

HEIRS' PROPERTY RESOURCES



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EXTENSION AND OUTREACH MATERIALS

Estate Planning Defined

Contact Person

Laura Connerly, Ph. D

State: Arkansas

Brief Description

Gives a brief definition of what an estate is. Explains who should look into estate planning and describes what the main goals of estate planning are. Gives a detailed example of how to estimate gross, probate, and taxable estates, along with a chart to follow. Then concludes with stating why an estate plan is important.

Outline

- What defines estate planning
- What defines estate
- How to estimate gross, probate and taxable estates (included a chart illustrating how to)
- Why is this important

Keywords

estate planning, estate, gross estate, taxable estate and probate estate

Target Audience

Property owners

Source: <https://www.uaex.edu/life-skills-wellness/personal-finance/EstateDefined.pdf>

Getting Started on an Estate Plan

Contact Person

Laura Hendrix, Ph. D

State: Arkansas

Brief Description

Identifies who should plan an estate and gives step by step directions on how to navigate the process. Also provides a personal objectives worksheet to allow readers to rank objectives to degrees of importance.

Outline

- Who needs estate planning?
- Who should do the planning?
- Basic steps in the process
- Personal objectives worksheet
- Tools for estate planning

Keywords

estate planning, assets, debts, wills, trusts, life insurance, and gifts

Source: <https://www.uaex.edu/publications/pdf/FSFCS57.pdf>

Legal Language for Property Owners

Contact Person

Laura Connerly, Ph. D

State: Arkansas

Brief Description

A comprehensive list of legal language used in property ownership inclusive with their definitions.

Keywords

appraisal, escrow, agent, burden of proof, fiduciary, joint tenancy and transfer of death (TOD)

Target Audience

Property owners without a legal background

Source: <https://www.uaex.edu/publications/pdf/FSFCS58.pdf>

What is a Will?

Contact Person

Laura Hendrix, Ph. D

State: Arkansas

Brief Description

Provides an overview of wills, their importance, and the kinds of wills that exist.

Outline

- Defines what a will is
- Stresses their importance
- Explains what happens if there is no will in place
- Explains rights
- Lists the kinds of wills
- Cost of wills

Keywords

will, intestate, and holographic

Source: <https://www.uaex.edu/publications/PDF/FSFCS47.pdf>

Conserving Working Lands: A Land Legacy Workbook with Tools and Resources to Guide Your Conservation Planning Journey

Contact Person/Organization

North Carolina State University

State: North Carolina

Brief Description

A guidebook of tools and resources to help navigate on the ways to go about conserving working lands in North Carolina through the steps of finding your priorities, looking at options, family involvement, planning a team, and implementation. This handbook also includes case studies.

Outline/Table on Contents

- Your planning journeys
- Assess your conservation priorities
- Explore your conservation options
- Landowner case studies
- Get the family onboard
- Form a conservation planning team
- Implement your conservation plan
- Conservation planning tool kit landowner conservation self-assessment
- Conservation program options
- Family meeting checklist
- Resources and contacts
- Useful terms and definitions
- Appendix: Sentinel Landscapes Project
- References

Keywords

priorities, options, family, planning team and implement

Source: <https://content.ces.ncsu.edu/conserving-working-lands-a-land-legacy-workbook-with-tools-and-resources-to-guide-your-conservation>

Electric Cooperative Keeps African American Land in the Family

Contact Person/Organization

NC State Business Sustainability Collaborative

State: North Carolina

Brief Description

Outlines Roanoke Electric Cooperative's (REC) partnership to prevent further land loss in predominantly African American communities. They help with estate planning and finding new sources of revenue. Also includes a video discussing the problem with African American land loss.

Outline

- Roanoke Electric Cooperative (REC) partnerships
- History of land loss
- Ways on how the trends can be changed
- Discussing inheritance problems
- How to build a solid start through the partnership

Keywords

REC

Source: <https://bsc.poole.ncsu.edu/news/electric-cooperative-keeps-african-american-land-in-the-family/>

Estate Planning: Planning the Future of your Farm Workbook

Contact Person/Organization

Andrew Branan

State: North Carolina

Brief Description

This handbook is developed as a tool to guide basic steps in planning for the future of your farm. Each of the four sections detailed in the outline gives stories and worksheets that allow for further comprehension of the material. It also includes common legal terminology.

Outline/Table of Contents

- How to use workbook
- Developing a vision for the future
- Evaluating your farm and forest resources
- Farm and forest transfer tools
- Meeting with professional advisors

Keywords

estate planning, farm transition

Source: <https://forestry.ces.ncsu.edu/estate-planning/>

Heirs Property: Succession Planning for Farmers, Foresters, and Landowners

Contact Person/Organization

Mavis Gragg of Gragg Law Firm, NCGT Webinar Series

State: North Carolina

Brief Description

A webinar series about heirs' property. It addresses where to start on the legal side, as well as challenges they face and how to address those. It includes a visual model of how heir's property came to be and examples of land cooperatives.

Outline

- Defines heirs' property
- Benefits
- Legal structure
- Challenges
- Addressing challenges
- Access to resources
- Asset Mapping
- Address questions

Keywords

heir, inherit, transfer, deed, and cooperative

Source: <https://www.youtube.com/watch?v=iRPHmr41UAI>

Sustaining Ecological and Economic Diversity Among Limited Resource Landholders by Expanding Opportunities for Management of Productive Woodlands

Contact Person/Organization

North Carolina State University and North Carolina Agricultural & Technical University

Annette Hiatt, Staff Attorney

State: North Carolina

Brief Description

Gives an overview summary of what heir property is. Suggests issues, solutions, and policy recommendations to address heir properties.

Outline

- Types of ownership
- What is heir property and how is it created
- Issues
- Solutions
- Policy solutions

Keywords

Land loss, policy, ownership

Source: https://projects.ncsu.edu/woodlands/current_pdfs/sw_final_hiatt.pdf

Your Estate Plan – Where to Begin

Contact Person/Organization

Ted Feitshans, Mark Megalos, Sreedeevevi and Guido van de Hoeven

State: North Carolina

Brief Description

Address what estate planning is and where to begin. It offers steps and objective outlines.

Outline

- Estate Planning
- Start the dialogue
- Come up with objectives
- Gather information
- Get professional help
- Update documents

Keywords

estate planning and objectives

Source: <https://content.ces.ncsu.edu/your-estate-plan-where-to-begin>

Planning Today for Tomorrow's Farms

Contact Person/Organization

University of Tennessee Institute of Agricultural

State: Tennessee

Brief Description

Provides basic structure on how to pass down land with planning strategies. As well as provides additional resources and worksheets to follow along with.

Outline

- Why succession planning
- The family discussion
- Taking stock of your estate
- Business and organizational structure
- Estate planning tools
- Acquiring professional services
- Retirement planning
- Glossary
- Additional Resources
- Appendix

Keywords

planning, succession, estate, retirement

Source: <https://extension.tennessee.edu/publications/Documents/PB1791.pdf>

Power of Attorney

Contact Person/Organization

Alan B. Galloway, Christopher Clark, Jane Howell Starnes

The University of Tennessee Institute of Agriculture

State: Tennessee

Brief Description

Offers a definition of what power of attorney is. Including discussions on ways they are used and how to revoke them.

Outline

- Definition of power of attorney
- Who needs it
- Risk of not having one
- Who to select
- How to revoke power of attorney

Keywords

power of attorney, durable power of attorney and springing power of attorney

Source: <https://extension.tennessee.edu/publications/Documents/SP743-D.pdf>

Wills Fact Sheet

Contact Person/Organization

Alvin Wade

State: Tennessee

Brief Description

A simple breakdown of what a will is, what it entails, what type of wills exist, and why it is important.

Outline

- What is a will
- Types of wills
- What's included in a will

Keywords

formal, nuncupative, holographic

Source: <http://www.tnstate.edu/extension/documents/Wills.pdf>

Working with an Attorney

Contact Person/Organization

Christopher D Clark and Jane Howell Starnes
The University of Tennessee Institute of Agriculture

State: Tennessee

Brief Description

Tips on what to expect and how to get an estate and succession attorney. Includes detailed list on questions to ask, documents to bring and legal fees.

Outline

- Questions to ask when hiring an attorney
- What documents to bring
- Legal fees
- How to select the best attorney

Keywords

succession, estate planning

Source: <https://extension.tennessee.edu/publications/Documents/SP743-B.pdf>

RESEARCH

Uniform Law Commission. (2019)

Uniform Partition of Heirs Property Act

Contact Person/Organization

National Conference of Commissioners on Uniform State Laws

Date: 2019

Brief Description

It introduces the Uniform Partition of Heirs Property Act

Outline

- Short title
- Definitions
- Applicability; Relation to other law
- Service; notice by posting
- [Commissioners]
- Determination of value
- Cotenant Buyout
- Partition Alternatives
- Considerations for partition in kind
- Open market sale, sealed bids, or auction
- Report of open market sale
- Uniformity of application and construction
- Relation to electronic signatures in global and national commerce act
- Effective Date

Keywords

heirs' property, tenants in common, cotenant buyout, partition and property owners

Reference:

Uniform Law Commission. (2019). The partition of Heirs' Property Act. Retrieved from <https://www.uniformlaws.org/viewdocument/final-act-with-comments-62>

Federation of Southern Cooperatives, Land Assistance Fund. (2018, June 21)

Federation of Southern Coops/ LAF Leads Research and Advocacy to address Heirs Property and Eligibility to participate in USDA Programs

Contact Person/Organization

Donna DeCaille

Date: June 21, 2018

Brief Description

Gives an overview of heirs' property and introduces a study done with Alcorn State University to look at heirs' property's impact on black farmland. Then gives policy recommendations originated from this study. Introduces proposed legislation to aid in allowing these individuals access to USDA programs.

