

Quit-Claim Deed

Moore Printing Co.

The State of Alabama,

Baldwin

County

THIS DEED made this 11th day of February 19 54
 between G. E. Perkins, a widower,

_____ of the first part, and
Ada Anscker

_____ of the second part

WITNESSETH, that the party _____ of the first part, in consideration of

One (1) Dollar and other value ~~SOLELY~~

to him in hand paid by the party _____ of the second part, the receipt of which is hereby
 acknowledged, has remised, released and quit-claimed and by these presents does remise, release
 and forever quit-claim unto the said party _____ of the second part, her

heirs and assigns forever, all the real property in Baldwin County, Alabama,

described as follows, to-wit: Lots Numbered Five (5) and Six (6) in Block Seventeen (17),

Magnolia Beach Addition to the Town of Fairhope, Alabama, as per plat thereof

recorded in Miscellaneous Book One (1), Page 331 of the Probate Records of

Baldwin County, Alabama

STATE OF ALABAMA, BALDWIN COUNTY

Filed 5-5-54 11:30 A.M.

Recorded _____ book _____ page _____

and _____ that any recording privilege tax
 has been paid.

Deed Tax 50

Mortgage Tax _____

M. B. Stuart
 Judge of Probate

By 5

TO HAVE AND TO HOLD the said released premises unto the said Ada Anscker, her

_____ heirs and assigns forever: So that neither the party of

the first part his heirs or assigns nor any other person in trust for him

or in his name shall or will, can or may, by any ways or

means whatsoever, hereafter, have or claim any right or title thereto; BUT THAT the said party _____ of

the first part his heirs and assigns, each and every one of them from all estate, right, title, interest or

claim, and demand whatsoever, in or to the said premises, or any part thereof, are, is, and shall be, by

these presents. FOREVER EXCLUDED AND DEBARRED.

IN WITNESS WHEREOF, the party _____ of the first part has hereunto set his hand _____

and seal the day and year first above written.

SIGNED, SEALED AND DELIVERED IN THE PRESENCE OF

G. E. Perkins (SEAL)

(SEAL)

BOOK 208 PAGE 288

State of Alabama, BALDWIN County.

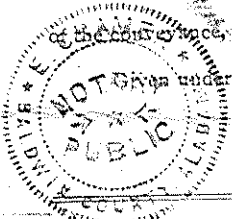
I, E. CRAMER, a Notary Public

in and for said County and State, hereby certify that G. E. Perkins

whose name is signed to the foregoing conveyance, and who
is known to me, acknowledged before me on this day that, being informed of the contents

he executed the same voluntarily on the day the same bears date.

under my hand and official seal this 11th day of February A. D. 19 54.



E. Cramer

State of Alabama, _____ County.

I, _____, a _____

in and for said County and State, do hereby certify that on the _____ day of _____ 19____

came before me the within named _____

known to me to be the wife of the within named _____

who, being examined separate and apart from her husband touching her signature to the within conveyance, acknowledged that she signed the same of her own free will and accord and, without fear, constraint or threats on the part of the husband.

IN WITNESS WHEREOF I hereunto set my hand and official seal this _____ day of

_____, 19____

BOOK 208 PAGE 289

The State of Alabama,
Baldwin County.

PROBATE COURT

I, W. R. STUART, Judge of Probate Court in and for said State and County, hereby certify

that the within and foregoing Two photostatic pages

contain a full, true and complete copy of the G. E. Perkins to Ada Anacker

as the same appears of record in my office in Deed Book No. 208

page 288-9.

Given under my hand and seal of office, this 20th day of July, 19 56.

W. R. Stuart
Judge of Probate

We, OTTO ANACKER and ADA ANACKER, husband and wife, both being of legal age and of sound and disposing mind, memory and understanding, do make, ordain, publish and declare this, our joint last will and testament, in manner following, that is to say:

First: We direct our Executor hereinafter named to pay all of our just and lawful debts, funeral and testamentary expenses as soon after our death as is practicable.

Second: All the rest, residue and remainder of our estates, of whatever kind and description, both real and personal, whatsoever situated, of which we shall die possessed, seized or, at our death in anywise entitled to, we and each of us does hereby give, devise and bequeath unto the survivor of us for the lifetime of said survivor and, at the death of said survivor, the remainder of our said estates shall be divided equally and unconditionally among our surviving children.

Third: We and each of us does hereby nominate, constitute and appoint as Executor of this, our last will and testament, the survivor of us, and we direct that said survivor shall not be required to furnish bond as such executor, that such survivor shall not be required to file inventories, appraisements, accountings, vouchers, or petition for settlement and we further direct that such survivor and executor shall have full power of sale.

IN WITNESS WHEREOF WE have hereunto set our hands and seals this 15th day of February, A. D. 1946.

Otto Anacker (SEAL)

Ada Anacker (SEAL)

Signed, sealed, published and declared by the Testators, Otto Anacker and Ada Anacker, and by each of them, as and for their last Will and Testament in the presence of each other and in the presence of us who, at the request of said Testators and of each of them and in the presence of each other, have hereunto subscribed our names as witnesses to the execution of said Will and Testament and we do further affirm that, at the time of the signing of said Will and Testament, each of said Testators seemed to us to be of legal age and of sound and disposing mind memory and understanding.

Francis H. Buford

Clara B. Smith

Fairhope, Alabama

JAPINE
Fairhope, Alabama.

THE STATE OF ALABAMA

Baldwin County

Baldwin

Petition of Ada Anacker

for the Probate of the Will of

Orin Anacker

deceased

TO THE HON. J. R. Sprague

JUDGE of the COURT OF PROBATE, Baldwin County

The petition of the undersigned, Ada Anacker

respectfully presents unto the Honorable Court of Probate, Baldwin County, Alabama

who at the time of his death was an inhabitant of this county, departed this life at

Baldwin County, Alabama, on or about the 1st day of September, 1949

leaving assets in this State, and leaving a Last Will and Testament duly signed by Orin Anacker

and attested by *James S. Crawford & Chas. B. Smith*

That your petitioner as *ada* verily believes, is named in said Will as *executrix*

and does now herewith surrender said Will to the Court and pray that after proper proceedings and proofs, it may be probated and admitted to record as the true Last Will and Testament of said deceased. Your petitioner further represents that petitioner, Ada Anacker

is the widow of said deceased, and that the names, ages, residence and condition of the next of kin are as follows, to-wit: Ellen Elizabeth Anacker, *Reinhorne,*

Alabama, a daughter of said deceased, residing with petitioner.

Said daughter is a minor child, thirteen years of age

~~and is now residing with petitioner and petitioner~~

Orin Anacker, our nephew son of deceased who resides with petitioner at Tuskegee, Ala

Your petitioner further represents that the said attesting witnesses reside as follows:

Your petitioner therefore further prays that your Honor will take jurisdiction of this *last* petition and cause all such notices or citations to issue to the said next of kin and to said witnesses, and cause all such proceedings to be had and done and render all necessary orders and decrees in the premises as will duly and legally effect the probate and record of said Will in this Court.

Ada Anacker

Address *Reinhorne, Ala*

THE STATE OF ALABAMA

Baldwin County

Ada Anacker

being duly sworn deposes and says that the facts alleged in the above petition are true according to the best of *her* knowledge, information and belief.

Subscribed and sworn to before me this the

4 day of November, 1949

Ada Anacker

Notary Public, Baldwin County, Ala

LETTERS OF GUARDIANSHIP.

140-3

Printed and For Sale By Roberts & Son, Birmingham

THE STATE OF ALABAMA

Baldwin

County

PROBATE COURT.

LETTERS OF GUARDIANSHIP OVER THE ESTATE OF

Otto Anacker, Jr.

a minor, under the age of fourteen years,

a minor, the age of fourteen years,

a minor, the age of fourteen years,

a minor, the age of fourteen years,

a minor, the age of fourteen years,

STATE OF ALABAMA, BALDWIN COUNTY

Recorded *hs 17* in book *7* page *204*

W. R. Stuart
Judge of Probate

are hereby granted to *Ada Anacker*, who has duly qualified and given bond as required by law, and is authorized to discharge all the functions attached to said guardianship.

Dated this *7th* day of *September* A.D. 19 *55*.

Code 1940—Tit. 21, Sec. 1.

W. R. Stuart, Judge of Probate.

The State of Alabama,
Baldwin County.

