

WAIVER OF PRIORITY

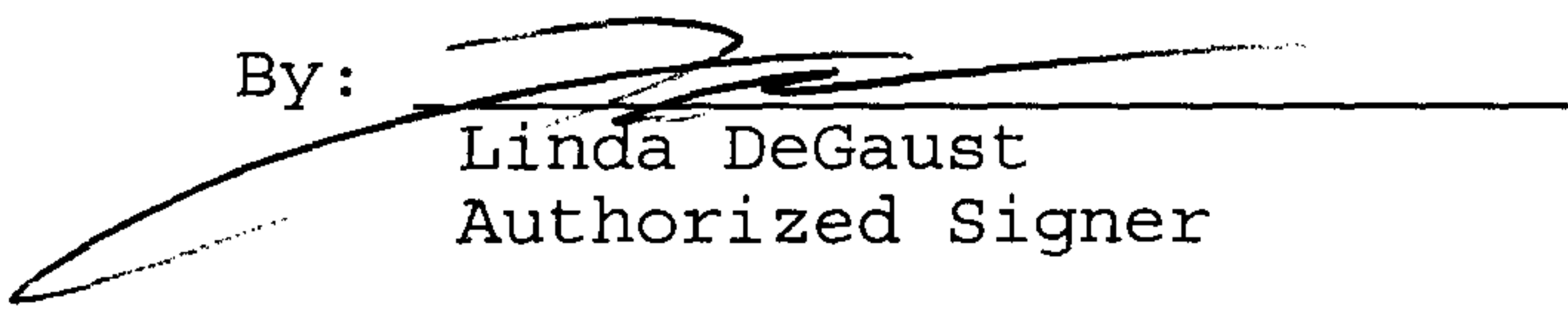
20040921000520040 Pg 1/1 11:00
Shelby Cnty Judge of Probate, AL
09/21/2004 13:23:00 FILED/CERTIFIED

KNOW ALL MEN BY THESE PRESENTS, that Charter One Mortgage Corp. ("Charter One"), as the owner and holder of the hereinafter described mortgage and note, for good and valuable consideration, the receipt of which is hereby acknowledged, does hereby WAIVE THE PRIORITY OF LIEN and operation of its certain mortgage executed by Steven A. Smith and Lisa M. Smith, Husband and Wife (the "Borrower") and recorded in Instrument No. 2001-21859 of the Shelby County Alabama Records, (the "Subordinate Mortgage"), and covering property further described in Exhibit A attached hereto and incorporated herein by reference (the "Property"), in favor of a mortgage in the amount of ONE HUNDRED FIFTY-SEVEN THOUSAND NINE HUNDRED DOLLARS AND NO/100 (\$157,900.00) to be executed by the Borrower to Wells Fargo Home Mortgage, Inc. securing a mortgage loan, which mortgage shall be a prior lien on the aforementioned property, without otherwise affecting the lien of the Subordinate Mortgage.

IN WITNESS WHEREOF, Charter One by its duly authorized officer has caused its name to be hereunto subscribed this 13TH day of September, 2004.

Charter One Mortgage Corp.

By:

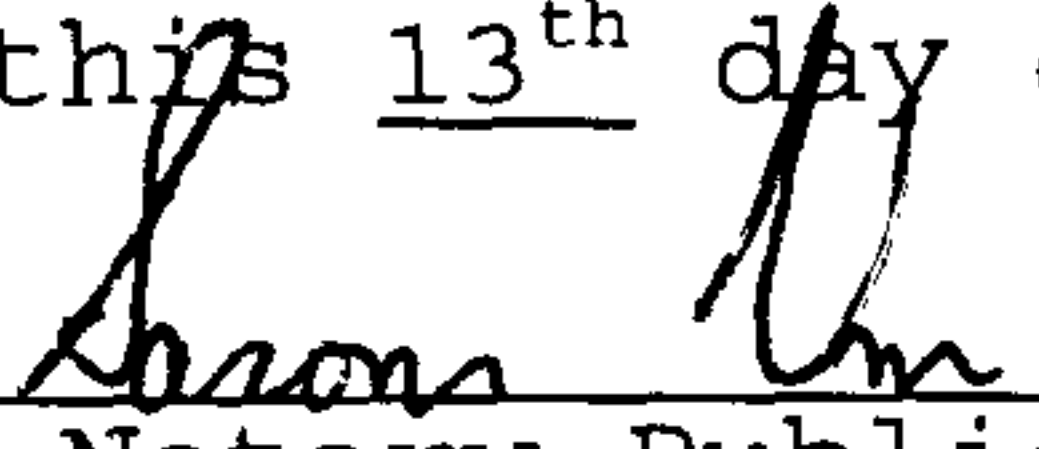

Linda DeGaut
Authorized Signer

Corporate Acknowledgment

STATE OF Virginia)
) ss.
Henrico COUNTY)

Before me, a Notary Public in and for said County and State, personally appeared the above-named Charter One Mortgage Corp., by Linda DeGaut, its Authorized Signer, who acknowledged that he did sign the foregoing instrument for and on behalf of said corporation, and that the same is the free act and deed of said corporation and the free act and deed of him personally and as such officer.

IN WITNESS WHEREOF, I have hereunto set my hand and official seal at Glen Allen, Virginia this 13th day of September, 2004.


Notary Public

My Commission Expires:
My Commission Expires December 31, 2007

This instrument prepared by:
Charter One Bank, N.A.
c/o Charter One Mortgage Corp
10561 Telegraph Rd.
Glen Allen, VA 23059

Loan #0011929205