Outline

- Heirs property
- Federations mission/partnerships
- The study "Land Loss Trends Among Socially Disadvantaged Farmers and Ranchers in the Black Belt Region"
- Policy recommendations
- Proposed legislation "The Assist Farmers and Ranchers Operating on Heirs Property to Participate in USDA Programs Act"

Keywords

heirs' property, the Federation and USDA

Reference:

Federation of Southern Cooperatives, Land Assistance Fund. (2018, June 21). *The Federation of Southern Cooperatives/LAF leads research and advocacy to address heirs property and eligibility to participate in USDA programs* [Press release]. Retrieved from <https://www.ruralco.org/press-releases/2018/8/31/federation-of-southern-coops-leads-research-and-advocacy-on-heirs-property-august-2-2018>

Kuris, G. (2018)

A Huge Problem in Plain Sight” Untangling Heirs’ Property Rights in the American South, 2001-2017

Contact Person/Organization

Gabriel Kuris

Date: 2018

Brief Description

Discusses the problems that heirs property owners face when a natural disaster occurs, based on interviews. Says how coalitions are coming together to help change state law for heirs’ property. It includes a legal glossary and personal stories to help connect the paper.

Outline

- Introduction
- The challenge
- Framing a response
- Getting down to work
- Overcoming obstacles
- Assessing results

Keywords

USDA, heirs’ property and land

Reference:

Kuris,G. (2018). A huge problem in plain site: Untangling heirs’ property rights in the American South, 2001-2017. Retrieved from https://successfultsities.princeton.edu/sites/successfultsities/files/GK_LAND

Rural Coalition. (2018, June 22)

The Fair Access for Farmers and Ranchers Act introduced today helps producers operating on heirs' property.

Contact Person/Organization

Lorette Picciano and John Zippert

Date: June 22, 2018

Brief Description

Discusses the proposed bill "Fair Access for Farmers and Ranchers Act" and its importance to heirs' property owners

Outline

- "Fair Access for Farmers and Ranchers Act"
- African American land loss
- The bills affect

Keywords

USDA, the Foundation, African American and heirs' property

Reference:

The Fair Access for Farmers and Ranchers Act introduced today helps producers operating on heirs property. [Press release]. Retrieved from <https://www.ruralco.org/press-releases/2018/8/31/the-fair-access-for-farmers-and-ranchers-act-introduced-today-helps-producers-operating-on-heirs-property-june-22-2018>

Barlow, B. and Bailey, C. (2017)

The Potential Impact on Heirs Property on Timber Management in the Southeastern United States

Contact Person/Organization

Becky Barlow and Conner Bailey (Auburn University)

Date: 2017

Brief Description

Brings awareness to heirs' property and the effects that it has on planning land management. It lists obstacles that can occur as well as the risk of the forest's health.

Outline

- Introduction
- Limited access to capital limits management opportunities
- Inability to participate in government assistance and incentive programs
- Heir property impacts land management planning
- The impact on Timberland value, health and productivity
- Conclusion

Keywords

forestry, timber management and heir property

Reference:

Barlow, B. and Bailey, C. (2017). The potential impact of heir property on timber management in the southern United States. *Professional Agricultural Workers Journal* 5(1), 5-13. Retrieved from <https://ageconsearch.umn.edu/record/291862/?ln=en>

Federal Reserve Bank of Atlanta. (2017, July 6)

Special Edition Podcast: Heirs Property

Contact Person/Organization

Federal Reserve Bank of Atlanta

Date: 2017, July 6

Brief Description

This podcast showcases problems that arise with heirs' property. It features Thomas Mitchell and Cassandra Gaither.

Outline

- Problems with heirs' property
- What's currently being done/ legal reform
- What can be done to prevent heirs' properties in the future

Keywords

Partition action, unstable ownership, African American and heirs' property

Reference:

Federal Reserve Bank of Atlanta. (2017, July 6) Special edition podcast: Heirs Property. [Podcast]. Economy Matter Podcast. Retrieved from <https://www.frbatlanta.org/podcasts/transcripts/economy-matters/170706-heirs-property.aspx>

Hitchner, S., Schelhas, J., and Johnson Gaither C. (2017)

***“A Privilege and a Challenge”*: Valuation of Heirs’ Property by African American Landowners and Implications for Forest Management in the Southeastern U.S.**

Contact Person/Organization

Sarah Hotchner, John Schelhas and Cassandra Johnson Gaither

Date: 2017

Brief Description

This article conducted interviews with heirs’ property owners to get their feeling about passing on land to their heirs. The U.S. Endowment for Forestry and Communities is working with states to provide legal services and other tools to help thee families with forest management.

Outline

- Introduction
- Background: heirs’ property
- Research project and methods
- Results: importance of forest land, land loss, and heirs’ property
- Forestry and heirs’ property: Obstacles and opportunities
- Conclusion

Keywords

heirs’ property, forest land, sustainable forest management and land loss

Reference:

Hitchner, S., Schelhas, J., and Johnson Gaither C. (2017). African American forest landowners, Heirs’ Property in the Southeastern U.S.: Challenges and opportunities for small-scale sustainable forest management. Alternate title: “A privilege and a challenge”:
Valuation of Heirs’ Property by African American landowners and implications for forest management in the Southeastern U.S., Small Scale Forestry 16(3):395-417 Retrieved from <https://link.springer.com/article/10.1007%2Fs11842-017-9362-5>

Johnson Gaither, C. (2017)

Heirs' Property and Housing Vulnerability

Contact Person/Organization

Cassandra Johnson Gaither

Date: 2017

Brief Description

This looks at heirs' property and mobile homes.

Objectives

- “If heirs' property owners purchase mobile homes, does that decrease or increase their vulnerability?”
- “Are heirs' property owners more likely than non-heirs' property owners to have mobile homes on their property” (slide 2)

Keywords

heir's property, mobile homes and vulnerability

Reference:

Johnson Gaither, C. (2017). Heirs' property and housing vulnerability. U.S. Forest Service. Retrieved from <https://www.frbatlanta.org/-/media/documents/news/conferences/2017/0615-heirs-property-in-the-south/cassandra-gaither.pdf>

Johnson Gaither, C. (2017)

Spatial Dimensions of Heirs' Property in Maverick County, TX

Contact Person/Organization

Cassandra Y. Johnson Gaither

Date: 2017

Brief Description

This article looks at heirs' property and how it affects those communities along the border, particularly focused on Maverick County

Outline

- Introduction
- Literature review
- Methodology
- Discussion

Keywords

"heirs' property, tenancy in common, Texas colonia" (p. 371)

Reference:

Johnson Gaither, C. (2017). Spatial dimensions of Heirs' Property in Maverick County, TX. *Southeastern Geographer*, 57(4), 371-387 Retrieved from https://www.srs.fs.usda.gov/pubs/ja/2017/ja_2017_johnson_002.pdf

Johnson Gaither, C. and Zarnoch, S.J. (2017)

Unearthing ‘dead capital’: Heirs’ Property Prediction in two U.S. Southern Counties

Contact Person/Organization

Cassandra Johnson Gaither, Stanley J. Zarnoch

Date: 2017

Brief Description

This article discusses what heirs’ property is and then introduces a methodology to test the predictors used to estimate the number of heirs’ properties.

Outline

- Introduction
- Literature review
- Study areas
- Conclusion

Keywords

“heirs’ property, tenancy in common, land titling” (p. 367)

Reference:

Johnson Gaither, C. and Zarnoch, S.J. (2017). Unearthing ‘Dead Capital’: Heirs’ Property prediction in two U.S. Southern counties. *Land Use Policy* 67:367-377. Retrieved from <http://dx.doi.org/10.1016/j.landusepol.2017.05.009>

Pippin, J. S., Jones, S., Johnson Gaither, C. (2017)

Identifying potential heirs' properties in the Southeastern United States: a new GIS methodology utilizing mass appraisal data

Contact Person/Organization

Pippen, Scott; Jones, Shana; Johnson Gaither, Cassandra

Date: 2017

Brief Description

Presents the notion that there currently is “no systematic methodology for identifying heirs’ parcels at a regional scale” (Pippen, Jones, Johnson Giather, p. vii) Then introduces their proposal, known as computer-assisted mass appraisal data (CAMA)

Outline

- Executive summary
- Introduction
- Regional assessment
- County level parcel data assessment
- Data variability and other limitations
- Conclusions

Keywords

“heirs’ property, land tenure, CAMA data, black belt” (p. vii)

Reference:

Pippin, J. S., Jones, S., Johnson Gaither, C. (2017). Identifying potential heirs properties in the southeastern United States: A new GIS methodology utilizing mass appraisal data. (e-General Technical Report SRS-225). Asheville, NC: U.S. Department of Agriculture Forest Service, Southern Research Station. Retrieved from <https://www.srs.fs.usda.gov/pubs/55263>

Roberts, A. R. (2017)

Documenting and Preserving Texas Freedom Colonies

Contact Person/Organization

Andrea R. Roberts

Date: 2017

Brief Description

Acknowledges freedom colonies in Texas, challenges they face and why they are important to know about. Tells about the Texas Freedom Colonies Project and what they do to help these communities.

