointe 14th Sector 26/34

in favor of a mortgage in the amount of Two Hundred Seventy One Thousand, Two Hundred Dollars (\$271,200.00) to be executed by Borrower to and in favor of Charter One Mortgage, 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 24th day of October, 2001.

WITNESSED BY:

CHARTER ONE BANK, F.S.B.

Susan M. Gooden

By

Cynthia L. Gamcsik
Cynthia L. Gamcsik, Vice President

Robert M. Jones

And By:

Fonda Martin
Fonda Martin, Asst. Vice President

STATE OF VIRGINIA)
COUNTY OF CHESTERFIELD) 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 Cynthia L. Gamcsik its Vice President, and Fonda Martin its Assistant Vice President, 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 Richmond, VA, this 24th day of October, 2001.

Pamela M. Tatone
Notary Public

Pamela M. Tatone
My commission expires
January 31, 2003

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. 9930582041

Inst # 2001-47794

11/06/2001-47794
07:36 AM CERTIFIED
SHELBY COUNTY JUDGE OF PROBATE
001 CH 11.00