

SUBORDINATION OF MORTGAGE

In consideration of One Dollar (\$1.00) and other good and valuable consideration, the receipt of which is hereby acknowledged, the undersigned, Charter One Bank, F.S.B., a federally chartered savings bank whose address is 1215 Superior Ave., Cleveland, OH 44114, being the beneficiary under the following mortgage ("Subordinate Mortgage"):

Mortgage in the original amount of Thirty Two Thousand One Hundred Seventy Five AND NO CENTS Dollars (\$32,175.00), dated 28th day of August 2000, executed by John M. Whitmer and Tina L. Whitmer, recorded on SEPTEMBER 6, 2000, in Instrument 2000-30643, in N/A in the Office of the Judge of Probate, Shelby County, Alabama Records upon the following described premises.

See attached Exhibit "A" **SEE BELOW FOR LEGAL

And commonly known as 160 Glen Abbey Way, Alabaster, Alabama 35007

does hereby waive and subordinate the priority and operation of the Subordinate Mortgage upon the therein described premises to the following described mortgage ("New Mortgage"):

Mortgage to be executed by John M. Whitmer and Tina L. Whitmer as Borrower, to Charter One Mortgage Corp. as Lender, securing a total indebtedness not to exceed One Hundred Eighty Four Thousand Five Hundred Fifty Dollars AND 00/100'S, (\$184,550.00), upon the above described property

in order that the lien of the Subordinate Mortgage be taken as junior and inferior to the lien of the New Mortgage without otherwise affecting the lien of the Subordinate Mortgage.

This Agreement shall be governed by and construed in accordance with the laws of the State of Alabama applicable to contracts made and to be performed in said State, shall not be modified, amended or terminated orally, and shall be binding upon and inure to the benefit of the parties hereto and their respective successors, designees and assigns.

IN WITNESS WHEREOF, Bank has caused this subordination to be executed this 30 day of November , 2001.

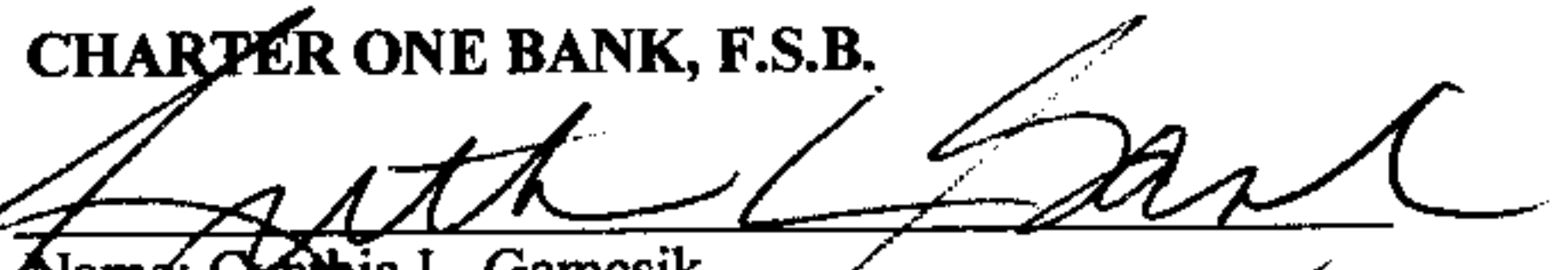
SIGNED IN THE PRESENCE OF:

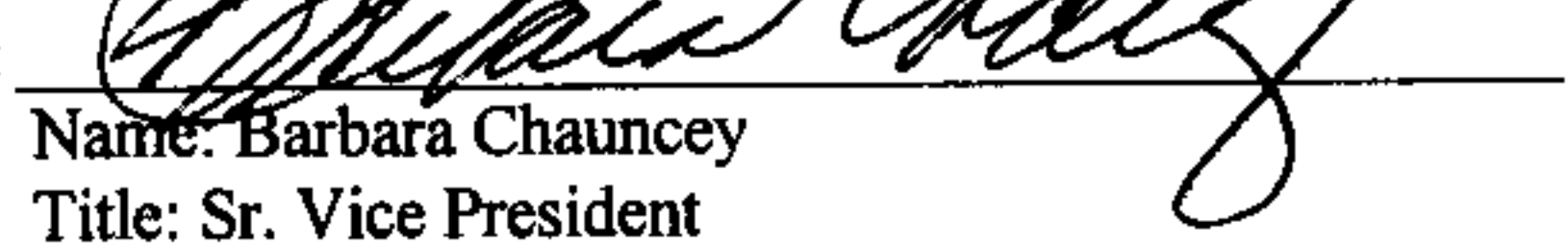

Name: SUSAN M GOODWILL


Name: FONDA MARTIN

STATE OF VIRGINIA)
COUNTY OF HENRICO) SS:

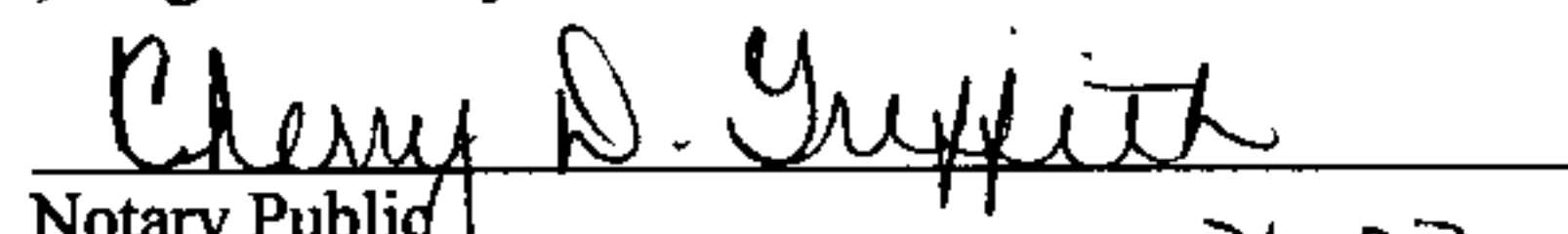
CHARTER ONE BANK, F.S.B.

By: 
Name: Cynthia L. Gamcsik
Title: Vice President

By: 
Name: Barbara Chauncey
Title: Sr. Vice President

SWORN TO BEFORE ME, a Notary Public, in and for said County and State, personally appeared Cynthia L. Gamcsik Vice President, and Barbara Chauncey, Sr. Vice President of Charter One Bank, F.S.B., who acknowledged that they did sign the foregoing instrument as its duly authorized officers and that the same is the free act and deed of said corporation and the free act and deed of them personally and as said officers.

WITNESS my signature and notarial seal at Richmond, Virginia 30 day of NOVEMBER, 2001.


Notary Public 1-31-03

This Instrument Prepared by and Return to:
CHARTER ONE BANK, F.S.B.
Attn: Loan Servicing, EV950
3rd Floor
75 Erieview Plaza
Cleveland, OH 44114-3279
Account No. 9930469548

**LOT 64, ACCORDING TO THE SURVEY OF WEATHERLY GLEN ABBEY, SECTOR 12, PHASE 3, AS RECORDED IN MAP BOOK 19, PAGE 153, IN THE PROBATE OFFICE OF SHELBY COUNTY, ALABAMA.

Inst # 2001-53252

12/06/2001-53252
05:40 PM CERTIFIED
SHELBY COUNTY JUDGE OF PROBATE
001 CH 12.00

Inst # 2001-53252