

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 ARTHUR S. WARD and DOROTHY WARD to Bank on the 20TH day of MARCH 2000, and recorded in Instrument #2000-10210, Shelby County, Alabama, which Mortgage encumbers the following described property (the "Property"):

Lot 5 Windstone 2nd Sector 25/110 Parcel ID#15-3-05-0-000-002.006

in favor of a mortgage in the amount of One Hundred Fifty Three Thousand, Five Hundred Dollars (\$153,500.00) 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 19th day of October, 2001.

WITNESSED BY:

CHARTER ONE BANK, F.S.B.

Chaf J. Bulz

By

Cynthia L. Gamcsik, Vice President

Robert H. Jones

And By

Fonda Martin, Asst. Vice President

STATE OF VIRGINIA)
COUNTY OF HENRICO) 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 19th day of October 2001.

Cherry D. Griffith
Notary Public

1-31-03

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. 9930221342

Inst # 2002-03228

01/17/2002-03228
03:27 PM CERTIFIED

SHELBY COUNTY JUDGE OF PROBATE
001 MEL 11.00

Inst # 2002-03228