

\$5.00

3934

G. E. PERKINS,  
Complainant,  
VS.  
OTTO ANACKER, JR., a  
Minor,  
Respondent.

IN THE  
CIRCUIT COURT OF BALDWIN COUNTY,  
ALABAMA. IN EQUITY.  
January 31, 1957

MR. G. E. PERKINS, BEING FIRST DULY SWORN, TESTIFIED:

Examination by Mr. Brantley.

Q. What is your name, please sir?

A. G. E. Perkins.

Q. Where do you live?

A. Fairhope.

Q. Are you over the age of 21 years?

A. Yes sir.

Q. Fairhope, Alabama, is in Baldwin County?

A. Yes.

Q. Do you know Otto Anacker, Jr.?

A. Yes sir.

Q. How old is he?

A. I think he is seven or eight years old.

Q. Where does he live?

A. Fairhope.

Q. Who does he live with?

A. His mother.

FILED  
FEB 6 1957  
ALICE L. DICK, Register

- Q. What is her name?
- A. Ada Anacker.
- Q. Do you know whether she has been appointed his legal guardian?
- A. Yes, because I saw a paper a day or so ago.
- Q. Judge, did you and Otto Anacker at one time own some lands in Fairhope Jointly?
- A. Yes sir.
- Q. Do you know the description?
- A. Lots 3, 4, 5 and 6, Block 17, Magnolia Beach.
- Q. Do you now own any of this land?
- A. I own Lots 3 and 4 of Block 17.
- Q. Is Otto Anacker living or dead?
- A. He is dead.
- Q. Do you know anything about the terms of his will?
- A. Well some. I can't tell you all about it. I have seen it. His property was left to her and the heirs; at that time Otto, Jr. wasn't here.
- Q. Who were the heirs of Otto Anacker when he died?
- A. He had a daughter by his first wife.
- Q. What is her name?
- A. I don't know.
- Q. Was it Elizabeth Anacker Rakesky?
- A. Yes sir.
- Q. Did he have a daughter named Helen Anacker Gardner?

Q. And this unborn child, Otto Anacker, Jr.?

A. Yes sir.

Q. His wife was named Ada Anacker?

A. Yes sir.

Q. After Otto Anacker's death, did you convey your half interest in Lots 5 and 6, Block 17, to Ada Anacker?

A. Yes sir.

Q. And did Ada Anacker convey her half interest to you in Lots 3 and 4 Block 17?

A. Yes sir.

Q. Also did Elizabeth Anacker Rakesky and husband Marshall E. Rakesky and Helen Anacker Gardner and husband Allen Gardner, convey their interest in Lots 3 and 4, Block 17 to you?

A. Yes sir.

Q. Do you know anything about the case of Cecil L. Clements vs. Otto Anacker, Jr., a minor?

A. No.

Q. You don't know anything about that?

A. No.

MR. BRANTLEY: I want to offer in evidence, deed - Certified copy of a deed from Jessie M. Walker, a widow, to Otto Anacker and G. E. Perkins, conveying Lots 3, 4, 5 6 7, Block 17, of Magnolia Beach addition to the town of Fairhope, Alabama, recorded in Deed Book 144 P.

326, and ask that it be identified as Complainant's Exhibit A.

I also introduce in evidence a certified copy of last will and testament of Otto Anacker, filed for Probate in the Probate Court of Baldwin County, Alabama, on the 14th day of November 1949, and recorded in Will Book Q. page 361-2, and letters testamentary connected therewith showing a devise from Otto Anacker to his wife, Ada Anacker, of a life estate in his property and the remainder to his children, and ask that it be identified as Complainant's Exhibit B.

I wish to offer in evidence quitclaim deed from G. E. Perkins to Ada Anacker, covering Lots Number 5 and 6 of Block 17, Magnolia Beach Addition to the Town of Fairhope and ask that it be marked Complainant's Exhibit C., which said deed is dated February 11, 1954, and recorded in Deed Book 208, at page 288.

I offer in evidence original deed from Ada Anacker individually and as Executrix, under the last will and testament of the said Otto Anacker, deceased, to G. E. Perkins, conveying Lots Number 3 and 4, Block 17, Magnolia Beach Addition to the Town of Fairhope, dated February 11, 1954, and recorded in Deed Book 208 at page 284-5, Probate Office of Baldwin County, Alabama

and ask that it be identified as Complainant's Exhibit D.

We introduce in evidence original quitclaim deed from Helen Anacker Gardner and husband, Allen Gardiner, to G. E. Perkins, dated October 20, 1956, and recorded in Deed Book 245 at page 73-4 and ask that the same be identified as Complainants Exhibit E.

We introduce in evidence Quitclaim deed, Elizabeth Anacker Rakasky and husband, Marshall Rakasky, to G. E. Perkins, conveying Lots 3 and 4, Block 17, Magnolia Beach Addition to Fairhope, dated October 1, 1956, and recorded in Deed Book 245 at page 71, and ask that it be identified as Complainant's Exhibit F.