Outline

- Why a Texas freedom colonial project?
- Challenges to freedom colony preservation
- What can be done?

Keywords

freedom colonies, visibility, access and vulnerability

Reference:

Roberts, A. R. 2017. Documenting and preserving Texas freedom colonies. *Texas Heritage* (2), 14-19. https://www.academia.edu/33690477/Documenting_and_Preserving_Texas_Freedom_Colonies

Thompson, S. (2017)

Contextual Meaning given to the Family Heir Property Title Clearing Process

Contact Person/Organization

Sandra Thompson

Date: 2017

Brief Description

This article conducts a study using five African Americans who have family heir property. She looks at the tools provided and available to these individuals.

Study outcomes

“(a) discriminates and marginalizes Black, low wealth, and elderly users;

(b) limits wealth building and generational transfer of wealth

(c) causes acute and chronic severe emotional stress reactions

(d) requires protective factors (e.g., faith, determination, family cooperation, and/or altruism)

(e) likely discriminates and marginalizes elderly and low wealth FHP owners regardless of race.” (p. iii)

Outline

- Introduction
- Literature review
- Methodology
- Findings
- Conclusions and Recommendations

Keywords

“Family heir property, county based, title clearing process” (p. iii)

Reference:

Thompson, S. (2017). Contextual meaning given to the family heir property title clearing process. (Doctoral dissertation). Creighton University, Ann Arbor. MI: ProQuest, Retrieved from <http://search.proquest.com/openview/7a9f0b015454de0a0ae499ef77350a00/1?pq-origsite=gscholar&cbl=18750&diss=y>

Vinston, C. (2017)

Georgia's Heirs Property: Assessing the impacts of "Locked Wealth"

Contact Person/Organization

Scott Pippin and Shana Jones

Date: 2017

Brief Description

This slideshow gives an overview of heirs' property, addresses why we should care about it and discusses what is being done for it.

Outline

- What is heirs' property
- Limitations of ownership
- Overview of the issue
- How much heirs' property is there?
- Responses
- Resources
- Case study for community perspective

Keywords

heirs' property, UHPA, property ownership, locked wealth and partition sales

Reference:

Vinston, C. (2017). Georgia's heirs property: Assessing the impacts of "locked wealth. Retrieved from: https://www.fcs.uga.edu/docs/GICH_Heirs_Property_Prezzi_2.pdf

Carpenter, A., Jones, S., & Pippin, S. (2016)

Understanding Heirs' Properties in the Southeast

Contact Person/Organization

Ann Carpenter, Shana Jones and J. Scott Phippen

Date: 2016

Brief Description

This article interduces the issue of heirs' property and who it affects most often. Then it goes on to mention issues that arise and strategies on how to deal with it.

Outline

- What is heirs' property
- Issues
- Strategies

Keywords

heirs' property, African American and partition sales

Reference:

Carpenter, A., Jones, S., & Pippin, S. (2016). Understanding heirs' properties in the Southeast. Retrieved from <https://www.frbatlanta.org/community-development/publications/partners-update/2016/02/160419-understanding-heirs-properties-in-southeast.aspx>

Splitting Heirs' The challenges Posed by Heirs' Property Ownership to Coastal Resilience Planning

Contact Person/Organization

Rory Fleming, Jack Williams, Rebecca Neubauer and Lisa Schiavinato

Date: 2016

Brief Description

Inform people about the dangers of not having a clear title, specially in coastal communities in times of crisis. I.e. Hurricane Katrina

Outline

- Executive summary
- Complications of heirs' property ownership
- North Carolina: state-specific considerations
- Promoting resilience by safeguarding heirs' property: potential strategies
- Conclusion

Keywords

heir property, coastal developers and natural disasters

Reference:

Fleming, R., Williams, J., Neubauer, R., and Schiavinato, L. (2016). Splitting heirs: The challenges posed by the Heirs' Property ownership to coastal resilience planning. Sea Grant North Carolina. Available online: https://ncseagrant.ncsu.edu/ncseagrant_docs/coastallaw/pubs/heirs_property.pdf

Grabbatin, B. (2016)

“The Land is our Family and the Water is our Bloodline” The Dispossession and Preservation of Heirs’ Property in the Gullah-Geechee Communities of Lowcountry South Carolina

Contact Person/Organization

Brain Grabbatin

Date: 2016

Brief Description

Heirs property is looked at through the lenses of a certain communities in South Carolina known as the Gullah-Geechee. This is done through a study conducted by using historical geography, common property and legal geography.

Outline

- Heirs’ property and the commons
- Research methodology
- “This is our land”: the historical political ecology of heirs’ property
- Litigious enclosures: from heirs’ property to fee simple property
- Family property: producing and protecting

Keywords

“heir property, political ecology, gullah-geechee, enclosure, commons and legal geography” (abstract)

Reference:

Grabbatin, B. (2016). “The land is our family and the water is our bloodline”: The dispossession and preservation of Heirs’ Property in the Gullah-Geechee communities of Lowcountry South Carolina. (Doctoral dissertation). Retrieved from UKnowledge (University of Kentucky). https://uknowledge.uky.edu/cgi/viewcontent.cgi?article=1050&context=geography_etds

Johnson Gaither, C. (2016)

“Have Not Our Weary Feet Come to the Place for Which Our Fathers Sighed?”

Contact Person/Organization

Cassandra Johnson Gaither

Date: 2016

Brief Description

It discusses what heirs' property is. It then goes into an in-depth literature review of most works dedicated to the Black Belt region and includes Native American tribes.

Outline

- Introduction
- Literature Review
- Conclusion

Keywords

“Appalachia, black belt, five tribes, heirs' property, land tenure” (abstract)

Reference:

Johnson Gaither, C. (2016). “Have not our weary feet come to the place for which our fathers sighed?”: Heirs' property in the southern United States. e-Gen. Tech. Rep. SRS-216. Asheville, NC: U.S. Department of Agriculture Forest Service, Southern Research Station. 31 p. Available online: https://www.srs.fs.usda.gov/pubs/gtr/gtr_srs216.pdf

McDaniel, J. (2016, February 11)

Project attempts to stem the tide of African American land loss through active forest management. Leaves of Change

Contact Person/Organization

Josh McDaniel

Centers for Urban and Interface Forestry

Date: 2016, February 11

Brief Description

Discusses how heirs' property comes into play, and how it typically is resolved. Introduces a pilot program.

Goal of Pilot Program "is to stabilize African American land ownership, increase forest health, and build economic assets across the Black Belt" (McDaniel, p. 2)

Keywords

African Americans, community-based organizations and property

Reference:

McDaniel, J. (2016, February 11). Project attempts to stem the tide of African-American land loss through active forest management. Leaves of Change. Retrieved from <https://urbanforestrysouth.org/products/newsletters/leaves/leaves-bulletin/project-attempts-to-stem-the-tide-of-african-american-land-loss-through-active-forest-management/index.html>

Mitchell, T.W. (2016)

Restoring Hope for Heirs property Owners: The Uniform Partition of Heirs Property Act

Contact Person/Organization

Thomas W. Mitchell (Texas A&M University School of Law)

Date: 2016

Brief Description

This article looks at the (UPHPA) Uniform Partition of Heirs Property Act, offers an explanation of what the law does and gives a history of its enactment by states.

Outline

- Poor and disadvantaged property owners seriously impacted
- Primer on state partition laws
- Key provisions of the UPHPA
- Success: north, south, east, and west and even across the pacific

Keywords

African American, UPHPA, courts, ownership, poverty, rural and statute

Reference:

Mitchell, T.W. (2016). Restoring hope for heirs property owners: The Uniform Partition of Heirs Property Act. *State & Local Law News*,40(1), 6-15. Retrieved from <https://scholarship.law.tamu.edu/facscholar/805/>

Breitenbach, S. (2015, July 15)

Heirs' Property Challenge Families, States

Contact Person/Organization

Sarah Breitenbach

Date: July 15, 2015

Brief Description

Showcases a story about a man who had heirs' property and what it is like once the deed is resolved. Then discusses problems that occur with having multiple owners. Also discusses a law that can be uniformed for every state and laws that are already in place in some states.

Outline

- Introduction
- Risks of joint Ownership
- A uniform law for all states
- Transfer of deed on death

Keywords

Center for Heirs' Property Preservation, heirs' property, transfer of deed on death, deed and UHPA

Reference:

Breitenbach, S. (2015, July 15). Heirs' property challenges families, states. [Blog post] Retrieved from <http://www.pewtrusts.org/en/research-and-analysis/blogs/stateline/2015/07/15/heirs-property-challenges-families-states>

Mitchell, T.W. (2014)

Reforming Property Law to address devastating land loss

Contact Person/Organization

Thomas W. Mitchell (Texas A&M University School of Law)

Date: 2014

Brief Description

This article looks at, reviews and analyzes the (UPHPA) Uniform Partition of Heirs Property Act.

