

**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., a corporation organized and doing business under the laws of the United States of America, formerly known as Charter One Bank, F.S.B., whose address is 1215 Superior Ave., Cleveland, OH 44114, being the beneficiary under the following mortgage ("Subordinate Mortgage"):

Mortgage in the original amount of Twenty Thousand Dollars (\$20,000.00), dated 23rd day of May 2002, executed by Kevin S. Gillenwater, recorded on May 30, 2002, in Instrument #20020530000255490, in the Shelby County, Alabama Records upon the following described premises.

See attached Exhibit "A"

And commonly known as 3073 Highway 56, Wilsonville, AL 35186

WHEREAS, on May 7, 2002, Charter One Bank, F.S.B. converted from a federal savings bank to a national banking association and changed its name to Charter One Bank, N.A.; and

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 Kevin S. Gillenwater as Borrower, to Charter One Mortgage Corp. as Lender, securing a total indebtedness not to exceed One Hundred Eighty Thousand and no/100 Dollars, (\$180,000.00), 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 9th day of February, 2004.

SIGNED IN THE PRESENCE OF:

Name: Barbara Washington

Name: Fonda Martin

CHARTER ONE BANK, N.A.

By:

Name: Cynthia L. Gamcsik

Title: Vice President

By:

Name: Judy McLawhorn

Title: Vice President

STATE OF VIRGINIA)

COUNTY OF HENRICO) SS:

SWORN TO BEFORE ME, a Notary Public, in and for said County and State, personally appeared Cynthia L. Gamcsik Vice President, and Judy McLawhorn, Vice President of Charter One Bank, N.A., 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 9th day of February, 2004.

Cherry D. Corley  
Notary Public 1-31-08

I was commissioned a notary as Cherry D. Griffith

This Instrument Prepared by and Return to:  
CHARTER ONE BANK, N.A.  
Attn: Loan Servicing, EV950  
3<sup>rd</sup> Floor  
75 Erieview Plaza  
Cleveland, OH 44114-3279

By: \_\_\_\_\_

LEGAL DESCRIPTION  
EXHIBIT "A"

A parcel of land in the Northwest quarter of the Southeast quarter of Section 26, Township 20 South, Range 1 East, being a part of the same land described in a Deed to William D. Edwards, recorded in Instrument No. 1993-37866, of the real property records of Shelby County, Alabama. Said parcel of land being more particularly described as follows:

Beginning at the Northeast corner of the Northwest quarter of the Southeast quarter of said Section 26; thence South 89 degrees 59 minutes 35 seconds West, along the North line of said 26 Section, a distance of 400.47 feet to a ½ inch rebar, set with a cap stamped Wheeler CA 0502; thence South 00 degrees 04 minutes 44 seconds East, a distance of 956.35 feet to a ½ inch rebar, set with a cap stamped Wheeler CA 0502, in the center of County Road No. 61; thence along the center of said highway the following bearings and distances:

South 86 degrees 34 minutes 46 seconds East, a distance of 58.76 feet, North 88 degrees 38 minutes 14 seconds East, a distance of 55.56 feet, North 80 degrees 15 minutes 09 seconds East, a distance of 59.06 feet, North 64 degrees 31 minutes 21 seconds East, a distance of 57.55 feet, North 44 degrees 10 minutes 35 seconds East, a distance of 78.23 feet, North 33 degrees 40 minutes 55 seconds East, a distance of 68.18 feet, North 26 degrees 49 minutes 12 seconds East, a distance of 56.54 feet, North 17 degrees 24 minutes 09 seconds East, a distance of 43.86 feet, North 09 degrees 41 minutes 33 seconds East, a distance of 55.00 feet, North 02 degrees 29 minutes 08 seconds East, a distance of 93.49 feet to a ½ inch rebar, set with a cap stamped Wheeler CA 0502; thence North 89 degrees 55 minutes 16 seconds East, a distance of 31.20 feet to a ½ inch rebar, set with a cap stamped Wheeler CA 0502, on the East line of said 26 Section; thence North 00 degrees 04 minutes and 44 seconds West, along the East line of said 26 Section, a distance of 568.62 feet to the point of beginning.

KS6  
MEG