Q. Now, Judge Perkins, were you paid any consideration for your conveyance of these two lots to Ada Anacker?

A. No sir.

MR. BRANTLEY: I offer in evidence copy of final decree in the case of Cecil L. Clements, Complainants, vs. Otto Anacker, Jr., a Minor and Richard C. Macon and Ethel S. Macon, respondents, said final decree reading as follows:

"This cause coming on to be heard on Original Bill and Testimony as noted, and that Ernest M. Bailey was appointed as Guardian Ad Litem, and acted, it appears to the Court that the Complainant is entitled to the relief sought, and that the offer to purchase said property made by the said Richard C. Macon and Ethel S. Macon is a just and fair offer, and is to the interest of the minor, and the said Ada Anacker, as Guardian of the said minor, is authorized to join in the conveyance with the complainant to the said Richard C. Macon and Ethel S. Macon on their paying the sum of ONE THOUSAND THREE HUNDRED AND FIFTY DOLLARS (\$1,350.00), and that the costs of this proceedings are Fifty-three and 30/100 Dollars, and that a reasonable Solicitor's Fee for Complainant's Solicitor is One Hundred Dollars, and the proportionate value of Ada Anacker's life interest in said property is Fifty Dollars (\$50.00) and the proportionate value of OTTO ANACKER, JR'S interest in said property is Two Hundred Twenty Five Dollars, and the proportionate value of Complainant's interest in said property is Ten Hundred and Seventy-Five dollars, and on the payment of said sum, said deed will be confirmed.

Done this 5th day of September, 1956".

And we ask that said decree be identified as Complainant's Exhibit G.

CROSS EXAMINATION OF THIS WITNESS HE TESTIFIED:

Examination by E. M. Bailey, as Guardian Ad litem.

Q. When did you buy these lots, Judge Perkins?

A. Off-hand, I don't know Mr. Bailey.

Q. Do you recall how much you and Mr. Anacker paid for the lots?

A. I think it was \$600.00; that is as far as I recollect right now.

Q. Now when you conveyed two lots to Mrs. Anacker, what was the consideration for that conveyance?

A. I don't know whether there was any consideration specified; we were told that we could clear up the title through the Probate office that way; that was by Mr. Cramer. I conveyed her Lots 5 and 6 and she conveyed to me Lots 3 and 4.

Q. Did you pay Mrs. Anacker anything?

A. No, we were just exchanging.

Q. You have no knowledge of how much Otto Anacker, Jr. was paid for his interest in those lots?

A. Which lots?

Q. The lots that you conveyed to Mrs. Anacker?

A. As far as I know it was \$250.00.

Q. You made no payment to Ada Anacker for Otto Anacker, Jr.?

A. No.

Q. In your opinion, was \$250.00 an adequate consideration to go to Otto Anacker, Jr., for his share?

A. I don't know; we decided to divide the lots, on the advice of Mr.

in that way. She wanted a division and she wanted Lots 5 and 6, which was a corner lot and I told her that I was perfectly satisfied and that I would take the inside lots.

Q. Did you know at that time that Otto Anacker, Jr., had an interest in the lots?

A. No I didn't. I don't consider that I owe him anything, but it is up to the Court.

Q. Have you offered these two lots for sale?

A. The ones I have?

Q. Yes?

A. Yes sir.

Q. How much do you value the lots at?

A. \$1,000.

Q. For the two lots?

A. Yes sir.

Q. Do you have a buyer for the two lots?

A. Yes I think so.

Q. At \$1,000.00?

A. Yes.

Q. Do you know whether or not Mrs. Anacker sold the two lots you conveyed to her?

A. Yes sir.

Q. Do you know how much the consideration was for those lots?

A. I think she got \$1200.00, and later she told me they paid her



\$150.00 extra. Now positively, I won't say about the \$150.00, but she did I know, sell the lots for \$1200.00.

Q. In otherwords, the four lots, the market value today would be \$2200.00 to \$2300.00?

A. Yes sir.

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Iherably certify that the foregoing consisting of pages 1 to 9 both inclusive, correctly sets forth a true and correct transcript of the testimony as taken by me, in open court, in the above styled matter.

This 31st day of January, 1957.

Louise Desobry  
Court Reporter

Com. Exp. A

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

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 parties of the second part, their heirs

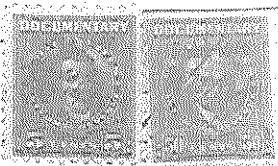
and assigns, all the real property in Baldwin County, Alabama described as follows:  
Lots Numbered Three (3), Four (4), Five (5), and Six (6), in  
Block number Seventeen (17), of Magnolia Beach, addition to the  
Town of Fairhope, as per map or plat thereof recorded in Miscellaneous  
Book NO. One (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 345, 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



144 OCT 1927

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, 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 G. R. 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 Deed from Jessie M. Walker to

G. E. Perkins and Otto Anacker,

as the same appears of record in my office in Deed Book No. 114

page 326-7.

Given under my hand and seal of office, this 14th day of January, 1957.

W. R. Stuart  
Judge of Probate

Comm Exp C.

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 LAST WILL AND TESTAMENT, in manner following, to wit:

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 LIFE 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.

Harcis D. Bradford

Fairhope, Alabama

Clara B. Smith

JAPHNE  
Fairhope, Alabama.

THE STATE OF ALABAMA,  
Baldwin County

COURT OF PROBATE

Petition of Ada Anacker for the Probate of the Will of  
Otto Anacker deceased.