Outline

- Overview of tenancy-in-common ownership
- Low to moderate income tenancy-in-common owners
- History of partition law reform and scope of NCCUSL project
- Analysis of Key Sections of the UHPA
- Conclusion

Keywords

“African-American, attorneys, black, civil procedure, civil rights, class, comparative, courts, entity, family, international, land, Latino, law and economics, legislation, minorities, model laws, ownership, poverty, property, race, real estate, reform, remedies, rural, state, statute, urban, wealth” (abstract)

Reference:

Mitchell, T.W. (2014). Reforming property law to address devastating land loss. 66 Alabama Law Review 1, Univ. of Wisconsin Legal Studies Research Paper No. 1329. Retrieved from <https://ssrn.com/abstract=2516275>

Schaeffer, M. (2014)

The Social Meaning of Inherited Financial Assets. Moral Ambivalences of Intergenerational Transfers

Contact Person/Organization

Merlin Schaeffer

Date: 2014

Brief Description

This article polarizes inheritance and transfers and places the heirs somewhere between to the two poles

Outline

- Introduction: inherited assets in meritocratic societies
- Methods and strategy of analysis
- Results
- Discussion and conclusion: the moral ambivalence of inherited financial assets

Keywords

“Inheritances, meritocracy, wealth, generations, family solidarity, grounded theory methodology, interviews, USA” (p. 289)

Reference:

Schaeffer, M. (2014). The social meaning of inherited financial assets. Moral ambivalences of intergenerational transfers. *Forum Qualitative Sozialforschung*, 15(1), 1. Retrieved from <http://www.jstor.org/stable/24146122>

Georgia Appleseed. (2013)

Unlocking Heir Property Ownership: Assessing the Impact on low-and mid-income Georgians and Their Communities.

Contact Person/Organization

Georgia Appleseed Center for Law and Justice

Date: 2013

Brief Description

It addresses what heirs' property is and problems and cultural impacts that it carries. It references the situation with heir owners not being able to receive aid after Hurricane Katrina. The goal was to do a project to see how many heirs' property's exist in certain parts of Georgia. Then it offers up a recommendation for a statewide legal clinic specifically focused on heirs' property.

Outline

- Challenges of heirs' property
- What is heirs' property
- Individual economic implications
- Community and cultural impacts
- Hurricane Katrina – a tragic wakeup call
- Taking action
- Research methodology
- Findings
- Conclusion: Making the case for a statewide Heir Property legal clinic

Keywords

heirs' property, cultural impact, aid and legal

Reference:

Georgia Appleseed. (2013). Unlocking heir property ownership: Assessing the impact on low and mid-income Georgians and their communities. Atlanta, GA: Georgia Appleseed Center for Law & Justice. Retrieved from <https://gaappleseed.org/media/docs/unlocking-heir-property.pdf>

Bartles, C. T. (2012)

Identifying and Addressing Heirs Property: A Case Study of Wake County, North Carolina

Contact Person/Organization

Catherine T. Bartels

Date: 2012

Brief Description

States what heirs' property is and the difficulty of estimating exactly how much exists. Which leads to not knowing the impacts it can have. It proposes a way to address this issue and suggest additional policy solutions.

Outline

- Introduction
- Literature review
- Prevalence of Heirs property in Wake County, NC
- Policy Solutions for government officials and planners
- Conclusion

Keywords

heirs' property, African American, property owners, township, and land use

Reference:

Bartles, C. T. (2012). *Identifying and addressing heirs property: A case study of Wake County, North Carolina*. (Master's thesis) Retrieved from <https://cdr.lib.unc.edu/record/uuid:fde72021-1b3b-41da-8aba-ba95150d2ad3>

Deaton, B.J., (2012)

A Review and Assessment of the Heirs' Property Issue in the United State

Contact Person/Organization

B. James Deaton

Date: 2012

Brief Description

This articles states that heirs' property owners face two concerns and trying to solve one might have a negative unintentional affect on the other. "The first concern regards the use of real property as capital and as a productive input. The second concern addresses the vulnerability of one owner to the partition actions of another" (p. 615).

Outline

- Background
- The wealth concern
- Vulnerability concern
- Assessing the Heirs Property Act
- Conclusions

Keywords

"heirs' property, land and tenancy in common" (p. 615)

Reference:

Deaton, B.J., (2012). A review and assessment of the heirs' property issue in the United States. Journal of Economic Issues, 46(3), 615-632. Retrieved from <https://doi.org/10.2753/JEI0021-3624460302>

DeWeese, T. (2012, November 1)

Private Property Ownership is the Only Way to Eradicate Poverty

Contact Person/Organization

Tom DeWeese

Date: November 1, 2012

Brief Description

Poverty is an issue all over the world. All of the solutions we are currently trying such as redistribution of wealth and other programs are only giving a temporary fix. This piece calls for addressing the root of the problem and that is private property ownership

Outline

- Poverty statistics
- Existing plans of actions
- The root of the poverty problem
- Capitalism
- Private property rights

Keywords

poverty, capitalism and private property

Reference:

DeWeese, T. (2012, November 1). Private property is the only way to eradicate poverty. American Policy Center. Retrieved from <https://americanpolicy.org/2012/11/19/private-property-ownership-is-the-only-way-to-eradicate-poverty/>

Being Black and Brown in the 21st Century: Challenges and Pedagogical Possibilities

Contact Person/Organization

Pierre W. Orelus

Date: 2012

Brief Description

This article looks at how African American are still not equal to white Americans. Some of the reasons why are given. As well as recommendations to help lower the levels of inequality.

Outline

- Are black and brown still at the bottom of the socioeconomic ladder?
- The role of the media in perpetuating stereotypes about people of color
- Conclusion

Keywords

“people of color, racism, white dominance, educational inequality, minority students” (p. 1).

Reference:

Orelus, P. W. (2012). Being Black and Brown in the 21st century: Challenges and pedagogical possibilities. SAGE Open, 2(4), Retrieved from <http://journals.sagepub.com/doi/full/10.1177/2158244012464979>

Smith, L. H., Valenzuela, J., & Ludke, R. L. (2012)

Engaging Rural and Urban Appalachians in Research using a Community Based Participatory Research Approach

Contact Person/Organization

Laureen H. Smith, Jessica Valenzuela, Robert L. Ludke

Date: 2012

Brief Description

Discusses how Appalachians are at a disadvantage, in terms of their health, for a variety of reasons. Recognizing an approach that has been used before to help alleviate some of these reasons, this paper utilizes the Community Based Participatory Research (CBPR) on two Appalachian communities. The results are documented.

Outline

- Applying the principles of community based participatory research in Appalachia
- Recommendations regarding the use of CBPR

Keywords

Appalachians and CBPR

Reference:

Smith, L. H., Valenzuela, J., & Ludke, R. L. (2012). Engaging rural and urban Appalachians in research using a community-based participatory research approach. *PRISM: A Journal of Regional Engagement*, 1(1), 1-17.

Retrieved

from http://www.academia.edu/8982698/Engaging_Rural_and_Urban_Appalachians_in_Research_using_a_Community-Based_Participatory_Research_Approach

Ward, P., Way, H., and Wood, L. (2012)

The Contract for Deed Prevalence Project

Contact Person/Organization

Peter M. Ward, Heather K. Way and Lucille Wood

Date: 2012

Brief Description

This is a report given after conducting a Contract for Deed Prevalence Research Project (p. II) in Texas. Its focus was to determine the number of Contracts for Deeds, who is using them and why.

Outline

- Executive summary
- Figures/tables
- Introduction to the Contract for Deed Prevalence Project
- Overview of Contracts for Deed, and research strategy and methodology adopted to analyze the prevalence of Contracts for Deed
- The changing practice of recorded Contracts for Deed in Texas border counties and in central Texas
- Tracking and estimating unrecorded Contracts for Deed- survey analysis
- General survey results and the reproduction of informality in Texas Colonias and subdivisions
- Conclusions and policy recommendations

Keywords

Contract for Deeds, Texas and colonias

Reference:

Ward, P., Way, H., and Wood, L. (2012). The contract for deed prevalence project. (Final report) Austin, TX: Texas Department of Housing and Community Affairs. Retrieved from <http://www.tdhca.state.tx.us/housing-center/docs/CFD-Prevalence-Project.pdf>

Center for Social Inclusion (2011)

Regaining Ground: Cultivating community assets & preserving Black land

Contact Person/Organization

Center for Social Inclusion

Date: 2011

Brief Description

“Regaining Ground is both documentation of a strategic process and testament to the value of investing in developing collective solutions. The challenges Black land loss advocates face are enormous, but so are the gains to be made by supporting their collective work.”

Keywords

Black land loss status, goals, strategies, broader considerations, emerging approaches, concerns, opportunities

Reference:

The Center for Social Inclusion (2011). Regaining ground: Cultivating community assets & preserving Black land. Retrieved from <https://www.centerforsocialinclusion.org/wp-content/uploads/2014/07/Regaining-Ground-Cultivating-Community-Assets-and-Preserving-Black-Land.pdf>

Grabbatin, B. and Stephens, J.L. (2011)

Wingfall v. Mobley et al: Heirs Property Rights in Family and in Law

Contact Person/Organization

Brain Grabbatin and Jennie L. Stephens

Date: 2011

Brief Description

Through the use of a case study of Wigfall v. Mobley to showcase how the law primarily looks at the monetary value of land and how that affects partition/heirs property land.

