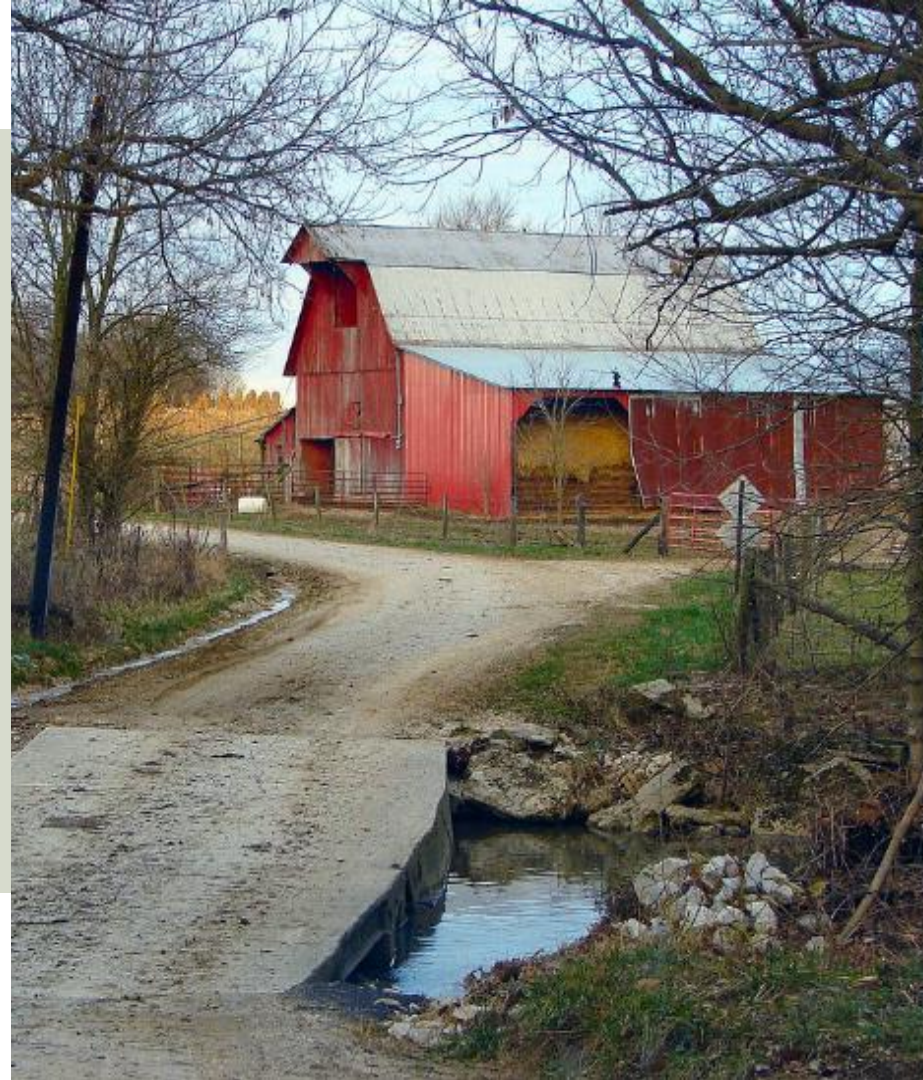


Understanding Heirs Property: Outcomes of Extension Community Education

June 9-12, 2025

**National Association of Community
Development Extension Professionals**

Charleston, West Virginia



Goals for today

- Understand heirs' property, including its historical context
- Understand the impact of heirs' property on communities
- Think about how this impacts your work
- Learn how a team of experts is addressing heirs property

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Partnering Organizations



Alcorn
State University



**SOUTHERN
EXTENSION
RISK
MANAGEMENT
EDUCATION**





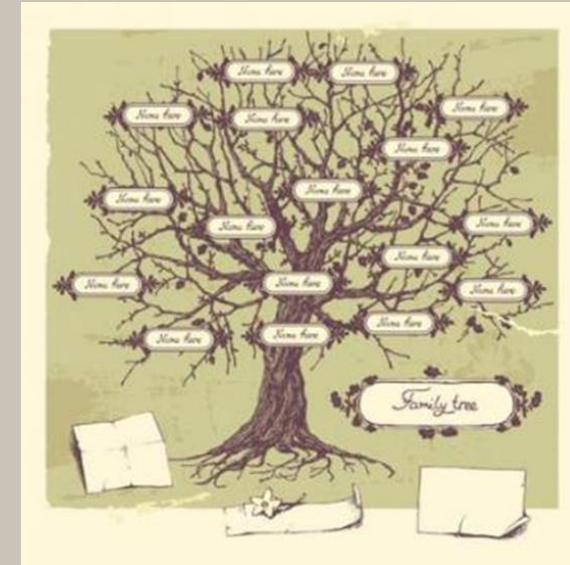
Introduction: What is Heirs' Property?