PROBATE COURT

I, W. R. STUART, Judge of Probate Court in and for said State and County, hereby certify

that the within and foregoing Four photostatic pages

contain a full, true and complete copy of the Last Will and Testament; Petition to

Probate Will, all in the matter of the Estate of Otto Anacker, Dec'd.;

Letters of Guardianship issued to Ada Anacker over the Estate of

Otto Anacker, Jr., a Minor,

as the same appears of record in my office ~~in~~ Book No.

~~pages~~

Given under my hand and seal of office, this 20th day of July, 1956.

W. R. Stuart
Judge of Probate

DEED WITH WARRANTY
Sold by Edgwood Stationery Co., Mobile, Ala.

BOOK 210 PAGE 52

This Indenture, Made the 23 day of June 1954, between
Mrs. Ada Anacker, widow of Otto Anacker, deceased
party of the first part, and L. A. Funk
party of the second part: Witnesseth, that the party
of the first part in consideration of One thousand
----- DOLLARS,
hereby acknowledged to have been paid the part of the first part by the part of the second part,
do grant, bargain, sell and convey unto said party of the second part, his heirs
and assigns, all the real property in Baldwin described as follows:
Lots numbers 5 and 6 in Block number Seventeen (17) in
Magnolia Beach addition to Fairhope, as per its plats filed on
the records in the Judge of Probate office, Bay Minette, Baldwin
County, Alabama.



STATE OF ALABAMA, BALDWIN COUNTY
Filed 6-24-54 7:11 P.M.
Recorded 6-24-54
and I certify that the foregoing is a true and correct copy of the original as the same has been filed.
Deed Tax 2.00
Mortgage Tax 0.00
McCluskey
Judge of Probate
By McCluskey

Together with all the rights and appurtenances to said described premises in anywaye belonging: To have
and to hold the same forever.

And I will for myself for
Myself and my heirs, the said described premises and appurtenances, will forever Warrant and De-
fend unto the said party of the second part his heirs and assigns, against the lawful claims of all
persons whatsoever.

IN WITNESS WHEREOF, The said party of the first part has hereunto set her
hand and seal the day and year above written.

Signed, sealed and delivered in the presence of

Mrs. Ada Anacker (SEAL)

(SEAL)

The State of Alabama

Baldwin

County

G. E. Perkins

a Notary Public

in and for said State and County, do hereby certify that

Mrs. Ada Anacker, widow of Otto Anacker, deceased

whose name is signed to the foregoing conveyance, and who is known to me, acknowledged before me, on this day that being informed of the contents of the conveyance she executed the same voluntarily on the day the same bears date.

Given under my hand (if before a foreign notary add "notarial seal") this 23 day of June 1954

G. E. Perkins

The State of Alabama

County

I, _____

in and for said State and County, do hereby certify

that on the _____ day of _____ 19____, came before me the within named

_____, known to me to be the wife of the within named

_____, who being examined separate and apart from the husband, touching her signature to the within conveyance, acknowledged that she signed the same of her own free will and accord and without fear, constraint or threats on the part of the husband.

Given under my hand (if before a foreign notary add "notarial seal") this _____ day of _____ 19____

The State of Alabama,
Baldwin County.

PROBATE COURT

I, W. R. STUART, Judge of Probate Court in and for said State and County, hereby certify

that the within and foregoing Two photostatic pages

contain a full, true and complete copy of the Deed from Ada Anacker to

L. A. Funk,

as the same appears of record in my office in Deed Book No. 210

page 52-3.

Given under my hand and seal of office, this 20th day of July, 19 56.

W. R. Stuart
Judge of Probate

STATE OF ALABAMA

BALDWIN COUNTY

KNOW ALL MEN BY THESE PRESENTS, that in consideration of ONE DOLLAR (\$1.00), to the undersigned grantors, in hand paid by grantee, herein, receipt of which is hereby acknowledged, we ELIZABETH ANACKER RAKASKY and MARSHALL RAKASKY, her husband, do grant, bargain, sell and convey unto L. A. FUNK, the real property in Baldwin County, Alabama, described as follows:

Lots Five (5) and Six (6) in Block Seventeen (17) in Magnolia Beach Addition to Pearisboro, as per its plat filed or recorded in the Office of the Judge of Probate of Baldwin County, Alabama.

TO HAVE AND TO HOLD unto said grantee, in fee simple, and the said ELIZABETH ANACKER RAKASKY, for herself and for her heirs, executors and administrators covenant with the said L. A. FUNK, his heirs and assigns, that she is lawfully seized in fee simple of said premises and that they are free from all encumbrances and that she has a good right to sell and convey same as aforesaid, and that she will and her heirs, executors and administrators, shall warrant and defend the same unto said grantee, his heirs and assigns forever against the lawful claims of all persons.

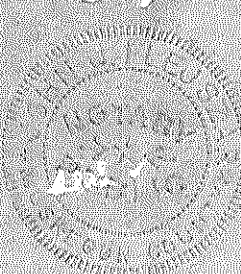
IN WITNESS WHEREOF, the grantors have hereunto set their hands and seals this the 4 day of October, 1955. ✓

Elizabeth Anacker Rakasky (Seal)
Elizabeth Anacker Rakasky
Marshall Rakasky (Seal)
Marshall Rakasky

STATE OF MICHIGAN
COUNTY OF Washtenaw

I, John F. Hager, a Notary Public in and for said County of said State, hereby certify that ELIZABETH ANACKER RAKASKY and MARSHALL RAKASKY, her husband, whose names are signed to the foregoing conveyance, and who are known to me, acknowledged before me on this day, that, being informed of the contents of the conveyance, they executed the same voluntarily on the day the same bears date.

Given under my hand and official seal this the 4 day of October, 1955. ✓



STATE OF ALABAMA, BALDWIN COUNTY
Filed 7-16-56
Recorded 12-11-56
and I certify that the following Privilege Tax
has been paid
Deed Tax 50
Mortgage Tax 50

John F. Hager
Notary Public
By 12

John F. Hager
Notary Public
My commission expires 12-31-56

The State of Alabama,
Baldwin County.

PROBATE COURT

I, W. R. STUART, Judge of Probate Court in and for said State and County, hereby certify

that the within and foregoing One photostatic pages

contain a full, true and complete copy of the Deed from Elizabeth Anacker Rakasky,
et al, to L. A. Funk,

as the same appears of record in my office in Book No.

xpage

Given under my hand and seal of office, this 20th day of July, 19 56.

W. R. Stuart
Judge of Probate

DEED WITH WARRANTY
Sold by Bidgood Stationery Co., Mobile, Ala.

920
This Indenture, Made the 12 day of August 1949, between
Jessie M. Walker (Dr. J. Agnes Walker), a widow
party of the first part, and G. E. Perkins and Otto Anacker
parties of the second part: Witnesseth, that the party
of the first part in consideration of Fifty dollars and other valuable consider-
tions, DOLLARS,
hereby acknowledged to have been paid the party of the first part by the parties of the second part,
do grant, bargain, sell and convey unto said party of the second part, their heirs
and assigns, all the real property in Baldwin County, Alabama described as follows:
Lots Numbered Three (3), Four (4), Five (5), and Six (6), in
Block number Seventeen (17), of Magnolia Beach, addition to the
Town of Fairhope, as per map or plat thereof recorded in Miscellaneous
Book NO. One (1), Pages 236, of the Probate Records of Baldwin County,
Alabama and being part of the property described in the deed from
James A. Mackintosh and wife to George A. Tonsmeir as Trustee, which is
recorded in Record Book Number Seventeen (17) NS, Page 348, of the Probate
Records of Baldwin County, Alabama.

STATE OF ALABAMA, BALDWIN COUNTY

Recorded _____

and I certify that the following Privilege Tax has been paid.

Dead Tax _____

Mortgage Tax _____

Judge of Probate

By _____

44 PAGE 127

Together with all the rights and appurtenances to said described premises in anywise belonging: To have and to hold the same forever.

And Jessie M. Walker (Dr. J. Agnes Walker) for her and her heirs, the said described premises and appurtenances, will forever Warrant and Defend unto the said part 1st of the second part 1st theirs and assigns, against the lawful claims of all persons whatsoever.

IN WITNESS WHEREOF, The said part X of the first part has hereunto set her hand and seal the day and year above written.

Signed, sealed and delivered in the presence of

Mrs. A. Stanley
Mrs. B. P. Peterson

J. Agnes Walker (Jessie M. Walker) (SEAL)
(SEAL)

The State of Alabama

Mobile

County

Henry E. Hamilton

a Notary Public

in and for said State and County, do hereby certify that

Jessie M. Walker (Dr. J. Agnes Walker) a widow

whose name is signed to the foregoing conveyance, and who is known to me, acknowledged before me, on this day that being informed of the contents of the conveyance she executed the same voluntarily on the day the same bears date.