Outline

- Introduction
- Background
- Case Study
- Discussion: heirs property rights in family and in law
- Conclusions: revaluing the land

Keywords

heir property, partition sells and law privileges

Reference:

Grabbatin, B. and Stephens, J.L. (2011). Wigfall v. Mobley et al.: Heirs property rights in family and in law. *disClosure: A Journal of Social Theory*, 20(14), 133-150. Retrieved from <https://uknowledge.uky.edu/cgi/viewcontent.cgi?referer=&httpsredir=1&article=1040&context=disclosure>

Johnson Gaither, C., Poudhal, N.C., Goodrick, S., Bowker, J.M., Malone, S., and Gan, J. (2011)

Wildland fire risk and social vulnerability in the Southeastern United States: An exploratory spatial data analysis approach

Contact Person/Organization

Cassandra Johnson Gaither, Neelam C. Poudya, Scott Goodrick, J.M. Bowker, Sparkle Malone and Jianbang Gan

Date: 2011

Brief Description

This article looks at wildland fire risk in the southeastern US and “its intersection with social vulnerability” (p. 24).

Outline

- Introduction
- Wildland fire risk in the south
- Social Vulnerability and wildland fire risk
- Research hypothesis
- Methods
- Exploratory spatial data analysis
- Discussion and conclusion

Keywords

“Social vulnerabilities, woodland fire, environmental risk and wildland fire mitigation” (p. 24)

Reference:

Johnson Gaither, C., Poudhal, N.C., Goodrick, S., Bowker, J.M., Malone, S., and Gan, J. (2011). Wildland fire risk and social vulnerability in the southeastern United States: An exploratory spatial data analysis approach. *Forest Policy and Economics*, 13, 24-36. Retrieved from <https://www.fs.usda.gov/treesearch/pubs/53483>

Leon County (2011, December 8)

D-1 Application for subdivision pursuant

Contact Person/Organization

Department of Development Support and Environmental Management

Date: 2011

Brief Description

D-1 Application for subdivision pursuant to the family heir provision of policy 2.1.9 of the Tallahassee/Leon County comprehensive plan.

Keywords

Eligibility criteria, process steps, Inventory application, stormwater permit

Reference:

Leon County. (2011, December 8). D-1 Application for subdivision pursuant to the family heir provision of policy 2.1.9 of the Tallahassee/Leon County comprehensive plan. Retrieved from https://www.pdfFiller.com/45532114-219FH_Ipdf-Application-for-Family-Heir-Policy-219-Subdivision-Leon-County-leoncountyfl-

Deaton, B. J., Baxter, J., & Bratt, C. S. (2009)

Examining the consequences and character of “heir property”

Contact Person/Organization

B. James Deaton, Jamie Baxter and Carolyn S. Bratt

Date: 2009

Brief Description

This article looks at case studies of heirs’ property owners in Kentucky to look at displacement and efficiency concerns

Outline

- Introduction
- Laws of intestate succession
- Efficiency and displacement concerns
- Statistical analysis of affidavit of descent
- Future research and policy recommendation

Keywords

“Intestate succession, heir property, affidavit of descent and Appalachia” (p. 2344)

Reference:

Deaton, B. J., Baxter, J., & Bratt, C. S. (2009). Examining the consequences and character of "heir property" [Abstract]. *Ecological Economics*, 68(8-9). Retrieved from <https://www.sciencedirect.com/science/article/pii/S0921800909001177>

Dyer, J. F., Bailey, C., & Tran, N.T. (2009)

Ownership Characteristics of Heir Property in a Black Belt County: A Quantitative Approach

Contact Person/Organization

Janice Dyer, Conner Bailey and Nhung Van Tran (Auburn University)

Date: 2009

Brief Description

A quantitative study in rural black belt county in Alabama of heirs' property and their potential wealth.

Outline

- Literature review
- Setting
- Data Collection
- Results
- Conclusion

Keywords

heirs' property, structural improvements and municipal incorporations

Reference:

Dyer, J. F., Bailey, C., & Tran, N.T. (2009). Ownership characteristics of Heir Property in a Black Belt county: A quantitative approach. *Southern Rural Sociology*, 24(2), 192-217. Retrieved from http://www.academia.edu/18479177/OWNERSHIP_CHARACTERISTICS_OF_HEIR_PRC

Hamilton, D. (2009, August)

Race, Wealth, and Intergenerational Poverty

Contact Person/Organization

Darrick Hamilton

Date: August 2009

Brief Description

The issue of wealth based on race is addressed along with suggested policy recommendations.

Outline

- Wealth Gap
- Explaining why “blacks are less frugal” and “inferior management of assets owned by black” does not hold true
- Inheritance/family transfers
- Policy recommendations

Keywords

wealth gap, post racial America and intergenerational transfers

Reference:

Hamilton, D. (2009, August). Race, wealth, and intergenerational poverty. *The American Prospect*, 20(7). Retrieved from <http://prospect.org/article/race-wealth-and-intergenerational-poverty>

Hartep, N. D. (2009)

Critical Race Theory: An Examination of its Past, Present, and Future Implications

Contact Person/Organization

Nicholas Daniel Hartlep

Date: 2009

Brief Description

This article looks at research on Critical Race Theory (CRT)

Outline

- Introduction
- Literature Review
- Studies done on critical race theory (CRT)
- Propositions for future research: looking forward with hope

Keywords

CRT and marginalized

Reference:

Hartep, N. D. (2009). Critical race theory: An examination of its past, present, and future implications. Retrieved from <https://eric.ed.gov/?id=ED506735>

Norejko, R. (2009, January)

From Metes and Bounds to Grids or a CliffsNotes History of Land Ownership in the United States

Contact Person/Organization

Richard Norejko

Date: January 2009

Brief Description

A history of landownership from Christopher Columbus to the Manifest Destiny and capitalism.

Outline

- East meets west
- Christopher Columbus
- America is settled
- The settlers define land ownership
- Edmund Gunter invents a measuring tool
- King George III proclaims royal ownership
- Thomas Jefferson expands U.S. territory
- Rufus Putnam uses Gunter's chain in northwest territory
- Thomas Hutchins surveys Ohio
- Township surveys create sections
- The Louisiana Purchase
- The Lewis and Clark expedition
- An early American tradition- squatting
- The Jefferson/Putnam Grid
- Manifest Destiny
- Capitalism and surplus value

Keywords

land ownership, America, explorers, settlers, squatters and surveying

Reference:

Norejko, R. (2009, January). From metes and bounds to grids or a Cliff's Notes history of landownership in the United States. Fair & Equitable. Retrieved from <https://www.iaao.org/uploads/norejko.pdf>

Persky, A. S. (2009)

In the Cross-Heirs

Contact Person/Organization

Anna Stolley Persky

Date: 2009

Brief Description

Discusses the problems that heirs' property owners face. Includes an example case of a family going through legal troubles to keep their land. Then talks about the benefits of a proposed law called Uniform Partition of Heirs' Property Act.

Outline

- A problem mostly of the poor
- Bop city in its heyday
- Tackling the issue

Keywords

intestate, will and heirs' property

Reference:

Persky, A. S. (2009). In the cross-heirs. *American Bar Association Journal*, 44. Retrieved from http://www.abajournal.com/magazine/article/in_the_cross-heirs

Way, H. (2009)

Informal Homeownership in the United States and the Law

Contact Person/Organization

Heather K. Way

Date: 2009

Brief Description

This article looks at informal homeownership, done “through informal pathways” (p. 116), and the connection that exists with law.

Outline

- Introduction
- The importance of a title
- The formal path to homeownership
- The informal path to homeownership
- Opportunities for reform
- Conclusion

Keywords

homeownership, formal, informal, title, inheritance, equity, and partition

Reference:

Way, H. (2009). Informal homeownership in the United States and the law. St. Louis University *Public Law Review*, 29(1), 113-192. Retrieved from <https://law.utexas.edu/faculty/hway/informal-homeownership.pdf>

Darity, W. (2008)

Forty Acres and a Mule in the 21st Century

Contact Person/Organization

William Darity, Jr. (Duke University)

Date: 2008

Brief Description

Acknowledges what a reparation is intended to do and what types of injustices it is for. It addresses disadvantages faced to the African American community, even to this day.

“Reparation intended to achieve Objectives

- Acknowledgement of a grievous injustice
- Redress for the injustice
- Closure of the grievances held by the group subjected to the injustice” (p. 655)

Keywords

acknowledgement, redress and closure

Reference:

Darity, W. (2008). Forty acres and a mule in the 21st century. *Social Science Quarterly*, 89(3), 656-664. Retrieved from <https://onlinelibrary.wiley.com/doi/full/10.1111/j.1540-6237.2008.00555.x>

Dyer, J. F. (2008)

Statutory Impacts of Heir Property: An examination of Appellate and Macon County Court Cases

Contact Person/Organization

Janice F. Dyer (Auburn University)

Date: 2008

Brief Description

A quantitative study of 12 partition actions in a circuit court as well as state level cases to show the cost and benefits of the actions for heirs.