What is Heirs Property?

- Real property owned by multiple co-owners, known as tenants in common, who hold property together
- Generally the real property is inherited via intestate succession, meaning the ancestor who owned it did not have a will
- Co-owners have “cloudy” title, title is in the name of an ancestor who died
- Is known as “Fractured,” “Tangled,” “Clouded,” “Family Land”

What is Heirs' Property?

- Property passed down informally from generation to generation.
- The original landowner dies without a will, or the will was not probated or administered
- State laws determine who inherits your land.
- Can potentially include multiple generations and hundreds of relatives
- No single heir has clear title to the entire parcel. Each owner has an interest in the entire asset rather than each heir having their own piece of the asset

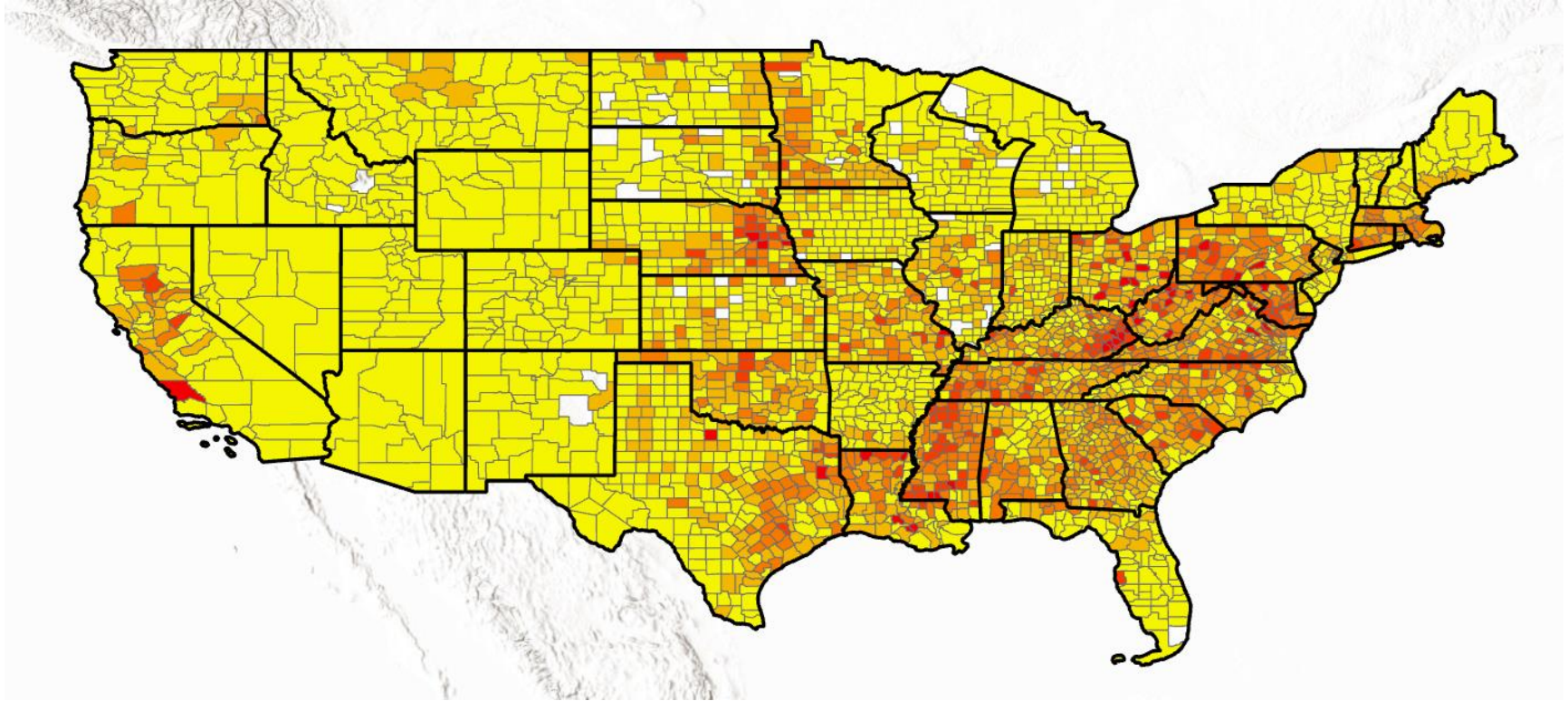


Each Heir...