Given under my hand (if before a foreign notary add "notarial seal") this 15th day of August 1949 Henry E. Hamilton

May 30, 1950

The State of Alabama

County

The State of Alabama,
Baldwin County.

PROBATE COURT

I, W. R. STUART, Judge of Probate Court in and for said State and County, hereby certify
that the within and foregoing Two photostatic pages

contain a full, true and complete copy of the Jessie M. Walker to G. E. Perkins
and Otto Anacker,

as the same appears of record in my office in Deed Book No. 144
page 326.

Given under my hand and seal of office, this 20th day of July, 1956.

W. R. Stuart
Judge of Probate

STATE OF ALABAMA

BALDWIN COUNTY

KNOW ALL MEN BY THESE PRESENTS, that in consideration of ONE DOLLAR (\$1.00), to the undersigned grantors, in hand paid by grantee, herein, the receipt of which is hereby acknowledged, we HELEN AWACKER GARDNER and ALLEN GARDNER, her husband, do grant, bargain sell and convey unto L. A. FUNK, the real property in Baldwin County, Alabama, described as follows:

Lots Five (5) and Six (6) in Block Seventeen (17) in Magnolia Beach Addition to Fairhope, as per its plat filed on record in the Office of the Judge of Probate of Baldwin County, Alabama.

TO HAVE AND TO HOLD unto the said grantee, in fee simple, and the said HELEN AWACKER GARDNER, for herself and for her heirs, executors and administrators covenant with the said L. A. FUNK, his heirs and assigns, that she is lawfully seized in fee simple of said premises and that they are free from all encumbrances and that she has good right to sell and convey same as aforesaid, and that she will and her heirs, executors and administrators shall warrant and defend the same unto said grantee, his heirs and assigns forever against the lawful claims of all persons.

IN WITNESS WHEREOF, the grantors have hereunto set their hands and seals this the 3rd day of October, 1955.

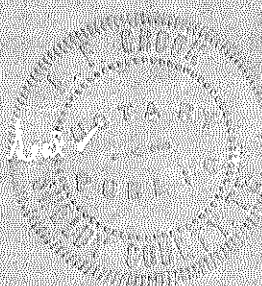
Helen Awacker Gardner (Seal) ✓
Helen Awacker Gardner

Allen Gardner (Seal) ✓
Allen Gardner

STATE OF TENNESSEE
COUNTY OF Shelby

I, G. F. Crook, a Notary Public in and for said County in said State, hereby certify that HELEN AWACKER GARDNER and ALLEN GARDNER, her husband, whose names are signed to the foregoing conveyance, and who are known to me, acknowledged before me on this day, that, being informed of the contents of the conveyance, they executed the same voluntarily on the day the same bears date.

Given under my hand and official seal this the 3rd day of October, 1955.



STATE OF ALABAMA, BALDWIN COUNTY
Filed 2-16-56
Recorded
and I certify that the following
has been paid
Deed Tax
Mortgage Tax
50
Judge of Probate
By [Signature]

G. F. Crook
Notary Public

Commission expires April 7, 1957

The State of Alabama,
Baldwin County. }

PROBATE COURT

I, W. R. STUART, Judge of Probate Court in and for said State and County, hereby certify

that the within and foregoing One photostatic pages

contain a full, true and complete copy of the Deed from Helen Anacker Gardner, et al,
to L. A. Funk,

as the same appears of record in my office ~~in~~ Book No.

~~page~~ XXXXXXXXXXXX

Given under my hand and seal of office, this 20th day of July, 1956

W. R. Stuart
Judge of Probate

THIS INDENTURE, made the _____ day of June 1954, between
L. A. Funk hereinafter called part y of
 the first part, and Cecil L. Clemens hereinafter called
 part y of the second part, WITNESSETH that the part Y of the first part in consideration of
Twelve hundred \$1200.00 DOLLARS

The receipt whereof is hereby acknowledged, and the further sum of _____
 DOLLARS to be paid according to the tenor of a certain promissory note hereinafter described,
 do grant, bargain, sell and convey unto the said part Y of the second part, his heirs and
 assigns, all that real property in Baldwin County, Alabama described as follows, to wit:
Lots numbers 5 and 6 in Block Number Seventeen (17) in Magnolia
Beach addition to Fairhope, as per its plats filed in the office of
the Judge of Probate, Bay Minette Baldwin County, Alabama.



Together with all rights and appurtenances, to said described premises in any wise belonging,
 TO HAVE AND TO HOLD the same forever.

And I do covenant with the said Cecil L. Clemens
 that I seized in fee of the above described
 premises; that I have the right to sell and convey the same; that the said premises are
 free from all incumbrances; and that I will, and my heirs, executors, and
 administrators shall forever Warrant and Defend the same to the said Cecil L.
Clemens
 heirs and assigns, against the lawful claims of all persons whomsoever.

A vendor's lien is hereby expressly reserved upon the property above described to secure
 the deferred payment hereinabove referred to, as evidenced by _____ certain promissory note of
 even date herewith executed by part 1 of the second part, payable to part y of the first part, as
 follows: on the first day of each month to pay \$40.00 dollars plus

interest at 6%, beginning July the first on or before and on or
before the first day of each month, until the total amount is
paid plus interest.
3 years after date, together with interest thereon at 6% per cent. per annum.

In event of default in the payment at maturity of the note herein described, or the amount
 hereby secured, part _____ of the first part is hereby authorized to sell said property, at auction, for
 cash, after giving notice by advertisement, once a week for three consecutive weeks, in any news-
 paper then published in Baldwin County Alabama; to make
 proper conveyance to purchaser; and the proceeds of sale to apply first, to the payment of the
 costs of said sale, including a reasonable attorney's fee; second, to the payment of the said note
 and the interest thereon, the balance, if any, to be paid over to part _____ of the second part. Part
 of the first part may purchase said property at such sale and, in that event, the auctioneer con-
 ducting the sale is authorized in the name of the part y of the second part, and as his
 attorney in fact, to make deed to part Y of the first part. Part Y of the second part agrees to
 pay such reasonable attorney's fees as may be incurred by the part _____ of the first part in the
 collection of said note.

IN WITNESS WHEREOF, the said part y of the first part has hereunto set his _____
 hand and seal the day and year first above written.

L. A. Funk (SEAL)
 _____ (SEAL)

The State of Alabama,

Baldwin

County

BOOK 210 PAGE 59

I, G. E. Perkins, a Notary Public

in and for said County and State, hereby certify that L. A. Funk, a widower

whose name is signed to the foregoing conveyance and who is known to me, acknowledged before me on this day that, being informed of the contents of the said conveyance, he executed the same voluntarily on the day the same bears date.

Given under my hand and official seal this June 1954

The State of Alabama,

County

STATE OF ALABAMA, BALDWIN COUNTY

Filed 1954

Recorded 1954

in and for said County and State, do hereby certify that on the day of 192 came before me the within named

known to me to be the wife of the within named

who being examined separate and apart from the husband touching her signature to the within conveyance acknowledged that she signed

the same of her own free will and accord, and without fear, constraints, or threats on the part of her husband.

IN WITNESS WHEREOF, I hereto set my hand and official seal

this day of 192

The State of Alabama,
Baldwin County.

PROBATE COURT

I, W. R. STUART, Judge of Probate Court in and for said State and County, hereby certify

that the within and foregoing Two photostatic pages

contain a full, true and complete copy of the Deed from L. A. Funk to

Cecil L. Clemons,

as the same appears of record in my office in Deed Book No. 210

page 58-9.

Given under my hand and seal of office, this 20th day of July, 19 56.

W. R. Stuart
Judge of Probate

STATE OF ALABAMA,)
BALDWIN COUNTY.)