Outline

- Study Background
- Legal and Economic Constraints
- Empirical research of heir property
- Setting
- Legal database
- Courthouse records
- Discussion
- Conclusion

Keywords

heir property and partition actions

Reference:

Dyer, J.F. (2008). Statutory impacts of heir property: An examination of Appellate and Macon County court cases. 66th Annual Professional Agricultural Workers Conference. Retrieved from: <http://citeseerx.ist.psu.edu/viewdoc/download?doi=10.1.1.569.1533&rep=rep1&type=pdf>

Dyer, J. F., & Bailey, C. (2008)

A Place to Call Home: Cultural Understandings of Heir Property among Rural African Americans

Contact Person/Organization

Janice Dyer and Conner Bailey (Auburn University)

Date: 2008

Brief Description

Presents a framework for heirs' property and how understanding its cultural base shows why it is so persistent in certain communities. It also includes interviews.

Outline

- Heir property
- Methods
- Conflict and sanctuary
- Legal and institutional solutions
- Discussion
- Conclusion

Keywords

heir property and culturally based

Reference: Dyer, J. F., & Bailey, C. (2008). A place to call home: Cultural understandings of Heir Property among rural African Americans. *Rural Sociology*, 73(3), 317-338. Retrieved from <https://onlinelibrary.wiley.com/doi/pdf/10.1526/003601108785766598>

Riphagen, L. (2008)

Marginalization of African Americans in the Social Sphere of US Society

Contact Person/Organization

Linde Riphagen

Date: 2008

Brief Description

This article addresses the “marginalization of African Americans” (p. 96) Examines social and physical institutions that have effects on African Americans. It seeks to address why the US is still a marginalized unequal society

Outline

- Introduction
- Short historical overview for an increased understanding of the foundations of racial relations in the US
- Data on marginalization of African Americans within social spheres and aspects of society
- Analysis of the social circumstances and explanations for the continuation of African American Marginalization
- Specific institutions role in racial oppression
- Conclusion

Keywords

African Americans, marginalization, racial and institutions

Reference:

Riphagen, L. (2008). Marginalization of African-Americans in the social sphere of US society. *The Interdisciplinary Journal of International Studies*. 5, 96-121. <https://journals.aau.dk/index.php/ijis/article/download/174/114>

Deaton, B.J. (2007)

Intestate Succession and Heir Property: Implications for Future Research on the Persistence of Poverty in Central Appalachia

Contact Person/Organization

B. James Denton

Date: 2007

Brief Description

“In this paper, the link between the laws of intestate succession and heir property is developed and the theory of the anticommons provides a model for developing a hypothesis about the economic consequences of heir property” (p.928). While also using case evidence from Kentucky.

Outline

- Kentucky Laws of Intestate Succession and Co-Ownership
- Tenancy in Common and Multiple Exclusion Rights
- Heir Property and the Anticommons
- The Tragedy of the Anticommons: Transaction Costs
- Dead Capital
- Future Research
- Policy Implications

Keywords

tenancy in common, heir property, economic consequence, anticommons and intestate succession

Reference:

Deaton, B.J. (2007). Intestate succession and Heir Property: Implications for future research on the persistence of poverty in central Appalachia. *Journal of Economic Issues*, 41(4), 927-942. Retrieved from https://www.researchgate.net/publication/255587810_Intestate_Succession_and

Dorr, T. C. (2007)

Heir Property. Federal Register

Contact Person/Organization

Bethany Erb

Date: 2007

Brief Description

Defines what heirs' property is and how it occurs. It addresses concerns primarily facing the African American communities in the south. It shows a study done from African American land ownership and what the USDA Rural Development is doing to help.

Outline

- Background
- Heir Property Study
- Request for public comments

Keywords

heir property, USDA, African Americans, the south, land ownership

Reference:

Dorr, T. C. (2007). Heir Property. Federal Register. Retrieved from <https://www.federalregister.gov/articles/2007/01/10/E6-22102/heir-property>

Dyer, J. F. (2007)

Legal and Cultural Dimensions of Collective Landownership

Contact Person/Organization

J.F. Dyer

Date: 2007

Brief Description

Give an overview of heirs' property from a cultural standpoint.

Outline

- Introduction
- Methods and setting
- Black land loss and benefits of ownership
- Cultural value of land
- Case studies: conflict and cohesion
- Institutional alternatives to heirs' property
- Conclusion

Objectives

“Objective 1: Develop a clear understanding of what heir property is and legal processes involved.

Objective 2: Examine legal constraints a communally held deed presents to heirs, especially regarding harvesting timber and housing program eligibility. Identify connections between these legal constraints and the socioeconomic statuses of those who face them.

Objective 3: Through interviews with lawyers and courthouse personnel, examine how partition sales are forced and conducted as well as outcomes of such sales on heirs.

Objective 4: Develop a multidimensional characterization of heir landowners in Alabama's Black Belt with an emphasis on a cultural approach to land. Objective 5: Identify institutional alternatives to heir property that may allow families to enjoy the benefits of communal ownership yet have access to opportunities those with clear title do.”

Keywords

heir property, legal constraints, partition sales and institutional alternatives

Reference:

Dyer, J. F. (2007). Legal and cultural dimensions of land ownership. Bulletin 667. Alabama Agricultural Experiment Station, Auburn University. Retrieved from <https://aurora.auburn.edu/bitstream/handle/11200/4107/BULL0667.pdf?sequence=1>

United States Government Accountability Office. (2006)

BLM's Program for Issuing Individual Indian Allotments on Public Lands Is No Longer Viable

Contact Person/Organization

U.S. Government Accountability Office

Date: 2006

Brief Description

This discusses the history of land allotments, both public and individual, to individual Indians and Indian reservations. It also talks about how those programs have evolved over the years and changes need to be made by policymakers.

Outline

- Results in Brief
- Background
- BLM's program for issuing Indian allotments is no longer viable
- Conclusion
- Agency Comments

Keywords

BLM, BIA, allotment and land

Reference:

United States Government Accountability Office. (2006). *Indian issues: BLM's program for issuing individual Indian allotments on public lands is no longer viable*. (Report No. GAO-07-23R) Retrieved from GAO website <https://www.gao.gov/products/GAO-07-23R>

Chandler, A. B. (2005)

"The Loss in My Bones": Protecting African American Heirs' Property with the Public Use Doctrine

Contact Person/Organization

April B. Chandler

Date: 2005

Brief Description

Describes a story of how heirs' property has affected a particular family. Then discusses different aspects about heirs' property and the challenges that come along with it. It lastly introduces proposed reforms.

Outline

- Introduction
- History of African American land ownership in the south
- Tenancy in common and partition statutes
- Regulatory takings and public purpose
- Proposed reforms
- Conclusion

Keywords

African American, tenancy in common and partition statutes

Reference:

Chandler, A. B. (2005). "The loss in my bones": Protecting African American Heirs' Property with the public use doctrine. *William & Mary Bill of Rights Journal*, 14(1). Retrieved from <http://scholarship.law.wm.edu/cgi/viewcontent.cgi?article=1212&context=wmborj>

Copeland, R. W. (2005)

Heir Property in the African American Community: From Promised Lands to Problem Lands

Contact Person/Organization

Roy W. Copeland (Valdosta State University)

Date: 2005

Brief Description

Discusses why African Americans experience such high rates of being heirs' property owners and the problems that bring upon. It also talks about the Uniform Partition of Heir Property Act and how that is helping heirs' property owners.

Outline

- Introduction
- The prevalence of heir property in the African American Community
- The partition sale
- Uniform Partition of Heir Property Act
- Conclusion

Keywords

“heir property, partition, land loss, interstate succession” (p. 1)

Reference:

Copeland, R. W. (2005). Heir property in the African American community: From promised lands to problem lands, 2(2). Professional Agricultural Workers Journal. Retrieved from <http://tuspubs.tuskegee.edu/pawj/vol2/iss2/2>

Deaton, B.J. (2005)

***Land “In Heirs”:* Building a Hypothesis Concerning Tenancy in Common and the Persistence of Poverty in Central Appalachia**

Contact Person/Organization

B. James

Date: 2005

Brief Description

This article looks at central Appalachia and its persistent levels of poverty throughs heirs' ownership. It proposes “that this form of ownership needs further investigation because of its potential and important impact on economic growth, resource use, and environmental quality” (p. 84).