TO THE HONL. R. Stuart JUDGE of the COURT OF PROBATE, Baldwin County

The petition of the undersigned Ada Anacker  
respectfully presents unto our Honor that Otto Anacker  
who at the time of his death was an inhabitant of this county, departed this life at  
Fairhope on or about the        day of October 1949

leaving assets in this State, and leaving a Last Will and Testament duly signed by Otto Anacker  
and attested by Francis J. Crawford & Dan B. Smith

That your petitioner as she 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 Testa-  
ment 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, Fairhope,  
Alabama, a daughter of said deceased, residing with petitioner.  
Said daughter is a minor child, eighteen years of age  
~~An unnamed, unborn child of testator and petitioner~~

*Otto Anacker, an infant son of deceased who  
resides with petitioner at Fairhope, 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 her  
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 Fairhope, 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 19

*Stuart*

*Ada Anacker*

Notary Public, Jacksonville  
Baldwin County, Ala.

COURT OF PROBATE

JEFFERSON COUNTY

*Baldwin*

Estate of

*Otto Quacken*

Deceased

Petition for Probate of Will

Filed in the office of the Judge of Probate

this *14* day of *Nov* 19*49*

and the \_\_\_\_\_ day of \_\_\_\_\_

19\_\_\_\_, set for hearing.

*W.R. Stewart*

Judge Court of Probate, Jefferson County

Prayer granted and petition ordered recorded

this \_\_\_\_\_ day of \_\_\_\_\_

19\_\_\_\_

Judge Court of Probate, Jefferson County

Recorded in \_\_\_\_\_

*Probate Record*

*361-2*

Page \_\_\_\_\_

*Halsbury, City*

THE STATE OF ALABAMA,  
BALDWIN COUNTY

COURT OF PROBATE

LETTERS TESTAMENTARY

The Will of Otto Anacker having been duly admitted to record in said County, Letters Testamentary are hereby granted to \_\_\_\_\_

A da Anacker the executrix named in said Will, who has complied with the requisitions of the law, and is authorized to take upon her self the execution of such will.

Witness my hand, and dated this 2nd day of December A. D., 1943.

*M R Stuart*

Judge of Probate.

No. \_\_\_\_\_

The State of Alabama,  
BALDWIN COUNTY

PROBATE COURT

ESTATE OF

*Otto Anacker*

Deceased.

*A da Anacker*

Executrix

LETTERS TESTAMENTARY

*Received by  
A da Anacker  
Dec 2nd 1943*





The State of Alabama,

Baldwin County

BOOK 208 PAGE 288

THIS DEED made this 11th day of February 19 54  
between G. E. Perkins, a widower,  
Ada Angcker  
of the first part, and  
of the second part

WITNESSETH, that the party of the first part, in consideration of  
One (1) Dollar and other value  
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 11:20 A.M.  
Recorded \_\_\_\_\_ book \_\_\_\_\_ page \_\_\_\_\_  
and I certify that the following Privilege Tax  
has been paid.  
Deed Tax 50  
Mortgage Tax \_\_\_\_\_  
M. B. Stewart  
Judge of Probate  
By [Signature]

TO HAVE AND TO HOLD the said released premises unto the said Ada Angcker, 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)

State of Alabama, BALDWIN County.

I, E. CRAMER, a Notary Public

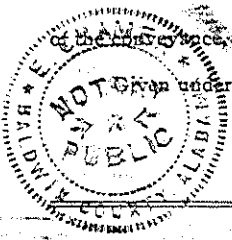
in and for said County and State, hereby certify that G. E. Perkins

\_\_\_\_\_, 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

of the conveyance, 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. 1954.



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 Deed from 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 14th day of January, 1957.

W. R. Stuart  
Judge of Probate

The State of Alabama,

Baldwin COUNTY.

BOOK 208 PAGE 284

Know all Men By These Presents

THAT I, Ada Anacker, widow of Otto Anacker, Deceased, individually and as Executrix under the will of said Otto Anacker, Deceased, said will being of record in the Probate Court of Baldwin County, Alabama,

for and in consideration of the sum of One (1) Dollar and other value to me in hand paid by G. E. Perkins

I do hereby acknowledge, have GRANTED, BARGAINED, and SOLD, and by these presents do hereby GRANT, BARGAIN, SELL and CONVEY unto the said G. E. Perkins, his

heirs and assigns, the following described Real Estate, situated in the city of Fairhope, county of Baldwin and State of Alabama, to-wit:

Lots Numbered Three (3) and Four (4) in Block Seventeen (17), Magnolia Beach Addition to the Town of Fairhope, Alabama, as per plat thereof recorded in Miscellaneous Book Number One (1), Page 331, of the Probate Records of Baldwin County, Alabama, conveying hereby a one half undivided interest in and to said lots;

STATE OF ALABAMA, BALDWIN COUNTY
Filed 5-5-54 11:30 A.M.
Recorded Seal back 208 page 284-5
I certify that the following Probate Tax has been paid
Decd Tax 50
Mortgage Tax
W. E. Perkins
Judge of Probate
By



2-11-54

THE STATE OF ALABAMA,

Baldwin COUNTY.

# Warranty Deed

FROM

Ada Anacker

TO

G. E. Perkins

208-284-5

THE STATE OF ALABAMA,

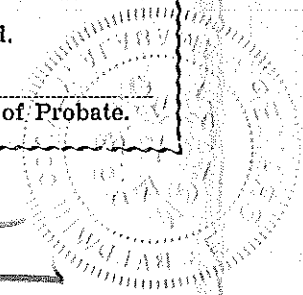
.....County.