KNOW ALL MEN BY THESE PRESENTS that, WHEREAS
a decree of the Circuit Court of Baldwin County, Alabama
In Equity has been rendered;

Whereas CECIL L. CLEMENS was Complainant and OTTO
ANACKER, JR., a minor, and RICHARD C. MACON and ETHEL S.
MACON were Respondents, which decree is dated 5th of
September, 1956;

And, whereas, in said decree ADA ANACKER, as
Guardian of OTTO ANACKER, JR., is authorized to join in a
conveyance with the Complainant of the property involved in
said cause, on the payment of TWO HUNDRED TWENTY-FIVE DOLLA RS
(\$225.00), the value of said minor's interest in said property;

Now, therefore, in consideration of the premises,
CECIL L. CLEMENS, a single man, for and in consideration of the
sum of ONE THOUSAND SEVENTY-FIVE DOLLARS (\$1,075.00), and
ADA ANACKER, as Guardian for OTTO ANACKER, JR., in consider-
ation of the sum of TWO HUNDRED TWENTY-FIVE DOLLARS (\$225.00),
do hereby grant, bargain, sell and convey unto RICHARD C.
MACON and ETHEL S. MACON, for the terms of their joint lives,
and upon the death of either of them, to the survivor in fee,
the following described real property, to-wit:

Lots FIVE (5) and SIX (6) in Block
SEVENTEEN (17) in Magnolia Beach
Addition to the Town of Fairhope,
according to Plat thereof recorded
in Miscellaneous Book No. 1, at
Page 331, Probate Records of Baldwin
County.

TO HAVE AND TO HOLD unto the said RICHARD C. MACON
and ETHEL S. MACON for the terms of their joint lives and
upon the death of either of them, then to the survivor in
fee simple.

IN WITNESS WHEREOF the parties of the first part
hereunto set their hands and seals this the 25 day of
September, 1956. "

/s/ Cecil L. Clemens (Seal)
Cecil L. Clemens

/s/ Ada Anacker (Seal)
Ada Anacker as Guardian of
Otto Anacker, Jr.

STATE OF ALABAMA,)

BALDWIN COUNTY.)

I, E. G. Rickarby a Notary Public in
and for said County in said State, hereby certify that ADA
ANACKER, whose name as Guardian for OTTO ANACKER, JR., is
signed to the foregoing conveyance and who is known to me,
acknowledged before me on this day that, being informed of
the contents of the conveyance, she, in her capacity as such
Guardian, executed the same voluntarily on the day the same
bears date.

Given under my hand this the _____ day of
September, 1956.

Notary Public, Baldwin County, Ala.

STATE OF ALABAMA,)

BALDWIN COUNTY.)

I, E. G. Rickarby, a Notary Public in
and for said County in said State, hereby certify that CECIL
L. CLEMENS, whose name is signed to the foregoing conveyance
and who is known to me, acknowledged before me on this day
that, being informed of the contents of the conveyance, he
executed the same voluntarily on the day the same bears date.

Given under my hand this the _____ day of
September, 1956.

Notary Public, Baldwin County, Ala.

CECIL L. CLEMENS,

COMPLAINANT

VS.

OTTO ANACKER, JR.,
a Minor, and
RICHARD C. MACON and
ETHEL S. MACON,

RESPONDENTS

IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA
IN EQUITY

A N S W E R

Comes ADA ANACKER, as Guardian of the said OTTO ANACKER, JR.,
and for answer to said bill of complaint says:

That, in her opinion the sale of the property described in the
bill for the sum of ONE THOUSAND THREE HUNDRED AND FIFTY DOLLARS
(\$1,350.00) is to the best interest of said minor, OTTO ANACKER, JR.,
and, if said sale is made, the funds will be used for his support, he
having no funds for his support.

Ada Anacker

STATE OF ALABAMA

BALDWIN COUNTY

I, L. B. Perkins, a Notary Public in and for
said County in said State, hereby certify that ADA ANACKER, whose name is
signed to the foregoing answer, and who is known to me, acknowledged be-
fore me on this day that, being informed of the contents of the answer,
she, as Guardian of OTTO ANACKER, JR., executed the same voluntarily.
Given under my hand and seal this the 22 day of April,
1955.

FILED

1 1956

ALICE L. BUCK, Clerk

L. B. Perkins
Notary Public, Baldwin County, Alabama

7. That ADA ANACKER conveyed her one-half interest and life interest in the other half of said land to L. A. FUNK by Warranty Deed recorded in Deed Book 210, pages 52-3, of the Probate Records of Baldwin County, Alabama.

8. That L. A. FUNK conveyed said property to CECIL L. CLEMENS by Warranty Deed filed for record in the Probate Court of Baldwin County, Alabama, on June 24, 1954.

9. That HELEN ANACKER GARDNER and ELIZABETH ANACKER RAKOSKY conveyed their interest in said land to L. A. FUNK by deeds dated October 3, 1955 and October 4, 1955, respectively, which passed to complainant by the said FUNK Warranty.

10. That RICHARD C. MACON and ETHEL S. MACON desire, and have agreed, to purchase said land for the sum of ONE THOUSAND THREE HUNDRED AND FIFTY DOLLARS (\$1,350.00), said sum being a fair and just price for said land and more than said land would bring if offered for public sale, and that said land is unimproved land and bringing in no income to said owners, and that it is to the interest of said minor, OTTO ANACKER, JR., to have said property sold and he obtain his interest in said land.

11. That said land cannot be equitably divided between the owners thereof without sale.

12. That ADA ANACKER is forty-six years of age.

THE PREMISES CONSIDERED, Complainant prays that proper notice of this bill be given to OTTO ANACKER, JR., ADA ANACKER, as Guardian for OTTO ANACKER, JR., RICHARD C. MACON and ETHEL S. MACON, and that a Guardian ad Litem be appointed to represent the interests of the said minor, OTTO ANACKER, JR., and that said parties be required to plead as required by law.

Complainant further prays that, on a hearing of this bill, the Court will determine if the offer to purchase said property by the said RICHARD C. MACON and ETHEL S. MACON is a just and fair offer and to the interest of said minor and, if so, authorize and direct the said ADA ANACKER, as guardian of said minor, to join in said conveyance with this complainant to RICHARD C. MACON and ETHEL S. MACON, on their paying for same the sum of ONE THOUSAND THREE HUNDRED AND FIFTY DOLLARS (\$1,350.00), in accordance with Section 219 of Title 47 of the 1940 Code of Alabama; and that the Court will determine:

1. The costs of this proceeding, including a reasonable solicitor's fee for complainant's solicitor;

2. The proportionate value of ADA ANACKER's life interest in said property now conveyed to this complainant;

3. The proportionate interest of OTTO ANACKER, JR. in said funds;

4. The proportionate value of your complainant's interest in said funds;

and order the proceeds of said sale distributed to ADA ANACKER, as guardian for the said minor, and your complainant, in accordance with Section 56 of Title 58 of the 1940 Code of Alabama.

Complainant further prays for such other further or different relief as to equity may seem meet.

FILED

Jun. 1 1956

ALICE J. WICK, Clerk

RICKARBY AND RICKARBY

By


Solicitor for Complainant

CECIL L. CLEMENS,

COMPLAINANT

VS

OTTO ANACKER, JR.,
a Minor, and
RICHARD C. MACON and
ETHEL S. MACON,

RESPONDENTS

IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA

IN EQUITY

C O M P L A I N T

TO THE HONORABLE H. M. HALL, JUDGE OF THE CIRCUIT COURT, BALDWIN COUNTY:

Comes your complainant, CECIL L. CLEMENS, and shows:

1. That he is a bona fide resident of Baldwin County, Alabama.
2. That OTTO ANACKER, JR. is a minor under the age of fourteen years and a resident of Baldwin County, Alabama, and that ADA ANACKER is his only next of kin in Alabama and the guardian of said minor, appointed by the Probate Court of Baldwin County, Alabama, on September 7, 1955.
3. That RICHARD C. MACON and ETHEL S. MACON are husband and wife and residents of Baldwin County, Alabama, and over the ages of twenty-one years.
4. That the late OTTO ANACKER was a tenant in common with G. E. PERKINS and owned together with him the following described property, to-wit:

Lots 5 and 6 in Block 17 in Magnolia Beach Addition to Fairhope, according to a plat thereof recorded in Miscellaneous Book 1, Page 331, of the Probate Records of Baldwin County, Alabama

having obtained same with other property by deed from JESSIE M. WALKER recorded in Deed Book 144, pages 326-7, of the Probate Records of Baldwin County, Alabama.

5. That the said OTTO ANACKER devised his one-half interest in said lands to his wife, ADA ANACKER, for life, with a contingent interest in said lands to his surviving children, who now are:

ELIZABETH ANACKER RAKOSKY, HELEN ANACKER GARDNER,
and OTTO ANACKER, JR., who was born after the
death of OTTO ANACKER.

6. That G. E. PERKINS conveyed his one-half interest in said lands to ADA ANACKER by deed recorded in Deed Book 208, pages 288-9, of the Probate Records of Baldwin County, Alabama.

