

**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 Roger Gilmore and Mary Gilmore ("Borrower") to Bank on the 26th day of March 2001 and recorded April 6, 2001 in original amount of \$36,450.00, in Document No. 2001-12831, of Shelby County, Alabama Records. The Mortgage encumbers the following described property (the "Property Number"): Tax I. D. No. 23-2-10-1-003-003.000

in favor of a mortgage in the amount of Ninety Two Thousand Seventy Two and no/100 Dollars (\$92,072.00) to be executed by Borrower to and in favor of Wells Fargo Home Mortgage Inc. , 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 on the 27th day of December, 2001.

WITNESSED BY:


CHARTER ONE BANK, F.S.B.

  
Darlene Poole

By:

  
Chester Kapinski, Vice President

And By:

  
Calie Novotny, Authorized Signer

STATE OF OHIO)  
COUNTY OF CUYAHOGA) 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 Chester Kapinski its Vice President, and Calie Novotny its Authorized Signer, 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 Cleveland, Ohio, this 27th day of December, 2001.

  
Notary Public

This Instrument Prepared by and Return to:  
CHARTER ONE BANK, F.S.B.  
75 Erieview Plaza Code EV950  
Cleveland, Ohio 44114  
Prepared by Juli Tomasello  
Attn: Consumer Loan Servicing

PHYLLIS CHISHOLM  
Notary Public, State of Ohio  
My Commission Expires April 13, 2005

Inst # 2002-01388

Account No. 9930707648

01/08/2002-01388  
02:17 PM CERTIFIED  
SHELBY COUNTY JUDGE OF PROBATE  
001 CH 11.00