I hereby certify that the within Deed was filed  
in this office for record on the.....day of  
....., 19....., at.....o'clock  
.....M., and duly recorded in Deed Record Book  
.....Page.....and examined.

Judge of Probate.

BROWN PRINTING CO., MONTGOMERY

B 50  
R 150  
200 all for  
McAnis



QUIT-CLAIM DEED

Moore Printing Co., Bay Minette, Ala.

The State of Alabama, }  
Baldwin County }

THIS DEED made this 20 day of December Oct. 1956

between Helen Anacker Gardner and Allen Gardner, her husband  
parties of the first part, and  
G. E. Perkins  
party of the second part

WITNESSETH, that the parties of the first part, in consideration of

One ----- DOLLARS

to them 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 do remise, release and forever quit-claim unto the said party of the second part G. E. Perkins, his heirs and assigns forever, all the real property in Baldwin County, Alabama, described as follows, to-wit: Lots 3 and 4 in Block number 17, in Magnolia Beach as per its plats or maps filed on the records in the Probate Judges office, of Baldwin County, Alabama.

STATE OF ALABAMA, BALDWIN COUNTY  
Filed 11-8-56 3 P M

Recorded book 245 page 73-4  
and I certify that the following Privilege Tax has been paid.

Deed tax 50

Mortgage Tax MR Stewart  
Judge of Probate  
By [Signature]

TO HAVE AND TO HOLD the said released premises unto the said G. E. Perkins

his heirs and assigns forever: So that neither the party of the first part their or assigns nor any other person in trust for them

or in their 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 parties of the first part their 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 parties of the first part has hereunto set their hands and seal the day and year first above written

SIGNED, SEALED AND DELIVERED IN THE PRESENCE OF

Allen Gardner (SEAL)  
Helen Anacker Gardner (SEAL)

BOOK 245 PAGE 73

QUIT-CLAIM DEED

Moore Printing Co., Bay Minette, Ala.

The State of Alabama, }  
Baldwin County }

BOOK 245 PAGE 71

THIS DEED made this 1st. day of ~~December~~ October 1956 ~~5th~~

between Elizabeth Anacker Rakesky and Marchall Rakesky, husband and wife, parties of the first part, and G. E. Perkins party of the second part

WITNESSETH, that the parties of the first part, in consideration of

One ----- DOLLARS to them 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 do remise, release and forever quit-claim unto the said party of the second part his heirs and assigns forever, all the real property in Baldwin County, Alabama, described as follows, to-wit: Lots 3 and 4 in Block number 17, in Magnolia Beach, as per its plats or maps, filed on the records in the office of the Probate Judge, of Baldwin County, Alabama

STATE OF ALABAMA, BALDWIN COUNTY  
Filed 11-8-56 3 P.M.

Recorded Deed book 245 page 71-2  
and I certify that the following Privilege Tax has been paid.

Deed Tax 50

Mortgage Tax

Judge of Probate

By [Signature]

TO HAVE AND TO HOLD the said released premises unto the said G. E. Perkins his heirs and assigns forever: So that neither the party of

the first part their or assigns nor any other person in trust for them or in their 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 parties of the first part their 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 parties of the first part has hereunto set their hands and seal the day and year first above written

SIGNED, SEALED AND DELIVERED IN THE PRESENCE OF

\* Ellen Elizabeth Rakesky  
\* Marchall E Rakesky

(SEAL)

(SEAL)



*Complainant's Exhibit 5.*

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

FINAL DECREE

This cause coming on to be heard on Original Bill and Testimony as noted, and that ERNEST M. BAILEY was appointed as Guardian Ad Litem, and acted, it appears to the Court that the Complainant is entitled to the relief sought, and that the offer to purchase said property made by the said RICHARD C. MACON and ETHEL S. MACON is a just and fair offer, and is to the interest of the minor, and the said ADA ANACKER, as Guardian of the said minor, is authorized to join in the conveyance with the Complainant to the said RICHARD C. MACON and ETHEL S. MACON on their paying the sum of ONE THOUSAND THREE HUNDRED AND FIFTY DOLLARS (\$1,350.00), and that the costs of this proceedings are

*Fifty-three and 30/100* dollars, and that a reasonable fee for Complainant's Solicitor is *One hundred dollars*

and the proportionate value of ADA ANACKER'S life interest in said property is FIFTY DOLLARS (\$50.00), and the proportionate value of OTTO ANACKER, JR.'S interest in said property is

*Two hundred twenty-five dollars* and the proportionate value of Complainant's interest in said property is *Ten hundred and twenty-five dollars* and on the payment of said sum, said deed will be confirmed.

DONE this the 5<sup>th</sup> day of September, 1956.

Hubert M. Hall  
Circuit Judge



G. E. PERKINS

Complainant

vs

OTTO ANACKER, JR.,  
a minor

Respondent

IN THE CIRCUIT COURT OF

BALDWIN COUNTY, ALABAMA

IN EQUITY

NO. 3938

This cause coming on to be heard is submitted on Amended Complaint, answer of guardian ad litem and testimony heretofore taken or tenus and after consideration of the same, the Court is of the opinion that the Complainant is entitled to the reliefs prayed for.