CECIL L. CLEMENS,

COMPLAINANT

VS

OTTO ANACKER, JR,
a Minor, and
RICHARD C. MACON and
ETHEL S. MACON,

RESPONDENTS

IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA
IN EQUITY

C O M P L A I N T

TO THE HONORABLE H. M. HALL, JUDGE OF THE CIRCUIT COURT, BALDWIN COUNTY:

Comes your complainant, CECIL L. CLEMENS, and shows:

1. That he is a bona fide resident of Baldwin County, Alabama.
2. That OTTO ANACKER, JR. is a minor under the age of fourteen years and a resident of Baldwin County, Alabama, and that ADA ANACKER is his only next of kin in Alabama and the guardian of said minor, appointed by the Probate Court of Baldwin County, Alabama, on September 7, 1955.
3. That RICHARD C. MACON and ETHEL S. MACON are husband and wife and residents of Baldwin County, Alabama, and over the ages of twenty-one years.
4. That the late OTTO ANACKER was a tenant in common with G. E. PERKINS and owned together with him the following described property, to-wit:

Lots 5 and 6 in Block 17 in Magnolia Beach Addition to Fairhope, according to a plat thereof recorded in Miscellaneous Book 1, Page 331, of the Probate Records of Baldwin County, Alabama

having obtained same with other property by deed from JESSIE M. WALKER recorded in Deed Book 144, pages 326-7, of the Probate Records of Baldwin County, Alabama.

5. That the said OTTO ANACKER devised his one-half interest in said lands to his wife, ADA ANACKER, for life, with a contingent interest in said lands to his surviving children, who now are:

ELIZABETH ANACKER RAKOSKY, HELEN ANACKER GARDNER,
and OTTO ANACKER, JR., who was born after the
death of OTTO ANACKER.

6. That G. E. PERKINS conveyed his one-half interest in said lands to ADA ANACKER by deed recorded in Deed Book 208, pages 288-9, of the Probate Records of Baldwin County, Alabama.

CECIL L. CLEMENS,
COMPLAINANT

VS.

OTTO ANACKER, JR.,
A Minor, and
RICHARD C. MACON and
ETHEL S. MACON,

RESPONDENTS

I IN THE CIRCUIT COURT OF
I BALDWIN COUNTY, ALABAMA
I IN EQUITY
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REPORT OF COMPLIANCE

Comes the Complainant and shows to the Court that RICHARD C. MACON and ETHEL S. MACON have paid the sum of TWO HUNDRED TWENTY FIVE DOLLARS (\$225.00) to ADA ANACKER, as guardian for OTTO ANACKER, JR., and that she has joined with him in a conveyance to RICHARD C. MACON and ETHEL S. MACON in accordance with your decree, wherefore, Complainant prays that this Court ascertain this fact and confirm said conveyance in accordance with decree entered on the 5th day of September, 1956.

W. O. McHenry
Attorney for Complainant.

REPORT OF COMPLIANCE

COMPLAINANT

VS.

OTTO ANACKER, JR.,
A MINOR, AND
RICHARD C. MACON AND
ETHEL S. MACON

RESPONDENTS

IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA

IN EQUITY

E. G. RICKARBY, ATTORNEY

REPORT OF COMPLIANCE

CECIL L. CLEMENS,
COMPLAINANT

VS.

OTTO ANACKER, JR.,
A MINOR, AND
RICHARD C. MACON AND
ETHEL S. MACON

RESPONDENTS

IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA

IN EQUITY

CECIL L. CLEMENS,

COMPLAINANT

VS.

OTTO ANACKER, JR.,
A Minor, and
RICHARD C. MACON and
ETHEL S. MACON,

RESPONDENTS

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IN THE CIRCUIT COURT OF

I

BALDWIN COUNTY, ALABAMA

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IN EQUITY

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REPORT OF COMPLIANCE

Comes the Complainant and shows to the Court that RICHARD C. MACON and ETHEL S. MACON have paid the sum of TWO HUNDRED TWENTY FIVE DOLLARS (\$225.00) to ADA ANACKER, as guardian for OTTO ANACKER, JR., and that she has joined with him in a conveyance to RICHARD C. MACON and ETHEL S. MACON in accordance with your decree, wherefore, Complainant prays that this Court ascertain this fact and confirm said conveyance in accordance with decree entered on the 5th day of September, 1956.

REPORT OF COMPLIANCE

CECIL L. CLEMENS,

COMPLAINANT

VS.

OTTO ANACKER, JR.

RICHARD C. MACON

AND ETHEL S. MACON

RESPONDENTS

IN THE CIRCUIT COURT OF

BALDWIN COUNTY, ALABAMA

IN EQUITY

E. G. RICKREY, ATTORNEY

REPORT OF COMPLIANCE

CECIL L. CLEMENS,
COMPLAINANT

VS.

OTTO ANACKER, JR.,
A MINOR AND
RICHARD S. MACON
AND ETHEL S. MACON

RESPONDENTS

IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA

IN EQUITY

E. G. RICKARBY, ATTORNEY

decree entered on the 2nd day of September, 1922.

Wherefore, Complainant prays that this Court decree

MACON and ETHEL S. MACON in accordance with said decree.

and has joined with him in a compliance to RICHARD C.

ANACKER, as assignee for OTTO ANACKER, JR., and that

of TWO HUNDRED TWENTY FIVE DOLLARS (\$225.00) to him

RICHARD C. MACON and ETHEL S. MACON have paid the sum

comes the complainant and prays to the Court that

REPORT OF COMPLIANCE

RESPONDENTS

ETHEL S. MACON,
RICHARD C. MACON and
A MINOR, and
OTTO ANACKER, JR.

AS

COMPLAINANT

CECIL L. CLEMENS,

IN EQUITY

BALDWIN COUNTY, ALABAMA

IN THE CIRCUIT COURT OF

CECIL L. CLEMENS,
COMPLAINANT

VS.

OTTO ANACKER, JR.,
A Minor, and
RICHARD C. MACON and
ETHEL S. MACON,

RESPONDENTS

I IN THE CIRCUIT COURT OF
I BALDWIN COUNTY, ALABAMA
I IN EQUITY

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REPORT OF COMPLIANCE

Comes the Complainant and shows to the Court that RICHARD C. MACON and ETHEL S. MACON have paid the sum of TWO HUNDRED TWENTY FIVE DOLLARS (\$225.00) to ADA ANACKER, as guardian for OTTO ANACKER, JR., and that she has joined with him in a conveyance to RICHARD C. MACON and ETHEL S. MACON in accordance with your decree, wherefore, Complainant prays that this Court ascertain this fact and confirm said conveyance in accordance with decree entered on the 15th day of September, 1956.

E. C. BICKABER, VILLORE

IN EQUITY

BALDWIN COUNTY, ALABAMA
IN THE CIRCUIT COURT

RESPONDENTS

ETHEL S. MACON,
RICHARD C. MACON AND
A MINOR AND
OTTO ANACKER, JR.

VS.

COMPLAINANT

CECIL L. CLEMENS

REPORT OF COMPLIANCE

REPORT OF COMPLIANCE

CECIL L. CLEMENS,
COMPLAINANT

VS.

OTTO ANACKER, JR.,
A MINOR AND
RICHARD C. MACON AND
ETHEL S. MACON,

RESPONDENTS,

IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA

IN EQUITY

E. G. RICKARBY, ATTORNEY

REPORT OF COMPLIANCE

RESPONDENTS

ETHEL S. MACON,
RICHARD C. MACON AND
OTTO ANACKER, JR.

AS

COMPLAINANT

IN EQUITY

BALDWIN COUNTY, ALABAMA

CECIL L. CLEMENS, COMPLAINANT

7. That ADA ANACKER conveyed her one-half interest and life interest in the other half of said land to L. A. FUNK by Warranty Deed recorded in Deed Book 210, pages 52-3, of the Probate Records of Baldwin County, Alabama.

8. That L. A. FUNK conveyed said property to CECIL L. CLEMENS by Warranty Deed filed for record in the Probate Court of Baldwin County, Alabama, on June 24, 1954.

9. That HELEN ANACKER GARDNER and ELIZABETH ANACKER RAKOSKY conveyed their interest in said land to L. A. FUNK by deeds dated October 3, 1955 and October 4, 1955, respectively, which passed to complainant by the said FUNK Warranty.

