



## WHAT YOU NEED TO KNOW ABOUT HEIR PROPERTY

### *What is “Heir Property?”*

- Heir property refers to land that has been passed down informally from generation-to-generation. In most cases, it involves landowners who died without a will.
- Heirs’ property is land owned “in common” by all of the heirs, regardless of whether they live on the land, pay the taxes, or have ever set foot on the land.

### *Things you should know*

- When a landowner dies without a will, the state decides who inherits the land. Overtime, when land is passed down through several generations without a will, distant relatives who do not know each other could be co-owners of the same property.
- Heir property is the leading cause of Black involuntary land loss. According to the Census Bureau, 80 percent of land owned by Blacks has been lost since 1910 due to heir property.

### *Common Problems*

- Decisions regarding use of the land, such as harvesting timber or leasing for agricultural purposes, must be agreed upon by everyone entitled to the land.
- Some owners may want to sell the land, while others want to live on it or farm it.
- Some will pay their share of taxes and maintenance, while others will not.
- It is hard to get loans, grants, and Government assistance based on property ownership because there is no clear title.
- Lack of clear title also means that the property is less marketable for sale or lease.
- One owner could force a court-ordered sale of the entire property so that all of the descendants can “cash out.”
- Some owners are unable to receive a home loan to complete badly needed home repairs.

### *What you should do*

- Try to work out family disagreements before they become legal battles. Get a will and encourage other heirs to make a will to prevent more people from becoming heir owners.
- Make a family tree to identify every heir. Maintain a list of all of the heirs with their current addresses. Create a plan to take care of the property. You may need to have meetings once or twice a year.

## **RESOURCES FOR THE 10 STATES MOST AFFECTED BY HEIR PROPERTY LOSS**

### **Arkansas**

Arkansas Land and Farm Development Corporation · 484 Floyd Brown Dr. · Brinkley, AR 72701  
Phone: 870-734-1140 · Contact Person: David Frantz

### **Mississippi**

Mississippi Center for Justice · 5 Old River Place, Suite 203 · Jackson, MS 39215  
Phone: (601) 352-2269 · Contact Person: Charisse Gordon · Email: cgordon@mscenterforjustice.org

### **Alabama**

Center for Minority Land and Community Security · Tuskegee University · 100 Campbell Hall · Tuskegee, AL 36088 · Phone: (334) 727-8333 · Contact Person: Jess Gilbert

### **Georgia**

Georgia Appleseed · 1100 Peachtree Street, Suite 2800 · Atlanta, GA 30309  
Phone 404-477-4347 Contact Person: Crystal Chastain Baker · Email: ccbaker@gaappleseed.org

### **South Carolina**

The Center for Heir's Property Preservation · 1535 Sam Rittenberg Blvd, Ste. D · Charleston, SC 29407  
Phone: 843-745-7055 · Contact Person: Jennie Stephens · Email: jstephens@heirsproperty.org

### **Texas**

Texas Title Project · 727 E. Dean Keeton Street · Austin, Texas 78705 ·  
Phone: 512-232-1222 Contact Person: Frances Martinez · Email: FMartinez@law.utexas.edu

### **North Carolina**

Land Loss Prevention Project · 401 N. Mangum Street, 2<sup>nd</sup> Floor · Durham, NC 27701  
Phone: 919-682-5969 · Contact Person: Wendy Burnette · Email: wendy@landloss.org

### **Virginia**

Black Family Land Trust (located in NC; serving AL, GA, MS, NC, SC, & VA) · 411 W. Chapel Hill St., Suite 1104 · Durham, NC 27701 · Phone: 919-682-5969 · Contact Person: Ebonie Alexander

### **Florida**

Florida A&M University Cooperative Extension Program · 4529 Bainbridge Hwy. · Quincy, FL 32352  
Phone: 850-875-8552 · Contact Person: A.McKenzie-Jakes · Email: angela.mckenziejakes@famu.edu

### **Louisiana**

Louisiana Appleseed · 909 Poydras Street, Suite 1550 · New Orleans, LA 70112  
Phone: 504.561.7312 Contact Person: Christy Kane · Email: ckane@appleseednetwork.org