IT IS THEREFORE ORDERED, ADJUDGED and DECREED that ADA ANACKER, as Guardian of OTTO ANACKER, JR., convey to G. E. PERKINS all of OTTO ANACKER, JUNIOR'S right title and interest in and to the following described land:


Lots Three (3) and Four (4) of Block Seventeen (17) in Magnolia Beach Addition to Fairhope, according to a plat thereof recorded in Miscellaneous Book 1 at Page 331, of the Probate records of Baldwin County, Alabama.

Condition, however, upon G. E. PERKINS, paying to ADA ANACKER, as Guardian for OTTO ANACKER, JR., the sum of TWO HUNDRED AND FIFTY (\$250.00) DOLLARS.

It appearing to the Court, from a testimony taken in this cause, that OTTO ANACKER, JR. owns an undivided one-sixth (1/6) interest less a life estate during the life of ADA ANACKER, in the above described land and that the sum of TWO HUNDRED AND FIFTY (\$250.00) DOLLARS is a fair and just price for his interest in said land and is more than his interest would bring if it were sold at a public sale.

IT IS FURTHER ORDERED, ADJUDGED, AND DECREED that ADA ANACKER forthwith execute the above said deed and within Thirty days from this date make a report to the Court of her Compliance with this order.

Done this the 18 day of June, 1957.

  
Circuit Judge

*Rec'd*

G. E. PERKINS

Complainant

vs

OTTO ANACKER, JR.,  
a minor.

Respondent

IN EQUITY

G. E. PERKINS

Complainant

vs

OTTO ANACKER, JR.,  
a minor

Respondent

IN THE CIRCUIT COURT OF  
BALDWIN COUNTY, ALABAMA

IN EQUITY

NO. 3938

DECREE OF CONFIRMATION

This cause coming on to be heard on the Report of Compliance filed in this cause and it appearing unto the Court that ADA ANACKER, as Guardian for OTTO ANACKER, JR., a minor, has been paid the sum of TWO HUNDRED AND FIFTY (\$250.00) DOLIARS, as decreed by this Court and has executed a deed to G. E. PERKINS conveying the said minor's interest in the following described property located in Baldwin County, Alabama, to-wit:

Lots Three (3) and Four (4) of Block Seventeen (17) in Magnolia Beach Addition to Fairhope, according to a plat thereof recorded in Miscellaneous Book 1 at Page 331, of the Probate Records of Baldwin County, Alabama.

IT IS THEREFORE ORDERED, ADJUDGED AND DECREED that this deed be and it is hereby confirmed in all respects and that the ~~Court~~ <sup>Complainant</sup> pay the cost in this cause, for which let execution issue.

Done this the 7<sup>th</sup> day of June, 1957.

Hubert M. Hall  
Circuit Judge

Dear Mrs. Duck:

Please file the enclosed answer of guardian ad litem and pass the duplicate to Tolbert Brantley.

Thanking you in advance, I am

EMB

G.E. PERKINS,  
COMPLAINANT

VS

OTTO ANACKER, JR.,  
A MINOR,  
RESPONDENT.

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IN THE CIRCUIT COURT OF  
BALDWIN COUNTY, ALABAMA

IN EQUITY NO. 3938

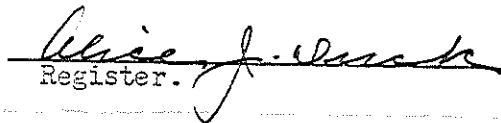
APPOINTMENT OF GUARDIAN AD LITEM:

In this cause it appearing to the Register Alice J. Duck, that OTTO ANACKER, JR. A MINOR, and,

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

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. A MINOR, upon hearing of the said cause.

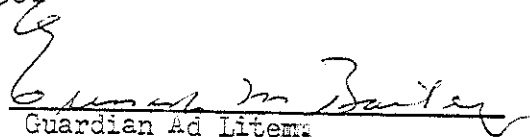
Done the 11th day of December, 1956.

  
Register.

CONSENT TO ACT:

I, ERNEST M. BAILEY, hereby consent to act as guardian ad litem for OTTO ANACKER, JR. A MINOR, upon hearing of the above cause.

Witness my hand this 12<sup>th</sup> day of December, 1956.

  
Guardian Ad Litem:

G. E. PERKINS,  
COMPLAINANT

VS.

OTTO ANACKER, JR.,  
A MINOR,

RESPONDENT

IN THE CIRCUIT COURT OF  
BALDWIN COUNTY, ALABAMA

IN EQUITY  
No. 3938

ANSWER OF GUARDIAN AD LITEM

Now comes Otto Anacker, Jr., by and through Ernest M. Bailey,  
his duly appointed Guardian Ad Litem, and for answer to the Bill of  
Complaint filed in this cause, denies each and every allegation of  
the said Bill and demands strict proof thereof.