10. That RICHARD C. MACON and ETHEL S. MACON desire, and have agreed, to purchase said land for the sum of ONE THOUSAND THREE HUNDRED AND FIFTY DOLLARS (\$1,350.00), said sum being a fair and just price for said land and more than said land would bring if offered for public sale, and that said land is unimproved land and bringing in no income to said owners, and that it is to the interest of said minor, OTTO ANACKER, JR., to have said property sold and he obtain his interest in said land.

11. That said land cannot be equitably divided between the owners thereof without sale.

12. That ADA ANACKER is forty-six years of age.

THE PREMISES CONSIDERED, Complainant prays that proper notice of this bill be given to OTTO ANACKER, JR., ADA ANACKER, as Guardian for OTTO ANACKER, JR., RICHARD C. MACON and ETHEL S. MACON, and that a Guardian ad Litem be appointed to represent the interests of the said minor, OTTO ANACKER, JR., and that said parties be required to plead as required by law.

Complainant further prays that, on a hearing of this bill, the Court will determine if the offer to purchase said property by the said RICHARD C. MACON and ETHEL S. MACON is a just and fair offer and to the interest of said minor and, if so, authorize and direct the said ADA ANACKER, as guardian of said minor, to join in said conveyance with this complainant to RICHARD C. MACON and ETHEL S. MACON, on their paying for same the sum of ONE THOUSAND THREE HUNDRED AND FIFTY DOLLARS (\$1,350.00), in accordance with Section 219 of Title 47 of the 1940 Code of Alabama; and that the Court will determine:

1. The costs of this proceeding, including a reasonable solicitor's fee for complainant's solicitor;

2. The proportionate value of ADA ANACKER's life interest in said property now conveyed to this complainant;

3. The proportionate interest of OTTO ANACKER, JR. in said funds;

4. The proportionate value of your complainant's interest in said funds;

and order the proceeds of said sale distributed to ADA ANACKER, as guardian for the said minor, and your complainant, in accordance with Section 56 of Title 58 of the 1940 Code of Alabama.

Complainant further prays for such other further or different relief as to equity may seem meet.

FILED

JUL 1 1956

ALICE L. WICK, Clerk

RICKARBY AND RICKARBY

By


Solicitor for Complainant

CECIL L. CLEMENS,

COMPLAINANT

VS.

OTTO ANACKER, JR.,
A Minor, and
RICHARD C. MACON and
ETHEL S. MACON

RESPONDENTS

IN THE CIRCUIT COURT OF

BALDWIN COUNTY, ALABAMA

IN EQUITY

NOTE OF EVIDENCE

This case is submitted for final decree on Original Bill, Answer of Guardian Ad Litem, Answer of Ada Anacker, Answer of Richard C. Macon, testimony of Richard C. Macon, Cecil Clemens, H. W. Rowe, J. E. Gooden and Ada Anacker, and certified copies of the following documents:

Will of Otto Anacker;

Petition to Probate said Will;

Letter of Guardianship of Ada Anacker over estate of Otto Anacker, Jr.;

Deed of Jessie M. Walker to G. E. Perkins and Otto Anacker, dated August 12, 1949.

Deed of G. E. Perkins to Ada Anacker, dated February 11, 1954.

Deed of Ada Anacker to L. A. Funk, dated June 23, 1954.

Deed of L. A. Funk to Cecil Clemens, dated June, 1954.


Deed of Helen Anacker Gardner and Allen Gardner to L. A. Funk.

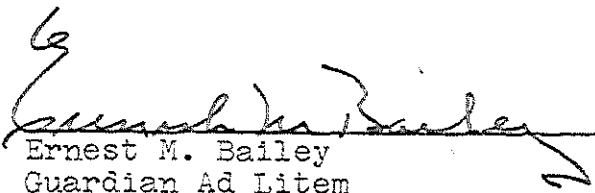
Deed of Elizabeth Anacker Rakasky and Marshall Rakasky to L. A. Funk.

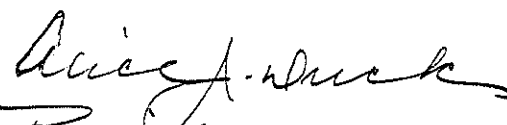
Done this the 2nd day of August, 1956.

RICKARBY AND RICKARBY

BY


E. G. Rickarby, Jr.,
Solicitor for Complainant


Ernest M. Bailey
Guardian Ad Litem


Alice J. Duck
Registra

CECIL L. CLEMENS,
Complainant

vs.

OTTO ANACKER, JR.,
A Minor, and
RICHARD C. MACON and
ETHEL S. MACON,

Respondents

NOTE OF EVIDENCE

FILED

JUL 28 1956

ALICE L. BOCK, Register

IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA
IN EQUITY

RECORDED AND INDEXED

NOTED FOR MOTION

NOTED FOR MOTION

Handwritten signature

CECIL L. CLEMENS,

COMPLAINANT

VS.

OTTO ANACKER, JR.,
A Minor, and
RICHARD C. MACON and
ETHEL S. MACON,

RESPONDENTS

IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA
IN EQUITY

DIRECT EXAMINATION BY E. G. RICKARBY, JR., SOLICITOR FOR COMPLAINANT:

J. E. GOODEN, being first duly sworn, testified as follows:

My name is J. E. Gooden and I am a resident of Baldwin County and am in the real estate business and have been for the last nineteen years, in the City of Fairhope, Baldwin County, Alabama, and am familiar with the value of property in this locality, as it is my business to sell real estate. Sometime back I went out to look at lots 5 and 6 in Block 17 in Magnolia Beach Addition to the Town of Fairhope.

Q. Were you able to form an opinion as to their value?

A. Yes, fairly.

Q. In your opinion, as a real estate man, what do you think would be a just and reasonable price for those lots?

A. Well, at that time, I would think that from TWELVE HUNDRED DOLLARS to THIRTEEN HUNDRED DOLLARS (\$1200.00 to \$1300.00) would be a fair price for those lots.

Q. Mr. Gooden, did you know the Anacker's and their children?

A. Yes, I knew Mr. and Mrs. Anacker and knew they had some children and I knew that she had a child after he died, but did not know them very intimately.

CROSS EXAMINATION BY ERNEST M. BAILEY, GUARDIAN AD LITEM:

Q. How long ago was it that you looked at these lots?

A. Sometime near the time Mr. Macon bought them.

Q. In the past year?

A. No.

Q. That is about the time Mr. Macon had bought the lots?

A. Sometime just before he bought the lots.

Q. Approximately how long before?

A. I don't know because I don't know when he bought them, or rather, I don't know the date he bought them.

Testimony of J. E. GOODEN in the Case of Clemens vs. Otto Anacker, Jr., et al, in the Circuit Court of Baldwin County, Alabama, in Equity.

Q. Were you prepared to make a greater offer than ONE THOUSAND THREE HUNDRED FIFTY DOLLARS (\$1,350.00)?

A. No.

Q. Are these lots improved or unimproved?

A. Unimproved.

Q. Are you familiar with the adjacent lots in that area?

A. I just know them by sight, but I have not sold any in that particular block.

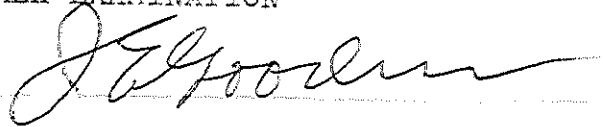
Q. Are other lots in that area selling for prices in that neighborhood?

A. At that time, I think they were.

Q. In your opinion, is ONE THOUSAND THREE HUNDRED FIFTY DOLLARS (\$1,350.00) a fair market value for those lots.

A. Yes.

NO FURTHER EXAMINATION



Witness

Subscribed and sworn to by J. E. GOODEN, Witness, before me on this the 10th day of July, 1956.


Commissioner

CECIL L. CLEMENS,
COMPLAINANT

VS.

OTTO ANACKER, JR.,
A Minor, and
RICHARD C. MACON and
ETHEL S. MACON,
RESPONDENTS

TESTIMONY OF
J. E. GOODEN

FILED

AUG 28 1904

ALICE A. ROCK, ALABAMA

IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA
IN EQUITY

CECIL L. CLEMENS,

COMPLAINANT

VS.

OTTO ANACKER, JR.,
A Minor, and
RICHARD C. MACON and
ETHEL S. MACON,

RESPONDENTS

IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA

IN EQUITY

DIRECT EXAMINATION BY E. G. RICKARBY, JR., SOLICITOR FOR COMPLAINANT:

H. W. ROWE, being first duly sworn, testified as follows:

My name is H. W. Rowe and I am in the real estate business in the City of Fairhope, Baldwin County, Alabama, and have been in the real estate business for about ten years, and as a real estate man in the City of Fairhope it is my business to form opinions as to the value of property which is being bought and sold in this area and to know values of real property.