- Has equal rights to full use and possession
- Is legally responsible for taxes and other property-related expenses
- May transfer by gift or sale their interest to another heir or non-heir
- Must agree to any major decisions about the property



Estimated Acres of Heirs' Property by County



Source:

Heirs Property & Land Loss by Tax Sale

Tax Sales From Non-payment of Taxes:

- Taxes are typically due September 1 and March 1.
- Delinquent after October 1 and April 1.
- Tax lien automatically attaches as of July 1.
- The property gets sold.
- Result: family loses the land

Heirs Property & Land Loss by Partition Sale

What is a Partition Sale?

If just a single heir sells...



this can trigger a "partition by sale,"



and can result in the property being sold at auction.



A Driver of Land Loss - Wills

	Respondent has a will	Respondent has a will, by education level		
		No high school	High school	College and above
		-----percent-----		
All respondents	56.93	47.13	58.92	65.71
White	64.23	56.76	65.26	72.04
Black	23.68	20.15	22.89	32.34
Other	27.24	20.79	34.54	38.63
Non-Hispanic	60.66	54.26	61.06	68.09
Hispanic	19.38	14.57	28.30	31.67

Source: Thomas W. Mitchell, "Historic Partition Law Reform: A Game Change for Heirs' Property Owners," Texas A&M University School of Law.

Important

If you do not decide
how you want your estate divided,
the state where your estate (property) is
located will decide for you.



For example, if you die without a will in West Virginia...

If a person dies with:	Here's who inherits:
spouse with no children	the spouse inherits the whole estate
a spouse and children who belong to the decedent and that spouse	the spouse inherits the whole estate
a spouse and children who belong to the decedent and that spouse, and the spouse has one or more children that are not children of the decedent	the spouse inherits three-fifths of the estate, and the rest is divided among the decedent's children equally
a spouse and children who are not descendants of the spouse	the spouse inherits one-half of the estate, and the rest is divided among decedent's children equally
children (or grandchildren if children are deceased) but no spouse	the children inherit everything (including their children if their parent—the decedent's child—has died); any grandchildren whose parents died before the decedent split their parents' share equally between them)
parents but no spouse or children	The parents inherit the whole estate and divide it equally
Siblings (or nieces/nephews if siblings are deceased) but no parents, spouse, or children	The siblings inherit the whole estate and divide it equally, with any children of any siblings who have died splitting their parents' shares equally between them
Children born outside of marriage	Children are presumed to belong to the mother who birthed them, absent evidence of adoption, so they would inherit if their mother is the decedent Children inherit from a deceased man if he acknowledged paternity before he died, or paternity is legally established by a court before or after his death



Part II: Impacts of Heirs' Property



Impacts of Heirs Property

On personal assets: Restricts how land can be managed. (ex: Mortgages and other loans, timber & plant harvesting harvesting, Mineral rights, USDA programs

On family decision making: Strained family relationships can lead to disputes, alienation, and even loss of family legacy.

On community development: Affects how land is managed, and cannot be developed to full potential, loss of taxes and improvement opportunities



SUMMARIZING

Up to this point we know that...

01

Heirs' property land is held collectively without marketable title

02

Heirs' property is passed from one generation to the next due to lack of probated will or judicial proceeding

03

Heirs' property has limited investment potential and adverse impacts on individual, families, and communities



