

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 ALEX RONALD KOONCE AND NORMA GRIFFIN KOONCE to Bank on the 15TH day of NOVEMBER 2000 and recorded in INST. No. 2000-40437 of Shelby County, Alabama Records, which Mortgage encumbers the following described property (the "Property"):

LOT 3 LEGACY PARC PARCEL ID 14-3-07-3-000-011-007

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in favor of a mortgage in the amount of TWO HUNDRED FORTY EIGHT THOUSAND Dollars (\$248,000.00) 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 12th day of October, 2001.

WITNESSED BY:

CHARTER ONE BANK, F.S.B.

Fonda Martin
Fonda Martin

By

Cynthia L. Gamcsik
Cynthia L. Gamcsik, Vice President

Deborah H. Jones
Deborah H. Jones

And By:

Barbara Chauncey
Barbara Chauncey, Sr. 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 Barbara Chauncey, its Senior 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 12th 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. 00009930581747

10/22/2001-45432
08:23 AM CERTIFIED
SHELBY COUNTY JUDGE OF PROBATE
001 CH 11.00