Q. Are you familiar with the two lots on the corner of Orange and Pomelo Streets in Magnolia Beach Addition, that is, Lots 5 and 6 in Block 17?

A. Yes, I am familiar with them.

Q. Have you been able to form an opinion as to their value?

A. I have sold property directly across the street from these lots, and it consisted of about twice as much property and improvement worth about FIVE THOUSAND DOLLARS (\$5,000.00); the total property sold for about SIX THOUSAND FIVE HUNDRED DOLLARS (\$6,500.00); so, I would think a price of TWELVE HUNDRED DOLLARS (\$1200.00) or THIRTEEN HUNDRED DOLLARS (\$1300.00) for these two lots is in line and would be a just and fair price, as the improvements on Orange Street do not flatter these lots at all, while those across the street are better, but not luxury type. They also have a road paving problem there because the road washes out.

Q. If this property was divided up, would it be worth as much?

A. No, they would be too narrow and too deep to be merchantable.

CROSS EXAMINATION BY ERNEST M. BAILEY, GUARDIAN AD LITEM:

Q. When is the last time you saw these lots?

A. Today. That is, I did not look at them carefully to appraise them today, but I passed by them about an hour ago.

Q. Are the lots improved or unimproved?

Testimony of H. W. ROWE in the Case of Clemens vs. Otto Anacker, Jr., et al, in the Circuit Court of Baldwin County, Alabama, in Equity.

A. Unimproved.

Q. In your opinion, these lots could not be divided up and be of the same merchantable value?

A. In my opinion, they would not be as valuable.

Q. In your opinion, ONE THOUSAND THREE HUNDRED FIFTY DOLLARS (\$1,350.00) was a fair and merchantable price for those lots?

A. Yes.

Q. Are adjacent lots in the neighborhood selling for approximately that price?

A. I do not know of any that are for sale at this time, but I did mention a sale we made for the property across the street.

NO FURTHER EXAMINATION

H. W. Rowe.
Witness

Subscribed and sworn to by H. W. ROWE, Witness, before me on this the 24th day of July, 1956.

Gloria S. Matthews
Commissioner

CECIL L. CLEMENS,
COMPLAINANT

VS.

OTTO ANACKER, JR.,
A Minor, and
RICHARD C. MACON and
ETHEL S. MACON,
RESPONDENTS

TESTIMONY OF
H. W. ROWE

FILED

AUG 28 1956

ALICE L. DUCK, Register

IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA
IN EQUITY

THE STATE OF ALABAMA
Baldwin County

Circuit Court

TO: FLORA S. MATTHEWS

KNOW YE: That we, having full faith in your prudence and competency, have appointed you Commissioner, and by these presents do authorize you, at such time and place as you may appoint, to call before you and examine CECIL L. CLEMENS, RICHARD C. MACON,
J. E. GOODEN and H. W. ROWE and MRS. ADA ANACKER

as witnesses in behalf of CECIL L. CLEMENS in a cause pending in our
 Circuit Court in Baldwin County, of said State, wherein CECIL L. CLEMENS

is, Complainant
 and OTTO ANACKER, JR., A Minor, and RICHARD C. MACON and ETHEL S.
MACON

are Respondent^s

on oath, to be by you administered, upon
 to take and certify the deposition^s of the witness^s and return the same to our Court, with all
 convenient speed, under your hand.

Witness 6th day of July, 19456

David J. Duck
 Register.

Commissioner's Fee, \$ _____

Witness' Fees, \$ _____

CECIL L. CLEMENS,

COMPLAINANT

VS.

OTTO ANACKER, JR.,
A Minor, and
RICHARD C. MACON and
ETHEL S. MACON,

RESPONDENTS

IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA

IN EQUITY

DIRECT EXAMINATION BY E. G. RICKARBY, JR., SOLICITOR FOR COMPLAINANT:

CECIL L. CLEMENS, being first duly sworn, testified as follows:

My name is Cecil L. Clemens and I live here in Baldwin County, Alabama. I know OTTO ANACKER, JR., and he is under the age of fourteen (14); I think he is six (6) years old, and is Mrs. Ada Anacker's son. I know RICHARD C. MACON and ETHEL S. MACON and know they are husband and wife and are over the age of twenty-one (21). About a year or so ago, I purchased from Mr. L. A. Funk and got a deed to Lots 5 and 6 in Block 17 of Magnolia Beach Addition to the Town of Fairhope, according to plat thereof recorded in Miscellaneous Book 1, Page 331, of the Probate Records of Baldwin County, Alabama. I later went to sell them and was informed that the title was not good and that OTTO ANACKER, JR. had some interest in this land, and I am bringing this bill to straighten up the title. Deeds will show what interest the parties had and I do not know for sure of my own personal knowledge exactly what interest there was. Then, later, I offered to sell this property to Mr. and Mrs. Richard C. Macon, that is, Richard C. Macon and Ethel S. Macon, and they offered me ONE THOUSAND TWO HUNDRED DOLLARS (\$1,200.00) for these lots and I consider that a fair and just price for the property, and I agreed to sell for ONE THOUSAND TWO HUNDRED DOLLARS (\$1,200.00), that was ONE THOUSAND TWO HUNDRED DOLLARS (\$1,200.00) net to me, and there would be additional expenses of, at least, ONE HUNDRED FIFTY DOLLARS (\$150.00) added to that, making it ONE THOUSAND THREE HUNDRED AND FIFTY DOLLARS (\$1,350.00) Mr. Macon agreed to pay for the property. These are two (2) building lots with a total dimension of 120 feet fronting on Orange Street, and 170 feet deep, and, if a fractional share was cut out to give to Otto Anacker, Jr., it would destroy the value of this property.

CROSS EXAMINATION BY ERNEST M. BAILEY, GUARDIAN AD LITEM:

Q. You bought the lots from L. A. Funk - is that right?

A. It is.

Testimony of Cecil L. Clemens in the Case of Clemens vs. Otto Anacker, Jr., et al, in the Circuit Court of Baldwin County, Alabama, in Equity.

Q. How much did you pay L. A. Funk for thise lots?

A. I paid him ONE THOUSAND TWO HUNDRED DOLLARS (\$1,200.00), or SIX HUNDRED DOLLARS (\$600.00) a lot.

Q. Have you offered the lots for sale to anyone else besides Mr. Macon?

A. Before I found out my title was not good?

Q. At any time?

A. Yes, I offered them for sale.

Q. Is Mr. Macon paying approximately what you were offered before?

A. What I was offered? No.

Q. Was it more or less?

A. I was offered less.

Q. What was the highest offer you had, besides the Macon offer?

A. It would amount to the same thing - ONE THOUSAND THREE HUNDRED FIFTY DOLLARS (\$1,350.00).

NO FURTHER EXAMINATION

Cecil L. Clemens
Witness

Subscribed and sworn to by CECIL L. CLEMENS, Complainant, before me on this the 24th day of July, 1956.

Flora S. Matthews
Commissioner

CECIL L. CLEMENS,
COMPLAINANT

VS.

OTTO ANACKER, JR.,
A Minor, and
RICHARD C. MACON and
ETHEL S. MACON,

RESPONDENTS

TESTIMONY OF
CECIL L. CLEMENS.

FILED

AUG 28 1956

Alice L. Dwyer, Attorney

IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA
IN EQUITY

CECIL L. CLEMENS,

COMPLAINANT

VS.

OTTO ANACKER, JR.,
A minor, and
RICHARD C. MACON and
ETHEL S. MACON,

RESPONDENTS

IN THE CIRCUIT COURT OF

BALDWIN COUNTY, ALABAMA

IN EQUITY

DIRECT EXAMINATION BY E. G. RICKARBY, JR., SOLICITOR FOR COMPLAINANT:

RICHARD C. MACON, being first duly sworn, testified as follows:

My name is Richard C. Macon and I am a resident of Baldwin County, Alabama, and over the age of twenty-one years. I am interested in buying Lots 5 and 6 in Block 17, Magnolia Beach Addition to the Town of Fairhope, according to the plat thereof recorded in Miscellaneous Book 1, Page 331, of the Probate Records of Baldwin County, Alabama. I know Mr. Cecil Clemens. Mr. Cecil Clemens came to me, told me that he had those two lots and would like to dispose of them and asked me to look at them. I looked at them, and offered to pay him ONE THOUSAND TWO HUNDRED DOLLARS (\$1,200.00) for the lots, and, in fact, I paid him that money for them, and I agreed to pay up to ONE THOUSAND THREE HUNDRED FIFTY DOLLARS (\$1,350.00) if it took that to clear the title. I consider the lots worth, approximately, that much money and I feel that is a fair and reasonable price to pay for them. These are two unimproved building lots and, if the lots were divided any other way but in half, in my opinion, they would be worth much less.