Program Design & Process: Understanding Heirs Property at the Community Level



Understanding Heirs Property at the Community Level

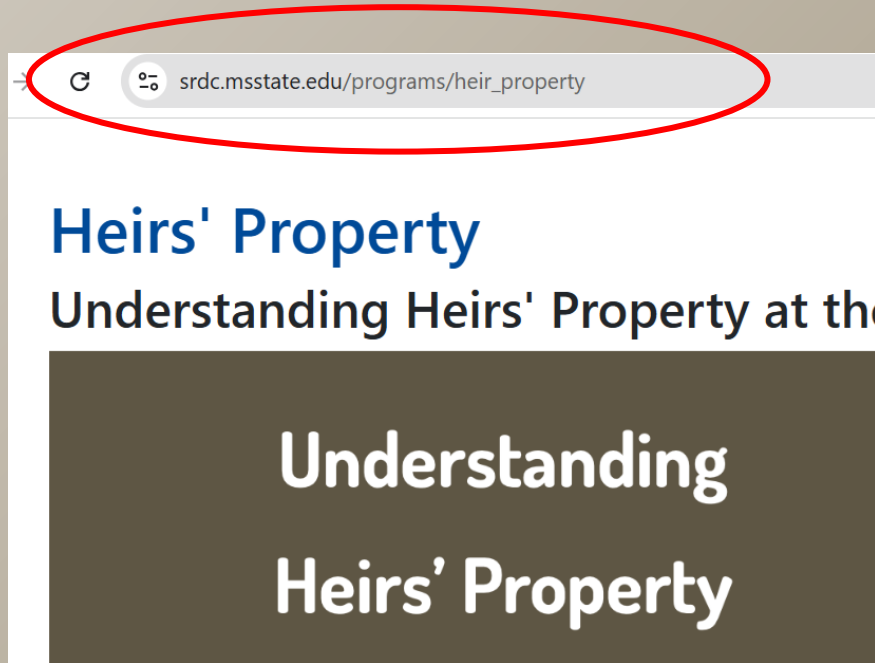
Overview

- A subproject of an AFRI initiative.
- Utilizes a Participatory Action Research (PAR) approach, emphasizing community involvement throughout the research process.

Goals

- Identify relationships between heirs' property, poverty, and wealth gaps
- Investigate outcomes after resolving heirs' property ownership
- Develop and implement a targeted education and outreach program

SRDC Website



Increase awareness of heirs' property issues

Equip Extension professionals with knowledge and skills

Empower communities to address the issue.

Source: Southern Rural Development Center Mississippi State University,
https://srdc.msstate.edu/programs/heir_property.



Results: Community Outcomes and Impacts



Where are our trainers?

Alabama - 31

California - 2

Florida - 24

Kentucky - 4

Louisiana - 4

Maryland - 6

Minnesota - 4

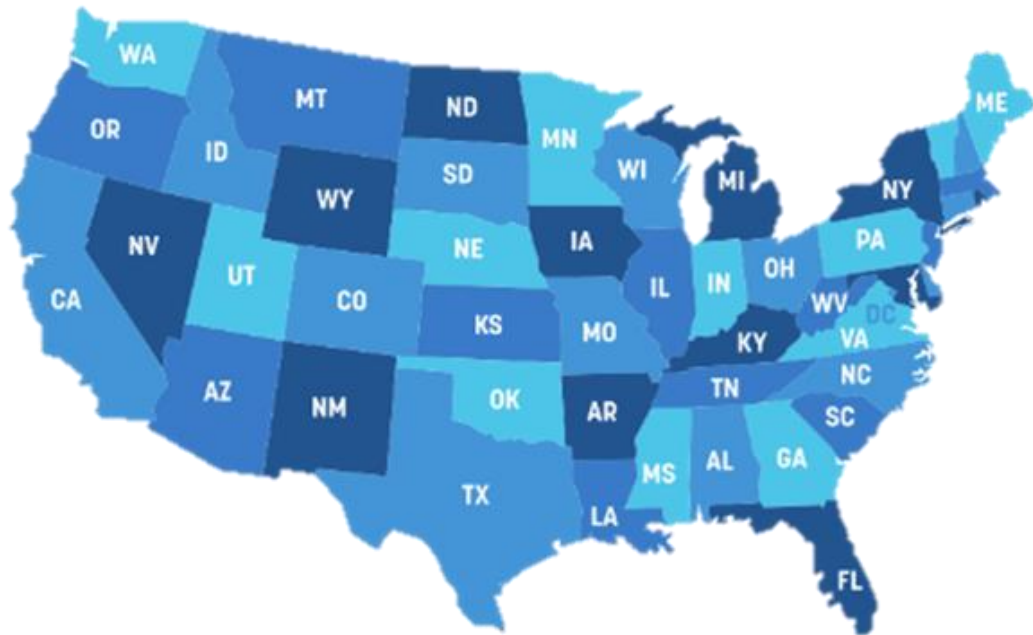
Mississippi - 20

Missouri - 5

North Carolina - 32

Texas - 28

Virginia - 22



Support Resources

- Coach's Guide
- Authors and Partners
- Community Flyer Template
- Additional Resources List
- Resource Guide Template
- State Training Team list

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UNDERSTANDING HEIRS' PROPERTY AT THE COMMUNITY LEVEL: OVERVIEW, PREVENTION, & RESOLUTION



SUMMARY OF LINKED RESOURCES

Resources for Heirs' Property Education

Heirs' Property Resources

<https://srdc.msstate.edu/sites/default/files/2023-06/Detailed%20Resources-2-17-2020.pdf>

Extension, research, and outreach materials with a focus on heirs' property as well as organizations involved in the work.

