

WAIVER OF PRIORITY OF MORTGAGE

KNOWN ALL MEN BY THESE PRESENTS THAT, Charter One Bank, F.S.B. a bank organized and existing under the laws of the United States of America, the owner and holder of the hereinafter described mortgage and note secured by it, for One Dollar (\$1.00), and other valuable considerations, the receipt of which is hereby acknowledged, does hereby WAIVE THE PRIORITY OF LIEN and operation of said certain mortgage executed by GARY R. HENRY to Charter One Bank, F.S.B. and recorded in INSTRUMENT 2000 / 20816 of SHELBY County Records, (the 'Existing Mortgage'), which existing Mortgage encumbers the following described property:

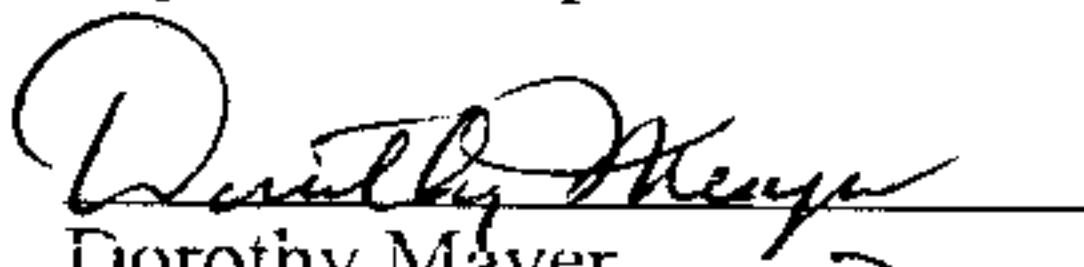

Situated in the City of PELHAM, County of SHELBY, in the State of AL, and described as follows:


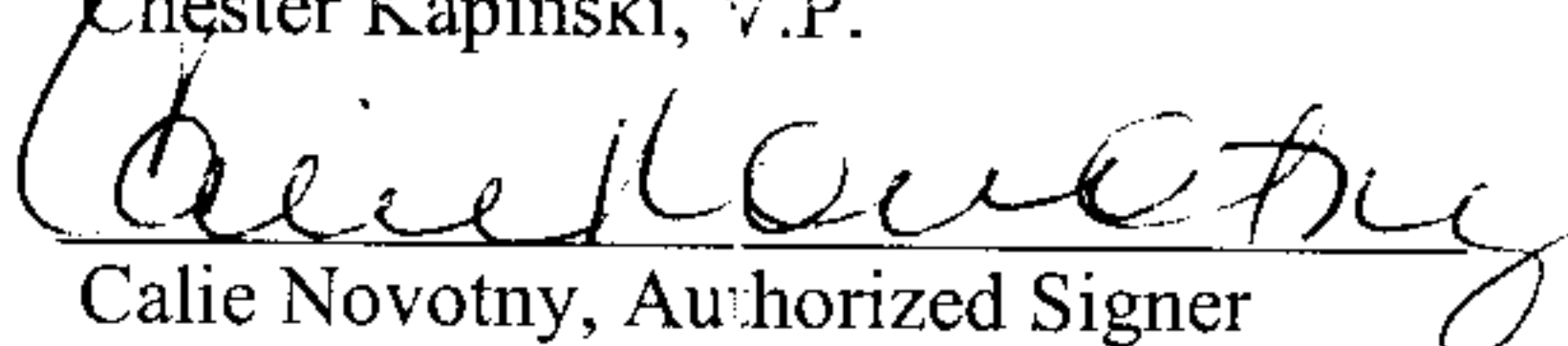
In favor of a mortgage in the amount of ONE HUNDRED NINETY-THREE THOUSAND AND EIGHT HUNDRED FIFTY DOLLARS (\$193,850.00) to be executed by the said GARY R. HENRY to Charter One Mortgage Corporation, which shall be a first lien on the aforementioned property without otherwise affecting the lien of Existing Mortgage.

In witness whereof, said bank by its duly authorized officers has caused its name to be hereunto subscribed and its seal hereto affixed this 26TH day of FEBRUARY A.D. 2001.

CHARTER ONE BANK, F.S.B.

Signed in the presence of


Dorothy Mayer

Priscilla Smith


Chester Kapinski, V.P.

Calie Novotny, Authorized Signer

The State of Ohio

SS;

Cuyahoga County

Before me, a Notary Public in and for said County and State, personally appeared the above named who respectively, acknowledged that they did sign the foregoing instrument and as its duly authorized officers, and by authority of its Board of Directors, and that the same is the free act and deed of said bank, and the free act and deed of each of them personally and as such officers.

In testimony whereof, I have hereunto set my and official Seal at Cleveland, Ohio this 26TH day of FEBRUARY, 2001.


Notary Public

THIS INSTRUMENT PREPARED BY

REX W. SHIE
Notary Public for the State of Ohio
My Commission Expires Nov. 22, 2002

CHARTER ONE BANK, F.S.B.
1215 SUPERIOR AVENUE,
CLEVELAND, OHIO 44114

Account No. 9930346440

03/14/2001-08920
08:39 AM CERTIFIED
SHELBY COUNTY JUDGE OF PROBATE
001 MEL 11.00