*Filed Dec. 22, 1956*  
*Alice J. Luck, Register*

*Ernest M. Bailey*  
Ernest M. Bailey,  
Guardian Ad Litem



ANSWER OF GUARDIAN AD LITEM

G. E. PERKINS, COMPLAINANT  
VS  
OTTO ANCKER, JR, A MINOR,  
RESPONDENT

IN THE CIRCUIT COURT OF  
BALDWIN COUNTY, ALABAMA

IN EQUITY  
No. 3938

FILED

DEC 22 1956

ALICE J. DUCK, Register

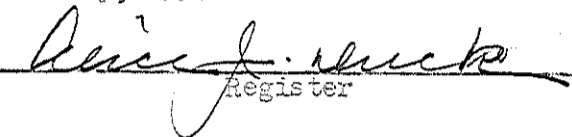
AMENDED COMPLAINT

STATE OF ALABAMA  
BALDWIN COUNTY

TO ANY SHERIFF OF THE STATE OF ALABAMA:

You are hereby commanded to summon OTTO ANACKER, JR., a minor, by serving a copy on Otto Anacker, Jr., and a copy on Ada Anacker, his mother, to appear and plead, answer or demur within thirty days from the service hereof to the Amended Bill of Complaint filed in the Circuit Court of Baldwin County, Alabama, in Equity, by G. E. PERKINS, as Complainant and against OTTO Anacker, Jr., a minor, as Respondent.

Witness my hand this the 2 day of May, 1957.

  
Register

G. E. PERKINS

COMPLAINANT

VS

OTTO ANACKER, JR.,  
A MINOR,

RESPONDENT

IN THE CIRCUIT COURT OF  
BALDWIN COUNTY, ALABAMA,  
IN EQUITY  
NO. 3938

TO THE HONORABLE HUBERT M. HALL, JUDGE OF THE CIRCUIT COURT OF BALDWIN COUNTY,  
ALABAMA, IN EQUITY:

Comes now the Complainant in the above styled cause and amends his  
Complaint to read as follows:

1.

That he is over the age of twenty-one years and is a bona fide resident  
of Fairhope, Baldwin County, Alabama.

2.

That the Respondent, Otto Anacker, Jr., is a minor under the age of  
fourteen years, and is a resident of Fairhope, Baldwin County, Alabama,  
and that he lives with his mother, Ada Anacker; that she is his legal  
guardian, appointed by the Probate Court of Baldwin County, Alabama, on  
September 7, 1955, and that she is his only next of kin in Alabama.

3.

That the late Otto Anacker was a tenant in common with G. E. Perkins  
and owned together with him the following described property in Baldwin  
County, Alabama, to-wit:

Lots 3, 4, 5, and 6, of Block 17 in Magnolia Beach Addition to Fairhope, according to a plat thereof recorded in Miscellaneous Book 1, at page 331, of the Probate Records of Baldwin County, Alabama.

4.

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 are now: Elizabeth Anacker Rakosky, Helen Anacker Gardner, and Otto Anacker, Jr.

5.

That on February 11, 1954, G. E. Perkins conveyed his one-half interest in Lots 5 and 6 in Block 17 of the above stated subdivision to Ada Anacker; that on the same date Ada Anacker individually and as Executrix under the will of Otto Anacker, deceased, conveyed an undivided one-half interest in Lots 3 and 4, of Block 17 of the above stated subdivision to G. E. Perkins. At later dates Elizabeth Anacker Rakosky and Helen Anacker Gardner conveyed their interest in this property to G. E. Perkins. That this exchange of deeds was made without consideration flowing from either party other than to divide said property.

6.

That the said G. E. Perkins and Otto Anacker, Jr., are now tenants in common and own jointly Lots 3 and 4, of Block 17 in the above stated subdivision; that G. E. Perkins desires to and has agreed to purchase Otto Anacker, Jr.,'s interest in said land for the sum of TWO HUNDRED FIFTY (\$250.00) DOLLARS, said sum being a fair and just price for said land and is more than the land would bring if offered for public sale; that the land is unimproved and is bringing in no income to said owners; that it would be to the interest of the said minor, Otto Anacker, Jr., to have said property sold and he obtain his interest in the said land.

7.

That the said land cannot be equitably divided between the owners thereof without a sale; that the interest of Otto Anacker, Jr., in this said land is an undivided one-sixth interest, less a life estate therein during the life of Ada Anacker.

PREMISES CONSIDERED, your Complainant prays that proper notice of this Amended Bill be given to Otto Anacker, Jr., Ada Anacker, as guardian of Otto Anacker, Jr., and to the Honorable Ernest Bailey, as guardian ad Litem for said minor; that the parties be required by 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 G. E. Perkins 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 convey the afore-said property to the Complainant upon his paying for the same, the sum of TWO HUNDRED (\$250.00) DOLLARS. Your Complainant prays for such other, further, or different reliefs in equity may seem just.

Walters & Brantley

BY: Garrett M Brantley  
Solicitors for the Complainant

*Filed May 2, 1957*  
*Alice J. Duck, Register*

*Executed May 18, 1957*  
*By service on.*  
*Otto Anacker*  
*Ada Anacker*

*W. B. R.*

3938

Received 2 day of May 1957

and on 28 day of May 1957

received a copy of the within amended

in Otto Anacker Complaint

by Ada Anacker

service on \_\_\_\_\_

TAYLOR WILKINS, Sheriff

By Edw. Steadman D.S.