CROSS EXAMINATION BY ERNEST M. BAILEY, GUARDIAN AD LITEM:

Q. These are residential lots?

A. Yes.

Q. Are you familiar with lots adjacent to these, or those in the surrounding area?

A. Yes, they are all the same size.

Q. In your opinion, do you think ONE THOUSAND THREE HUNDRED FIFTY DOLLARS (\$1,350.00) to be a fair value for those lots?

A. Yes. In my opinion, I think it is.

NO FURTHER EXAMINATION

Richard C. Macon
Witness

Subscribed and sworn to by RICHARD C. MACON, Respondent, before me on this the 10th day of July, 1956.

Flora S. Matthews
Commissioner

CECIL L. CLEMENS,
COMPLAINANT

VS

OTTO ANACKER, JR.,
A Minor, and
RICHARD C. MACON and
ETHEL S. MACON,

RESPONDENTS

TESTIMONY
of
RICHARD C. MACON

FILED

AUG. 26 1956

ALICE J. DUCK, Reporter

IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA
IN EQUITY

CECIL L. CLEMENS,

COMPLAINANT

VS.

OTTO ANACKER, JR.,
A Minor, and
RICHARD C. MACON and
ETHEL S. MACON,

RESPONDENTS

IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA
IN EQUITY

ADA ANACKER, being first duly sworn, testified as follows:

My name is ADA ANACKER and I am the mother of OTTO ANACKER, JR., who is a minor under the age of fourteen years and I was appointed Guardian of him by the Probate Court of Baldwin County, Alabama, on the 7th day of September, 1955.

My husband died several years ago and, at the time of his death, he and Mr. Perkins owned Lots 5 and 6 of Block 17 of Magnolia Beach Addition to the City of Fairhope.

When my husband died, he left his property by will to me for my life and, on my death, to the children, namely, ELIZABETH ANACKER RAKASKY, HELEN ANACKER GARDNER and OTTO ANACKER, JR., to be divided equally among them.

After my husband's death, Mr. G. E. Perkins made a deed of his one-half interest in these lots to me in return for my deed to my one-half interest in other property to him, and I thought I owned this property and deeded it to Mr. L. A. Funk by warranty deed, but the interest of my son, OTTO ANACKER, JR., has never been conveyed and this proceedings is made to straighten out his interest.

I am forty-six years of age.

Ada Anacker
ADA ANACKER

Subscribed and sworn to by ADA ANACKER before me on this the
31st day of July, 1956.

Florence S. Matthews
Commissioner

CECIL L. CLEMENS,
COMPLAINANT
VS.

OTTO ANACKER, JR.,
A Minor, and
RICHARD C. MACON and
ETHEL S. MACON,
RESPONDENTS

TESTIMONY OF
ADA ANACKER

FILED

AUG 2 1956

ALICE J. BUCK, Register

IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA
IN EQUITY

I, FLORA S. MATTHEWS, the Commissioner named in the attached commission issued by the Circuit Court of Baldwin County, Alabama, do hereby certify that in a case pending in the Equity side of said Court, wherein CECIL L. CLEMENS is Complainant and OTTO ANACKER, JR., a Minor, and RICHARD C. MACON and ETHEL S. MACON are Respondents, under and by virtue of the power conferred upon me by said commission, I caused the witnesses named in the commission, namely, CECIL L. CLEMENS, RICHARD C. MACON, J. E. GOODEN and H. W. ROWE, and ADA ANACKER, who were made known to me and known by me to be the identical witnesses named in the commission, to come to my office in the Bank Building in the City of Fairhope, Alabama, where the said witnesses, after being duly sworn by me, upon examination by E. G. Rickarby, Jr., Esquire, Solicitor for Complainant, and Ernest M. Bailey, Guardian Ad Litem, testified as hereinbefore written; that their testimony was by me reduced to writing as given by them, as near as might be in their identical language and, after being so reduced to writing, was read over by the said witnesses, who assented to and signed the same in my presence.

~~I further certify that I am not of counsel or kin to either of the parties to the cause, or anywise interested in the results thereof.~~

IN WITNESS WHEREOF, I hereunto set my hand as Commissioner on this the 31st day of July, 1956.

Flora S. Matthews
Commissioner

LAW OFFICES
E. G. RICKARBY
BANK BUILDING
FAIRHOPE, ALABAMA
August 3, 1956

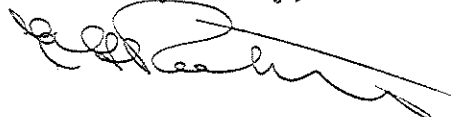
Honorable Hubert M. Hall
Judge of the Circuit Court
Bay Minette, Alabama

Dear Judge Hall:

Re: Cecil L. Clemens
Vs: Otto Anacker, Jr., et al
In Equity, Case No.

Trust you will find these papers in order, and if you would rather discuss them with me before signing them, please phone me "collect" and I will come up and run over them with you.

Yours very truly,



EGR/ts
8-13-56
Encl.

cc: Mr. Ernest Bailey
cc: client

LAW OFFICES
E. G. RICKARBY
BANK BUILDING
FAIRHOPE, ALABAMA
May 30, 1956

Mrs. Alice Duck
Clerk of Circuit Court
Bay Minette, Alabama

Dear Mrs. Duck:

Re: Clemons vs Anacker, and
Macon
Our File: 3456

Enclosed please find Bill of Complaint and Answer of all interested parties except the minor. Please appoint a guardian for him and we will go ahead.

Yours very truly,



EGR/ts
6-10-56
Encl.

CECIL L. CLEMENS,
COMPLAINANT

VS.

OTTO ANACKER, JR.,
A Minor, and
RICHARD C. MACON and
ETHEL S. MACON,

RESPONDENTS

IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA

IN EQUITY

DECREE OF CONFIRMATION

This cause coming on to be heard on Report of Compliance filed by Circuit Court and it appears to the Court that ADA ANACKER, as Guardian for OTTO ANACKER, JR., a minor, has paid the sum of TWO HUNDRED TWENTY FIVE DOLLARS (\$225.00), as decreed by this Court and has joined in a deed with the complainant conveying the wards interest in the said property:

Lots Five (5) and Six (6) in Block Seventeen (17) in Magnolia Beach Addition to Fairhope, as per its plat filed on record in the office of the Judge of Probate of Baldwin County, Alabama.

IT IS THEREFORE, ORDERED, ADJUDGED AND DECREED, that said deed is confirmed in all respects, the cost in this cause having been paid.

Done this the 2nd day of October, 1956.

J. Hubert M. Hall
Circuit Judge

DECREE OF CONFIRMATION

CECIL L. CLEMENS,
COMPLAINANT

VS.

OTTO ANACKER, JR.
A Minor and
RICHARD C. MACON and
ETHEL S. MACON,

DEFENDANTS

IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA

IN EQUITY

E. G. RICKARBY, ATTORNEY

FILED

OCT 2 1936

ALICE J. MOCA, Register

CECIL L. CLEMENS,
Complainant

VS

OTTO ANACKER, JR. a
minor, and RICHARD
C. MACON & ETHEL S. MACON,
Respondents.

IN THE CIRCUIT COURT

OF

BALDWIN COUNTY, ALABAMA

IN EQUITY NO. 3802.

APPOINTMENT OF GUARDIAN AD LITEM

In this cause, it appearing to the Register, Alice J. Duck, that
OTTO ANACKER, JR. is a minor, and,

In the said proceeding it being made to appear to the Register, Alice
J. Duck, that the said OTTO ANACKER, JR., is interested in the result of
said proceedings for settlement of said estate.

It is therefore ordered, by the Register that Ernest M. Bailey be and
he is hereby appointed Guardian Ad Litem to represent the said OTTO ANACKER,
JR., upon hearing of the said proceedings.

Done the 1st day of June, 1956.

Alice J. Duck
Register

CONSENT TO ACT

I, Ernest M. Bailey, hereby consent to act as guardian ad litem for
Otto Anacker, Jr., a minor upon hearing ~~(the)~~ of the above cause.

Witness my hand this 1st day of June 1956.

Ernest M. Bailey
Guardian Ad Litem.