Farmland Access Legal Toolkit

<https://farmlandaccess.org/heirs-property/>

Produced by the Center for Agriculture and Food Systems at the Vermont Law School, this provides a thorough website covering many aspects of heirs' property.

Heirs Property and the Uniform Partition of Heirs' Property Act: Challenges, Solutions and Historic Reform

<https://www.americanbar.org/products/inv/book/422849297/>

This book addresses many challenges that have plagued disadvantaged families that own heirs' property. The book also discusses a range of solutions to these problems, including legal reform measures, proactive legal planning to avoid heirs' property ownership or to resolve it, and wealth building strategies for heirs' property owners.

Understanding Heirs' Property at the Community Level



ABOUT THE TRAINING

Heirs' property is a significant cause of land loss. To address this concern, a team of leading educators in the field have designed a three-part training to help community members take action to protect their lands. The three sections walk participants through an overview of heirs' property, strategies for preventing heirs' property, and key considerations in resolving heirs' property. The Socially Disadvantaged Farmer and Rancher Policy Research Center, the Southern Risk Management Education Center (SRMEC) and Southern Rural Development Center (SRDC) are anchor partners in the effort through funding from USDA National Institute of Food and Agriculture (NIFA), Farm Service Agency, and National Resource Conservation Service.

YOUR LOGO(S) HERE



DATE/TIME

Day of week, month day, year