G. E. PERKINS

COMPLAINANT

VS

OTTO ANACKER, JR.,  
A MINOR,

RESPONDENT

*WY*

Sheriff claims 140 miles at

Ten Cents per mile Total \$ 14.00

TAYLOR WILKINS, Sheriff

BY Steadman  
DEPUTY SHERIFF

AMENDED COMPLAINT

FILED

MAY 2 1957

ALICE A. SOCK, Register

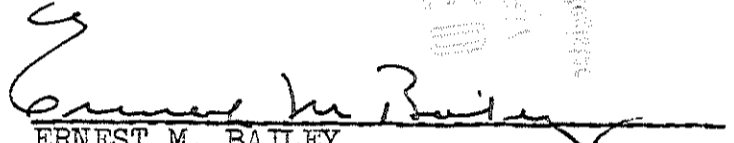
G. E. PERKINS,  
COMPLAINANT  
VS.  
OTTO ANACKER, JR.,  
A MINOR,  
RESPONDENT

¶  
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IN THE CIRCUIT COURT OF  
BALDWIN COUNTY, ALABAMA  
IN EQUITY  
NO. 3938

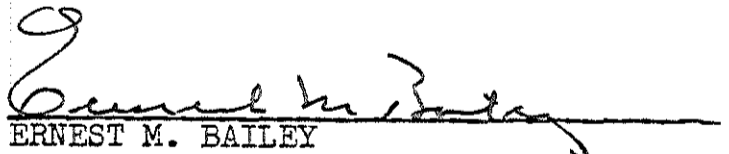
ANSWER OF GUARDIAN AD LITEM

Now comes Otto Anacker, jr., by and through Ernest M. Bailey, his duly appointed Guardian Ad Litem, and for answer to the amended Complaint in the above styled cause, denies each and every allegation of the said amended complaint and demands strict proof thereof.

  
ERNEST M. BAILEY  
GUARDIAN AD LITEM

CERTIFICATE

I hereby certify that a copy of the foregoing answer of guardian ad litem was mailed to Wilters & Brantley, Solicitors for the Complainant, on this the 3rd day of May, 1957, by sending same by mail, postage prepaid, addressed to their office in Bay Minette, Alabama.

  
ERNEST M. BAILEY  
GUARDIAN AD LITEM

*filed May 6, 1957*  
*Alice J. Luck, Register*

G. E. PERKINS

Complainant

vs

OTTO ANACKER, JR.,  
a minor

Respondent

IN THE CIRCUIT COURT OF  
BALDWIN COUNTY, ALABAMA

IN EQUITY

NO. 3938

REPORT OF COMPLIANCE

Comes now the Complainant in the above styled cause and shows unto the Court that G. E. PERKINS has paid the sum of TWO HUNDRED AND FIFTY (\$250.00) DOLLARS to ADA ANACKER, as Guardian for OTTO ANACKER, JR., and that she has made a conveyance to G. E. PERKINS in accordance with your decree, a copy of which is attached hereto, wherefore, your Complainant prays that this Court ascertain this fact and confirm this conveyance.

*Ada Anacker*

*Filed June 24, 1957*  
*Alice J. Slack, Register*

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;

In which G. E. PERKINS was Complainant and OTTO ANACKER, JR., a minor, was Respondent, which decree is dated the 18 day of June, 1957.

And, whereas, in said decree ADA ANACKER, as Guardian of OTTO ANACKER, JR., is authorized to convey the property hereinafter described, on the payment of TWO HUNDRED AND FIFTY (\$250.00) DOLLARS, the value of said minor's interest in said property;

Now, therefore, in consideration of the premises, ADA ANACKER, as Guardian of OTTO ANACKER, JR., and the further sum of TWO HUNDRED AND FIFTY (\$250.00) DOLLARS does hereby grant, bargain, sell and convey unto G. E. PERKINS the following described real property located in Baldwin County, Alabama, to-wit:

Lots Three (3) and Four (4) in Block Seventeen (17) of Magnolia Beach Addition to the Town of Fairhope, according to a plat thereof recorded in Miscellaneous Book 1 at Page 331, Probate Records of Baldwin County, Alabama.

TO HAVE AND TO HOLD unto the said G. E. PERKINS, his heirs and assigns forever.

IN WITNESS WHEREOF, I have hereunto set my hand and seal this

22<sup>nd</sup> day of June, 1957.

Ada Anacker (SEAL)  
Ada Anacker, as Guardian of Otto Anacker, Jr.

REC'D  
JUN 21 1957  
BALDWIN COUNTY ALA.

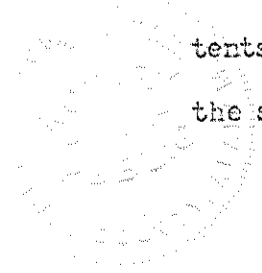
STATE OF ALABAMA

BALDWIN COUNTY

I, Cecil Putman, A Notary Public, in and for said County in said State, hereby certify that ADA ANACKER, whose name as Guardian of 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 22<sup>nd</sup> day of June, 1957.

Cecil Putman  
Notary Public, Baldwin County, Ala.





STATE OF ALABAMA  
BALDWIN COUNTY

TO ANY SHERIFF OF THE STATE OF ALABAMA:

You are hereby commanded to summon OTTO ANACKER, JR., a minor, by serving a copy on Otta Anacker, Jr., and a copy on Ada Anacker, his mother, to appear and plead, answer or demur within thirty days from the service hereof to the Bill of Complaint filed in the Circuit Court of Baldwin County, Alabama, in Equity, by G. E. PERKINS as Complainant and against Otto Anacker, Jr., a minor, as Respondent.

