

4. The family members who agree to take leadership need to contact a trustworthy attorney that understands landownership and heir property *or* an organization that works with heir property issues and can help your family.
5. If the family can not agree on what to do about the land, you should try the services of a **mediator** (a neutral third party) that can help the family reach an agreement.
6. Once the land titles are clear and the ownership is secure, each owner should immediately work with the family and qualified professionals to establish a **will** and an **estate plan** for the land. *Save your family and your future generations from facing this crisis ever again!*

### Who can you call for help?

<u>Alabama</u>	
Alabama State Bar	334.269.1515
<u>Georgia</u>	
State Bar of Georgia	
Atlanta Office	404.527.8700
Tifton Office	800.330.0446
Atlanta Bar Association	404.521.0781
Federation of Southern Cooperatives ( <i>Al., Ga., Miss. and S.C.</i> )	404.765.0991
<u>Mississippi</u>	
Mississippi State Bar	601.948.4471
<u>North Carolina</u>	
North Carolina State Bar	919.828.4620
North Carolina Bar Association	919.677.0561
Land Loss Prevention Project	800.672.5839
<u>South Carolina</u>	
South Carolina Bar	803.799.6653
Center for Heirs' Property Preservation	843.745.7055
<u>Virginia</u>	
Virginia State Bar	804.775.0500
Black Family Land Trust	919.682.5969

**Black Family Land Trust**

Ensuring,  
Protecting,  
Preserving

*Heir  
Property*

*Heir Property* refers to land that was granted to or bought by former enslaved African-Americans after emancipation at the end of the Civil War.

As a part of the Reconstruction effort, Heir Property was meant to be an opportunity for African-Americans in the South to become full U.S. citizens and provide for themselves off the land.

Much of this land was "bottom land", unfortunately, too wet to grow anything but rice and too full of mosquitoes and snakes to be of value for development. Additionally, as time has proven, Heir Property also made African-American landowners very vulnerable to losing their land.

### Black Family Land Trust

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Durham, NC 27702-1227

919.682.5969  
www.bfltr.org

*The mission of the Black Family Land Trust is to ensure, protect, and preserve the natural, historic, environmental, and community resources of African Americans in the United States of America through land ownership.*

Serving Alabama, Georgia, Mississippi,  
North Carolina, South Carolina and Virginia

## What is Heir Property?

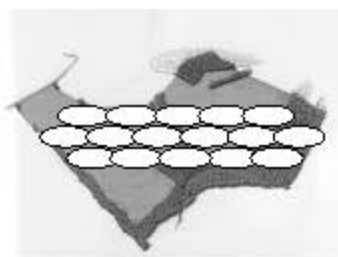
Land that is passed down to heirs according to state law is commonly known as heir property..\*

When a person dies without a will, or other type of estate plan, state law controls who can rightfully inherit the land. If the deceased owned land before death, the legally recognized rightful heirs will each inherit undivided, fractional ownership of the land.

The size of each heir's fractional ownership interest depends on several factors - How many generations removed is an heir from the deceased? How many heirs can rightfully take their inheritance at a specific point in time?

*With each passing generation of heir property owners who die without a will, a new generation of heirs inherits ownership of the land. Typically, each successive generation is larger than the previous one.*

*As a result, the next generation of land-owners' ownership interests are smaller, yet the number of interest holders has increased.*



An illustration of Heir Property. In this diagram, 16 heirs have stock in one small plot of land.

\* This definition is provided by the Federation of Southern Cooperatives. For further information, read "What is African-American Land Ownership?" By Miesha Thomas, Jerry Pennick & Heather Gray Federation/LAF staff- Updated - 2004 <http://www.federationsoutherncoop.com/aalandown04.htm>

## Why is Heir Property a Problem?

With numerous and often distant co-owners, the following can occur:

- ◆ Heirs do not live on or near the land
- ◆ Heirs do not live near each other
- ◆ Heirs do not know now one another
- ◆ Heirs do not how to locate one another
- ◆ Heirs do not have a connection to the land

This can make it difficult, if not impossible, to manage the land properly. Management means taking care of everything from paying the taxes, maintaining the boundaries, conserving the natural assets on the land, and monitoring activities taking places around the land. *Not* managing the land properly opens the door for neighbors, relatives, land speculators, or developers to use *legal* means to take the land.



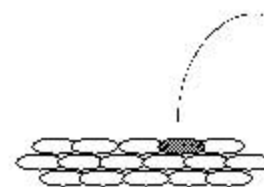
Property of Ellen Byrd, Fumman, Alabama-2006

## How does land loss occur?

Two main ways in which Heir Property can lead to land loss are **Tax Sales** and **Partition Sales**. Often, with Heir Property, taxes aren't always paid and the government may decide to sell the land to recoup the taxes.

Another situation is called **Partition Sale**, which happens when one of the co-owners, either a relative or someone who has bought out a relative, uses legal means to force a sell of the land on the "court-house steps". When this happens, families are rarely prepared to bid for the land so it's lost.

### Partition Sale: Unscrupulous Land Developers and Speculators



- ◆ A "fraction" of ownership gets sold to Developer
- ◆ Developer goes to county and forces a partition sale
- ◆ Fragments of ownership get bought out and land is lost

If you own heir property it is imperative that you act. *This is the most vulnerable way to own land in America!*

Here are some suggested things to do:

1. Call a meeting of all the involved family members to **educate** them on what heir property is and why it's a problem.
2. Talk with your family about voluntarily dividing the land as a way of avoiding losing it to developers or land speculators.
3. If your family can agree to divide the land, decide who will take **leadership** for each parcel and for the family as a whole.