Outline

- Introduction
- Background
- A survey design to examine the prevalence of land in heirs
- Results of the survey
- Future research needs
- Two specific recommendations for future research
- Conclusions

Keywords

dead capital, heirs', poverty, property and Appalachia

Reference:

Deaton, B.J. (2005). Land “In Heirs”:

Building a hypothesis concerning tenancy in common and the persistence of poverty in central Appalachia. *Journal of Appalachian Studies*, 11(1/2), 83-94. Retrieved from <https://www.jstor.org/stable/41446656?seq=1>

Mitchell, T. W. (2005)

Destabilizing the Normalization of Rural Black Land Loss: A Critical Role for Legal Empiricism

Contact Person/Organization

Thomas W. Mitchell

Date: 2005

Brief Description

“This Article demonstrates why it has been important to conduct empirical work on forced sales of black-owned rural property, and will discuss the methodology I have used in studying this area of the law that most legal scholars have neglected” (Introduction, para. 6)

Outline

- Introduction
- Black rural property acquisition and loss: a brief overview
- Few legal scholars have conducted research on black land loss although opportunities for such research abound
- The data that exists with respect to black land ownership is limited
- Academics and advocates have made claims with respect to black land loss in an empirical vacuum
- Conclusion

Keywords

Land loss, property, rural and legal

Reference:

Mitchell, T. W. (2005). Destabilizing the normalization of rural Black land loss: A Critical Role for legal empiricism. *Wisconsin Law Review*, 2005(2), 557-615. Retrieved from https://papers.ssrn.com/sol3/papers.cfm?abstract_id=896759

Foster, G. A. (2004)

American Slavery: The Complete Story

Contact Person/Organization

Gerald A. Foster, Ph. D

Date: 2004

Brief Description

Provides an emphasis on why slavery should be taught accurately in history and what affect that has on today.

Outline

- Emerging from the cave of ignorance
- Slavery and race
- What was slavery and why has it been such a divisive issue since 1865?
- Conclusion

Keywords

slavery and history

Reference:

Foster, G. A. (2004). American slavery: The complete story. *Cardozo Public Law, Policy and Ethics Journal*, 2, pp. 401-420.

Waldron, J. (2004)

Property and Ownership

Contact Person/Organization

Waldron, J.

Date: 2004

Brief Description

Discusses what property is and what links it has to philosophical issues. Primarily focusing on private property.

Outline

- Issues of analysis and definition
- Historical overview
- Is property really a philosophical issue
- Genealogies of property
- Justification: liberty and consequences

Keywords

property, private property and philosophical

Reference:

Waldron, J. (2004). Property and ownership. In the Stanford Encyclopedia of Philosophy. Retrieved from <https://plato.stanford.edu/entries/property/>

Shoemaker, J. A. (2003)

Like snow in the spring time: Allotment, fractionation, and the Indian land tenure problem.

Contact Person/Organization

Jessica A. Shoemaker – University of Nebraska College of Law

Date: 2003

Brief Description

an in-depth treatment of the fractionation, or co-ownership, problem in American Indian land tenure. The purpose of this work is twofold.

Keywords:

Fractionation, sovereignty, American Indian land tenure, property, co-ownership, indigenous land

Reference:

Shoemaker, J. A. (2003). Like snow in the spring time: Allotment, fractionation, and the Indian land tenure problem. *Wisconsin Law Review*, 2003(4), 729-788. Retrieved from <https://ssrn.com/abstract=2430811>

Wimberley, R.C., and Morris, L. (2003)

U.S. Poverty in Space and Time

Contact Person/Organization

Ronald C. Wimberley (North Carolina State)

Libby V. Morris (University of Georgia)

Date: 2003

Brief Description

Discusses how persistent poverty is the south. It focuses on looking at space and time to show that the south is affected the most by poverty. It also includes figures to drive home the point of space and time.

Outline

- In space
- In time
- In conclusion

Keywords

poverty, south, space and time

Reference:

Wimberley, R.C., and Morris, L. (2003). U.S. poverty in space and time: Its persistence in the South. The North Carolina Sociological Association, (2)3. Retrieved from <http://www.ncsociology.org/sociationtoday/v2/wimmor.htm>

Gilbert, J., Sharp, G. (2002)

The Loss and Persistence of Black-Owned Farms and Farmland: A Review of the Research Literature and Its Implication

Contact Person/Organization

Jess Gibert, Gwen Sharp and M. Sandy Felin

Date: 2002

Brief Description

“This paper reviews 115 articles and books published since 1971 that comprise almost all of the scholarly research on black farmers and land loss” (p. 1).

Outline

- Definitions and methodology
- Landownership and community well being
- Land loss and farmer decline
- Heir or partition sales and tax sales
- Non-participation in government programs
- Racism
- Reversing the trend
- Survival strategies and public programs
- Black Land Grant Universities and community-based organizations
- Conclusion: A time for action

Keywords

heirs' property, landownership, partition sale, community-based organizations and land grant universities

Reference:

Gilbert, J., Sharp, G. (2002). The loss and persistence of Black-owned farms and farmland: A review of the research literature and its implications. *Southern Rural Sociology*, 18(2), 1-30. <http://citeseerx.ist.psu.edu/viewdoc/download;jsessionid=17AD0559AC63423525F4AA60FAE77D7D?doi=10.1.1.548.5378&rep=rep1&type=pdf>

Advancing Environmental Justice through Community-Based Participatory Research

Contact Person/Organization

Peggy M. Shepard, Mary E. Northridge, Swati Prakash and Gabriel Stover

Date: 2002

Brief Description

Most of the brunt of the air pollution low income African American communities. Community-based participatory research (CBPR) have been established with policies handed down for health initiatives like pollution.

Keywords

pollution and CBPR

Reference:

Shepard, P. M., Northridge, M. E., Prakash, S., & Stover, G. (Ed.) (2002). Preface: Advancing environmental justice through community-based participatory research. *Environmental Justice*, 110(2), 139-140. Retrieved from <https://www.weact.org/publications/advancing-environmental-justice-through-community-based-participatory-research/>

Mitchell, T.W. (2001)

From Reconstruction to Deconstruction: Undermining Black Ownership, Political Independence, and Community through Partition Sales of Tenancy in Common Property

Contact Person/Organization

Thomas W. Mitchell (Texas A&M University School of Law)

Date: 2001

Brief Description

Looks at how African Americans have lost so much land. This was primarily done through the forced sales of heirs' property which then had a negative impact on those communities. This article offers proposed reforms.

Outline

- Introduction
- Partition Sales of Black-Owned Land: A major Contribution to Land Loss
- The African American land Imperative: an American success story undermined by systemic discrimination against black landowners
- Importance of minority landownership validate by theory and case studies
- Group ownership and Community: the law's uneven treatment of different groups
- Proposal
- Conclusion

Keywords

“African American, black, civil war, collective ownership, common ownership, common property, community, democracy, democratic, eminent domain, estate planning, farmland, farms, farmers, forced sale, heirs, independence, indian Law, indians, intestacy, land loss, landholdings, landownership” (abstract)

Reference:

Mitchell, T.W. (2001). From reconstruction to deconstruction: Undermining Black landownership, political independence, and community through partition sales of tenancies in common. *Northwestern University Law Review*, 95, 505-580. Retrieved from <https://ssrn.com/abstract=1544380>

Craig-Taylor, P. (2000)

Through a Colored Looking Glass: A View of Judicial Partition, Through a Colored Looking Glass: A View of Judicial Partition, Family Land Loss, and Rule Setting

Contact Person/Organization

Phyllis Craig-Taylor (University of North Carolina Central University School of Law)

Date: 2000

Brief Description

This article explores “the struggle of ex-slaves and their Twenty First century descendants to achieve the promise of property in a democratic society and the role of law as a reflection of and tool of racial hierarchy. I focus on the role played by the judicial partition process in creating a system that inextricably led to stripping African Americans of their property. In recent years, courts and legislatures have scrutinized and expressed increasing hostility toward exercises of regulatory power that effect takings. This Article gives a similar scrutiny to the partition process and argues that it should be modified to alleviate the unfair burden it places on poor property owners and to assure that property owners are afforded just compensation when their property is involuntarily taken to achieve a public purpose.” (p. 740)

Outline

- Introduction
- The tenancy in common form of real property
- Partition
- The African American Case: Land Loss
- Proposed Remedies
- Conclusion

Keywords

tenancy in common, African American, partition and courts

Reference:

Craig-Taylor, P. (2000). Through a colored looking glass: A view of judicial partition, family land loss, and rule setting. *Washington University Law Review*, 78(3). Retrieved from https://openscholarship.wustl.edu/cgi/viewcontent.cgi?referer=https://www.bing.com/&httpsredir=1&article=1449&context=law_lawrevie

Solorzano, D. G., Ceja, M. & Yosso, T. (2000)

Critical Race Theory, Racial Microaggressions, and Campus Racial Climate: The Experiences of African American College Student

Contact Person/Organization

Daniel Solórzano (University of California-Los Angeles)

Miguel Ceja (University of California-Davis)

Tara Yosso (University of California-Santa Barbara)

Date: 2000

Brief Description

“This study of racial microaggressions has helped us to extend and apply a racial microaggressions analysis to the study of campus racial climate. It has further allowed us to recognize, document, and analyze racial microaggressions from the perspective of African American students and listen to the voices of those who experience and are affected by racial microaggressions” (p.71).