Witness my hand this the 10<sup>th</sup> day of December, 1956.

Alice J. Duck  
Register

G. E. PERKINS

COMPLAINANT

VS

OTTO ANACKER, JR.,  
A MINOR,

RESPONDENT

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

TO THE HONORABLE HUBERT M. HALL, JUDGE OF THE CIRCUIT COURT OF BALDWIN  
COUNTY, ALABAMA, IN EQUITY:

Comes now your Complainant, G. E. Perkins and shows unto Your Honor  
as follows:

1.

That he is over the age of twenty-one years and is a bona fide resident  
of Fairhope, Baldwin County, Alabama.

2.

That the Respondent, Otto Anacker, Jr., is a minor under the age of  
fourteen years and is a resident of Fairhope, Baldwin County, Alabama, and  
that he lives with his mother, Ada Anacker; that she is his legal guardian,  
appointed by the Probate Court of Baldwin County, Alabama, on September 7,  
1955, and that she is his only next of kin in Alabama.

3.

That your Complainant is the Owner of and is in peaceable possession  
of the following described lands situated in Baldwin County, Alabama, to-wit:

Lots 3 and 4, of Block 17 in Magnolia Beach Addition to Fairhope,  
according to a plat thereof recorded in Miscellaneous Book 1 at  
page 331 of the Probate records of Baldwin County, Alabama.

4.

That the said Otto Anacker, Jr., a minor, claims or is reputed to claim some right, title, claim or interest in, lien or encumbrance upon the above described lands or some part or parcel thereof, and the Complainant calls upon him to set forth and specify his right, title, claim or interest in, lien or incumbrance upon the said lands or any part or parcel thereof, and to show how and by what instrument or instruments the same is derived or created.

5.

That the late Otto Anacker was a tenant in common with G. E. Perkins and owned together with him the following described property in Baldwin County, Alabama, to-wit:

Lots 3, 4, 5, and 6, Block 17 in the above stated subdivision.

6.

That the said Otta 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 are now: Elizabeth Anacker Rakosky, Helen Anacker Gardner, and Otto Anacker, Jr.

7.

That on February 11, 1954, G. E. Perkins conveyed his one-half interest in Lots 5 and 6 in Block 17 of the above stated subdivision to Ada Anacker; that on the same date Ada Anacker individually and as Executrix under the Will of Otta Anacker, deceased, conveyed an undivided one-half interest in Lots 3 and 4, of Block 17 of the above stated subdivision to G. E. Perkins. At later dates Elizabeth Anacker Rakosky and Helen Anacker Gardner conveyed their interest in this property to G. E. Perkins. That this exchange of deeds was made without consideration flowing from either party other than to divide said property.

8.

Your Complainant avers that by a case styled Cecil L. Clements vs Otto Anacker Jr., Case No. 3802, filed in the Circuit Court of Baldwin County, Alabama, Otto Anacker Jr., a minor, was paid for his interest in Lots 5 and 6 of Block 17 of the above shown subdivision and that your Respondent has never received any moneys for his interest in these two lots.

- That there is no suit pending to enforce or test the validity of the Complainant's title to said lands or to enforce or test the validity of the Respondent's right, title, claim, or interest in, lien or encumbrance upon the said lands or any part or parcel thereof.

WHEREFORE, premises considered, your Complainant prays that Your Honor will by proper process give notice to Otto Anacker Jr., and Ada Anacker, his mother and legal guardian, and cause a guardian ad litem to be appointed to represent the interests of the said minor and cause the Respondent to plead, answer or demur to this Bill of Complaint within the time required by law.

Premises considered, your Complainant further prays that your Honor will make and enter an order decreeing that Otto Anacker Jr., a minor, has all ready received full value for his interest in the property devised to him by his father, Otto Anacker and will further order that Otto Anacker Jr., has no right, title, claim, or interest in, lien or encumbrance upon the said lands, or any part or parcel thereof, and that the title to the said lands be quieted and established in this Complainant as against the said Respondent and that the said respondent be forever enjoined from asserting or attempting to assert or from claiming or attempting to claim any right, title, claim or interest in, lien or encumbrance upon said lands or any part or parcel thereof.

*Filed Dec. 10, 1956*

*Alice J. Luck, Register*

Wilters & Brantley

BY: *Robert M. Brantley*  
Solicitors for the Complainant

*Executed. Jan 5, 1957*

*By service on*

*Otto Anacker, Jr  
Ada Anacker.*

*Taylor Wilkins, Sheriff*

*Edleigh Steadham, J.S.*

3938

G. E. PERKINS

COMPLAINANT

VS

OTTO ANACKER, JR., A MINOR,

RESPONDENT

Received 12 day of Dec 1956  
and on 5 day of Jan 1957  
I received a copy of the within B+C.  
Otto Anacker Jr.  
Otto Anacker  
service on \_\_\_\_\_

TAYLOR WILKINS, Sheriff

By Edleigh Stedman D. S.  
Fairhope Ala

BILL OF COMPLAINT

Sheriff claims 70 miles at

Ten Cents per mile Total \$ 7.00

TAYLOR WILKINS, Sheriff

BY Stedman  
DEPUTY SHERIFF

FILED  
DEC 10 1956  
ALICE M. DUCK, Register

E. Bowen