Time with time zone

LOCATION

Building
Street address
City, state zip code

CONTACT INFORMATION

Name
Email
Telephone number

Project Totals



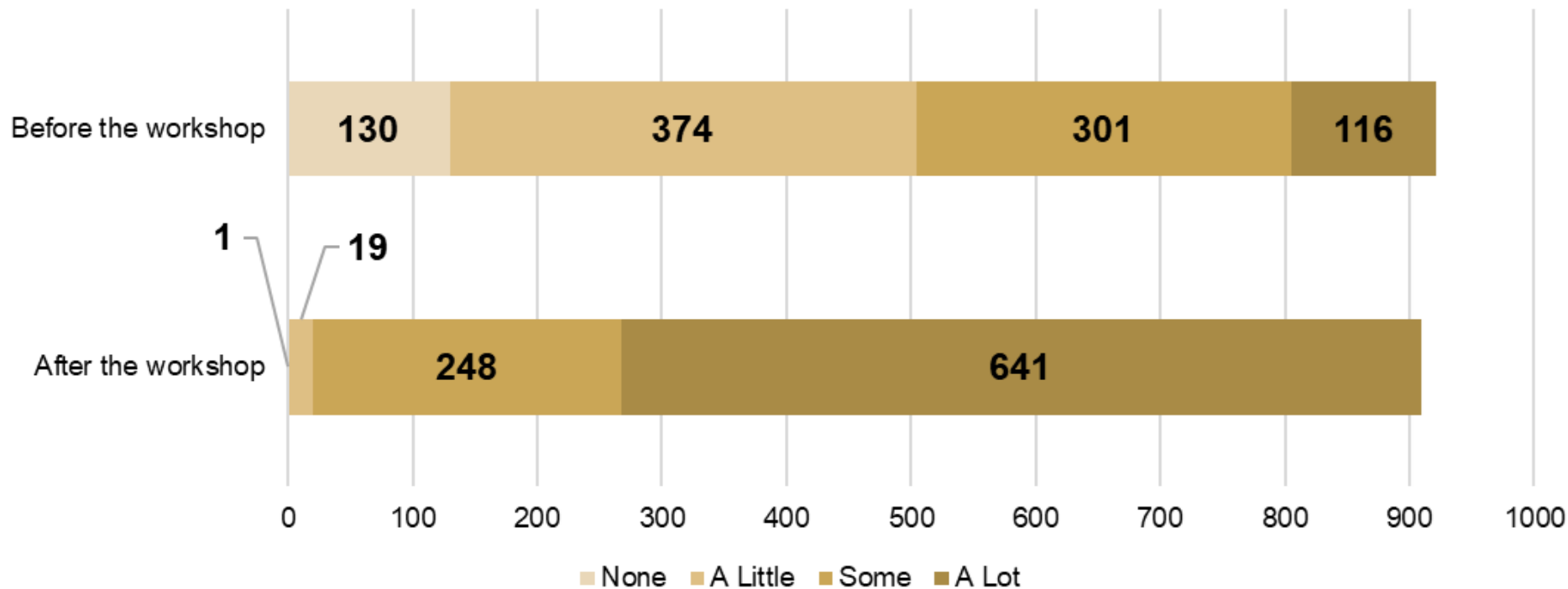
Trainings: 58

Participants: 951

Gender		Race		Age	
Male	251	American Indian or Alaska Native	18	18-24	14
Female	605	Asian	5	25-34	44
Other	17	Black or African American	640	35-44	81
No response	78	Native Hawaiian or Other Pacific Islander	3	45-54	133
		Hispanic, Latino, or Spanish Origin	6	55-64	236
		White or Caucasian	205	65 or older	375
		Not listed	23	No response	68
		No response	51		

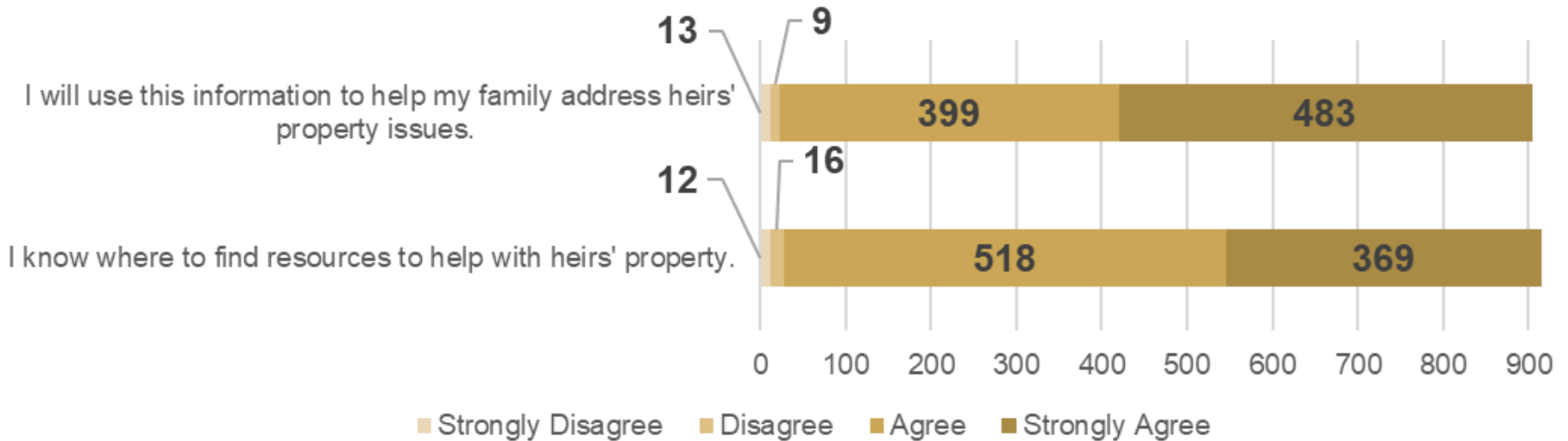
Evaluation Tool Example

How would you rate how much you knew about heirs' property...



Evaluation Tool Example

Based on this workshop...



UPCOMING TRAININGS

- September 25 & 26, 2025: Louisville, KY; Fundamentals
- September 29 & 30, 2025: Charlotte, NC; Advanced
- October 1 & 2, 2025: Charlotte, NC; Fundamentals
- November 3 & 4, 2025: Oklahoma; Advanced
- November 5 & 6, 2025: Oklahoma; Fundamentals

Fundamentals: *Understanding Heirs' Property at the Community Level*

Advanced: Must have previously completed Fundamentals to attend. *Land Use and the 2018 Farm Bill, Land Valuation for Heirs' Property, and Heirs' Property Volunteer Navigator Initiative.*

Thank you!

- Handouts at the back of the room
- Questions?
 - Dr. Portia Johnson, plj00009@auburn.edu
 - Dr. Kara Woods, kawoods@alcorn.edu
 - Dr. Roseanne Scammahorn, r.scammahorn@msstate.edu
 - Dr. Becky Smith, becky.smith@msstate.edu



Thank You!



<http://www.youtube.com/watch?v=HKTCtHCXp-M>



LOSING GROUND
VICE on Showtime