20050415000178250 1/2 $14.00
Shelby Cnty Judge of Probate,AL
04/15/2005 11:18:42AM FILED/CERT

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 Forty Seven Thousand Five Hundred Five Hundred and no/100 Dollars $47,550.00 dated November 13, 2000 executed by Raymon P. Yancey and Sandra K. Yancey, husband and wife recorded on March 8, 2001 in Instrument # 2001-08277, , in the State of Alabama upon the following described premises.

City of Birmingham, Shelby County, in deed Book 2000, Page 40974, ID#0930700020021 13, known and designated as lot 1411, according to the survey of Eagle Point, in Map Book 26, Page 34

And commonly known as 5013 Eagle Valley Trail, 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 Raymon P. Yancey and Sandra K. Yancey, husband and wife as borrower, to GMAC Mortgage Corporation as Lender, securing a total indebtedness not to exceed Two Hundred Thirty Three Thousand Nine Hundred and no/100 Dollars, ($233,539.00) upon the above described property. inst # 20050415 00017 8240

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 30th of March, **2005**

SIGNED IN THE PRESENCE OF:

Lapeta Hamilton

CHARTER ONE BANK, N.A., FORMERLY CHARTER ONE BANK F.S.B

By: _____
Sansophia Ballentine 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 Sansophia Ballentine 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 30th day of March, 2005.

Notary Public

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

SAMANTHIA CARR
Notary Public, State of Ohio, Cuy. Cty.
My commission expires Apr. 30, 2006

ORDER #: 4690056

20050415000178250 2/2 $14.00
Shelby Cnty Judge of Probate,AL
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EXHIBIT A

ALL THAT PARCEL OF LAND IN CITY OF BIRMINGHAM, SHELBY COUNTY, STATE OF ALABAMA, AS MORE FULLY DESCRIBED IN DEED BOOK 2000, PAGE 40974, ID# 093070002002113, BEING KNOWN AND DESIGNATED AS LOT 1411, ACCORDING TO THE SURVEY OF EAGLE POINT, 14TH SECTOR, AS RECORDED IN MAP BOOK 26, PAGE 34, SHELBY COUNTY, ALABAMA RECORDS.

BY FEE SIMPLE DEED FROM SCHOLL CONSTRUCTION, INC. AS SET FORTH IN BOOK 2000 PAGE 40974 DATED 11/13/2000 AND RECORDED 11/29/2000, SHELBY COUNTY RECORDS, STATE OF ALABAMA.