

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 N.A., formerly known as Charter One Bank, F.S.B., whose address is 1215 Superior Ave., Cleveland, OH 44114, being the mortgagee under the following mortgage ("Subordinate Mortgage"):

Mortgage in the original amount of Sixty Four Thousand Two Hundred Fifty and no /100 Dollars, \$64,250.00, dated \_\_\_\_\_, executed by James M. Ruggerio and Ann Marie Ruggerio recorded on \_\_\_\_\_, in \_\_\_\_\_, in the State of Alabama upon the following described premises.

Lot 26 according to the Survey of Heatherwood, Third Sector, as recorded in Map Book 8, Page 29, in the Probate office of Shelby County, Parcel No. 10-2-09-0-001-001.105

20040108000013860

And commonly known as 449 St. Annes Drive, Birmingham AL

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 James M. Ruggerio and Ann Marie Ruggerio as borrower, to Hamilton Mortgage Corporation as Lender, securing a total indebtedness not to exceed Three Hundred Five Thousand Six Hundred and no /100 Dollars, (\$305,600.00) 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, Charter One Bank, N.A. formerly Charter One Bank, F.S.B. has hereunto caused this subordination to be executed this 12th day of December, 2003.

SIGNED IN THE PRESENCE OF: CHARTER ONE BANK, N.A., FORMERLY CHARTER ONE BANK F.S.B

Juli Tomasello

By: Kelly Toppin  
Kelly Toppin Assistant Secretary

STATE OF OHIO )  
 ) ss.  
COUNTY OF CUYAHOGA )

SWORN TO BEFORE ME, a Notary Public, in and for said County and State, personally appeared Kelly Toppin, Assistant Secretary of Charter One Bank N.A., formerly 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 Cleveland Ohio this 12th day of December, 2003

Sansophia C. Ballentine  
Notary Public

SANSOPHIA C. BALLENTINE  
Notary Public, State of Ohio, Cuyahoga Cty.  
My Commission Expires September 2006



This Instrument Prepared by and Return to:  
O. Shelton  
CHARTER ONE BANK, N.A.  
Attn: Loan Servicing, EV3391  
75 Erieview Plaza, 3rd Floor  
Cleveland, OH 44114-3279

David Skinner