Outline

- Race, racism and racial microaggression
- Stereotype Threat and racial microaggressions
- Racial climate and undergraduate experience
- Critical race theory, racial microaggressions and campus racial climate
- Racial microaggressions within academic spaces
- Creating counter spaces as a response to microaggressions
- Conclusion

Keywords

racial microaggression, African Americans, stereotypes and college students

Reference:

Solorzano, D. G., Ceja, M. & Yosso, T. (2000). Critical race theory, racial microaggressions, and campus racial climate: The experiences of African American college students. *Journal of Negro Education*, 69/1-2, 60-73. Retrieved from <http://www.jstor.org/stable/pdf/2696265.pdf>

Copeland, R. W. (1984)

The Rise and Fall of Black Real Property Ownership: A Review of Black Land Ownership from the Rough Beginnings to the Great Gains; Dispossession via the use of “Legal” Tactics and the push for Black Land Retention

Contact Person/Organization

Roy W. Copeland

Date: 1984

Brief Description

“This paper represents an interdisciplinary study examining the historical relationship of past and present laws and their impact upon black land-ownership. A key section of this paper focuses upon Georgia statutory law. In addition, ideas about potential remedies and retention of black-owned lands are also explored” (p. 51)

Outline

- Historical background
- The rise and fall of black land ownership 1875-1969
- Does Section 1983 provide a remedy?
- Means of Retaining Black-Owned Land: Proposed Solutions
- Conclusion

Keywords

heir property, Section 1983 and black land ownership

Reference:

Copeland, R. W. (1984). The rise and fall of Black real property ownership: A review of Black land ownership from the rough beginnings to the great grains; Dispossession via the use of legal tactics and the push for black land retention. *The National Black Law Journal*. Retrieved from <https://escholarship.org/uc/item/2nj5h4p8>

Gilman, R. (1984, Winter)

The Idea of Owning Land: An old notion forged by the sword is quietly undergoing a profound transformation

Contact Person/Organization

Robert Gilman

Date: 1984

Brief Description

Describes what it means to own land. Then presents the idea of land trusts.

Outline

- The historical roots
- Taking a fresh look
- Land trusts

Keywords

land trusts, freedom and rights

Reference:

Gilman, R. (1984, Winter). The idea of owning land: An old notion forged by the sword is quietly undergoing a profound transformation. Retrieved from <https://www.context.org/iclib/ic08/gilman1/>

Brooks, J. F. (1983)

Black Farmers and Rural Heir Property Owners: Public Policy Response

Contact Person/Organization

Joseph F. Banks (Emergency Land Fund)

Date: 1983

Brief Description

Brings out the issue of African American land ownership and the lack of policy attention it receives.

Outline

- Heir property study
- Methodology of the study
- Principle research findings
- Summary and Conclusion

Keywords

heir, ownership, property, ELF

Reference:

Brooks, J. F. (1983). Black farmers and rural heir property owners: Public policy response. *Increasing Understanding of Public Problems and Policies*. (77-83) Retrieved from <http://ageconsearch.umn.edu/bitstream/17675/1/ar830076.pdf>

The Emergency Land Fund. (1980)

The Impact of Heir Property on Black Rural Land Tenure in the Southeastern Region of the United States

Contact Person/Organization

Emergency Land Fund

Date: 1980

Brief Description

This was a project submitted to The United States Department of Agriculture/Farmers Home Administration in reference to the effects of heirs' property on black rural land in the south east.

Outline

- Introduction
- Review of literature: black rural land tenure patterns in the southeastern United States
- Heir property- its characteristics, factors and attendant circumstances
- Heir Property ownership in the Black rural southeast: research findings
- Analysis of laws that determine or impact the determination of heir ship
- The position of public lenders, private lenders and title insurance companies
- The ability of the farmers home administration to meet the heir property challenge
- Existing and proposed solutions
- Conclusion

Keywords

heir property, acquisition, location of owners and legal

Reference:

The impact of heir property on Black rural land tenure in the southeastern region of the United States.

Retrieved from <https://babel.hathitrust.org/cgi/pt?id=coo.31924067935720;view=1up;seq=2>

Dubois, W. E. B. (1901)

The Freedmen's Bureau

Contact Person/Organization

W.E. Burghardt Du Bois

Date: 1901

Brief Description

“It is the aim of this essay to study the Freedmen's Bureau, -- the occasion of its rise, the character of its work, and its final success and failure, -- not only as a part of American history, but above all as one of the most singular and interesting of the attempts made by a great nation to grapple with vast problems of race and social condition” (para. 2).

Keywords

Freedmen's Bureau and slavery

Reference:

Dubois, W. E. B. (1901). The Freedmen's Bureau, *Atlantic Monthly*, 87, 354-365. Retrieved from <https://www.theatlantic.com/past/docs/issues/01mar/dubois.htm>

City of Thomasville, GA. (n.d.)

Heir Property & Cloudy Titles: A Community Perspective

Contact Person/Organization

City of Thomasville, GA

Date: None

Brief Description

Taking the look at heirs' property from a community standpoint in Georgia. This is shown through examples and giving the impacts it causes.

Outline

- Why does it matter
- Community impact
- Economic impact
- A typical neighborhood
- Property Conditions
- Heir Families
- Barrier to Resale
- Remedies
- Other strategies
- Vpura objectives and goals
- An aggressive approach
- Vpura acquisition
- Important steps
- Examples
- Lessons learned

Keywords

Vpura, heir and community

Reference:

City of Thomasville, GA. (n.d.) *Heir Property & cloudy titles: A community perspective*. [Powerpoint]. Retrieved from <https://www.fcs.uga.edu/docs/HeirPropertyThomasville-CharlotteChristian.pdf>

De Soto, H.

The Mystery of Capital. Why Capitalism Trumps in the West and Fails Everywhere Else

Contact Person/Organization

Hernando D. Soto

Date: None

Brief Description

Goes into an in-depth overview of why capitalism works in the west and why it fails it so many other nations. The short answer is because “developing and ex-communist nations have been unable to ‘globalize’ capital within their own countries” (p. 219)

Outline

- The five mysteries of capital
- The mystery of missing information
- The mystery of capital
- The mystery of political awareness
- The missing lessons of US history
- The mystery of legal failure: why property law does not work outside the west
- By way of conclusion

Keywords

capitalism, dead capital and the west

Reference:

De Soto, H. The mystery of capital. Why capitalism trumps in the West and fails everywhere else. Retrieved from <https://yendieu.files.wordpress.com/2009/04/the-mystery-of-capital.pdf>

Research Articles Missing Links

Louisiana Appleseed. (2018). Enabling owners of Heir Property to clear title, preserve wealth, and recover from disasters.

Lang, B. (2017, Summer). Clearing the heir: Problems with Heir Property. *Treasured Forest Magazine*. 13-15.

United States Department of Agriculture Farm Service Agency. (2015). What you need to know about heir property.

Madoshi, L. (2014). The development of trust African Americans and the US

Way, H., and Wood, L. (2013). Contracts for deed: Charting risks and new paths for advocacy. *Clearinghouse Review: Journal of Poverty Law and Policy*. 47(7/8), 286-294

Heirs' Property Retention Coalition. (2009a). Preserving your property: A guide to Heirs' Property in North Carolina.

Baab, C. H. (2011). Heir property: A constraint for planners, an opportunity for communities. *Planning & Environmental Law*, 63(11), 3-11.

Nembhard, J. G., & Otabor, C. (2012). The Great Recession and land and housing loss in African American communities: Case studies from Alabama, Florida, Louisiana, and Mississippi, part 2: Heirs' Property. Center on Race and Wealth, Howard University (Working Paper).

Thomas, M., Pennick, J., and Gray, H. (2004). What is African-American land ownership? *Federation of Southern Cooperatives Land Assistance Fund*.



ORGANIZATIONS DOING HEIRS' PROPERTY WORK

Organizations Doing Heirs' Property Work

American Farmland Trust: <https://www.farmland.org/>

Arkansas Forestry Commission: <http://www.aad.arkansas.gov/arkansas-forestry-commission>

Arkansas Land & Community Development Corporation: <http://alfdc.webs.com/>

Attorney Mavis Gragg (Durham, NC): <http://www.gragglawfirm.com/>

Black Family Land Trust: <http://www.bflt.org/>

Bowen School of Law (Bowen Clinic): <http://ualr.edu/law/>

Center for Heirs' Property Preservation: <https://www.heirsproperty.org/>

Federation of Southern Cooperatives: <http://www.federationsoutherncoop.com/>

Georgia Heirs' Property Law Center: <https://www.gaheirsproperty.org/>

Indian Land Tenure Foundation: <https://iltf.org/land-issues/issues/>

Land Loss Prevention Project: <https://www.landloss.org/>

Land Trust Alliance: <https://iltf.org/land-issues/issues/>

Louisiana Appleseed: <https://louisianaappleseed.org/>

Midwest Center for Nonprofit Leadership: <https://www.bloch.umkc.edu/mwcnl/>

National Agricultural Law Center: <http://nationalaglawcenter.org/>

National Timber Tax Website: <https://timbertax.org/>

Nature Conservancy: <https://www.nature.org/>

Oregon State University, "Ties to the Land": <http://tiestotheand.org/>

Socially Disadvantaged Farmers and Ranchers Policy Research Center: <https://www.alcorn.edu/discover-alcorn/sdfrpolicyresearchcenter>

Thurgood Marshall School of Law:

http://www.tsulaw.edu/centers/ECI/Opal_Lee_Mitchell_Property_Preservation_forclosure_defense.html

Trust for Public Land: <https://www.tpl.org/#sm.0000i9xn8717i0fe0swtf133vgbw6>

United States Endowment for Forestry and Communities: <http://www.usendowment.org/publications.html>

United States Forest Service: <https://www.fs.fed.us/>

William H. Bowen School of Law: <https://ualr.edu/law/>