

A Father's Gift Bears Fruit

When Ercelle C. moved back home from New Jersey to live out her days on the land her father had sacrificed to buy in 1927 as an independent farmer, she thought she owned it, but she didn't.

[See page 5 for full story]

WHAT IS HEIRS' PROPERTY?

Most heirs' property in the Lowcountry is land that was either purchased by or deeded to African Americans after emancipation. Much of this land has been passed down through

This unstable form of ownership puts heirs' property at high risk for loss because any heir can sell his/her percentage of ownership to another who can force a sale of the entire property.

the generations without the benefit of a will so that the land is owned in common by all of the heirs, regardless of whether they live on the land; pay the taxes or have ever set foot on the land.



A Note From Jennie

Don't put off for tomorrow what you can do today.

How many of you have ever said, "I don't have time right now, I'll do "it" later." Did "later" ever come? If it did, were you pressured to get "it" done?

When it comes to resolving the issue of heirs' property, there will never be a better time than right now to take care of it. If you put it off, it will only get messier and ultimately, your family land could be lost to you forever.

It helps to remember what this land meant to our ancestors. They worked hard to buy the land. They scraped and saved their money to buy it, because they believed it was the economic means to freedom.

Not only is your family land a valuable legacy left to you personally, but it is also valuable to your community. If your land is lost, the community suffers. If enough family land is lost, the fabric of diverse and culturally rich communities is torn apart, and our entire region will feel the loss.

So...do not wait.

Call the Center
for an appointment today.

By the end of 2010, the Center will know how much heirs' property there is in our service area. We can only imagine how much has been lost. We don't want any more to disappear.

Let us help you take care of your heirs' property issue. Let us help you draft a will. The best time to deal with it is NOW before another generation of heirs further complicates it.

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To find out more about the
Center go to www.heirsproperty.org

FREE WILLS CLINICS

A sure way to help prevent the growth of heirs' property.



Ruby Murray, Media Specialist for the Citadel Library, helps Jennie Stephens at the Wills Clinic informational table.

In honor of "Black History" month in 2010, the Center conducted four, free wills clinics for heirs' property owners in churches and community centers in Charleston and Dorchester counties followed by one in Georgetown.

From the response and the request for more clinics, the Center realized that there was a real need for this service, which is one of the simplest and best ways to help prevent the growth of heirs' property.

To date, the Center has helped draft 127 simple wills and plans to conduct several free Wills Clinics each year with pro bono help from local attorneys in our service area.

To find out about our next Wills Clinic, or if you are an attorney who would like to help, please contact our Paralegal Adrienne Rowlin at: [843]745-7055x25 or by e-mail at: arowlin@heirsproperty.org.

Even if your heirs' property issues are not yet resolved, you should draft a will to ensure that your interest in the property goes to the person you want to inherit it.

Thank you, Wills Clinic PARTNERS!

Charleston County Bar Association, SC Legal Services, Charleston School of Law and College of Charleston students, Charleston Association of Legal Assistants and the Citadel.

We help all clients at the Center to draft a Last Will and Testament.

Join our "Heir-itage Society" - Your Will is a Great Way to Give

The Center requires all of its clients to draft Last Will and Testaments to help prevent the growth of heirs' property.

What better way for you to support us than to make a bequest in your own will today?

Join the Center's "Heir-itage Society" and help us protect family land and preserve cultural heritage through your legacy gift. Consult your financial advisor and please let us know about your bequest so that others may be inspired by your generous act of "giving forward." Contact Tish Lynn regarding the many ways you can give to the Center at 745-7055 or by e-mail: tlynn@heirsproperty.org.

T **In Brief**

by Josh F. Walden

The "Bar" is raised again!

THANK YOU AGAIN - Charleston County Bar Association for your generous gift of \$10,000 in 2011 to help the Center continue to provide education and direct legal services to low-income owners of heirs' property. Without our **FREE** services – made possible by **YOU!** – our Charleston clients would not be able to afford to resolve their heirs' property issues.



Josh F. Walden, Supervising Attorney

The Center for Heirs' Property Preservation is always seeking attorneys to assist in our work to clear title for families in our six county service area. Volunteers from our local bars have served a vital role in helping the Center achieve its mission. To those of you who have graciously offered your time, we thank you.

To those of you who are wondering how you can become involved, here are two primary areas of need:

Guardians ad Litem

While there are no attorney's fees for anyone qualifying for the Center's direct legal services, we require all clients to pay the costs associated with their cases.

The fee for a Guardian ad Litem is exorbitant for many of our clients. The cost of \$250-\$350 can create a major roadblock and will often delay progress for several months. It is not unusual for a client to need six or seven months to save the required fee. Such a delay can lead to frustration on the part of some family members and adversely affect the family agreement. Additionally, a family member may die during a delay and essentially bring another group of heirs into the picture. Unfortunately, these new heirs may not agree to the previous compromise.

By generously volunteering to serve as a Guardian, you will greatly help move the process along. As a volunteer, you will be expected to file a Guardian ad Litem Return 30 days after the last day of publication. Since all cases filed by the Center are the result of a complete

family agreement, our Guardians usually make a brief appearance the day of the hearing to inform the Judge they have not been contacted by anyone concerning the subject property. Provided the Guardian has not been contacted, we usually prepare the Guardian ad Litem Return and provide the same to the attorney at the appropriate time.

This is a relatively easy way to help the Center and our clients overcome a recurring and crippling stumbling block in all of our quiet title actions.

Volunteers for our Will Clinics

The drafting of simple wills helps prevent the proliferation of heirs' property but we need local, volunteer attorneys to help us conduct these clinics in the various communities we serve across Beaufort, Berkeley, Charleston, Colleton, Dorchester and Georgetown counties.

All volunteer attorneys must commit to a four-hour block of time on a Saturday morning to assist in providing simple wills to people in need. The Center schedules the appointments; secures the location, and provides a simple will template to be used by all attorneys.

Together, we can help prevent the growth of heirs' property by this one simple act and benefit the community as a whole.

To volunteer, go to our volunteer form online at heirsproperty.org or contact the Center's Paralegal Adrienne Rowlin at: [843]745-7055. For more information on free Wills Clinic, contact Adrienne, as well.

A Father's Gift Bears Fruit

Ercelle C. was born on the King Plantation off Folly Road in 1914. She picked cotton as a child and thanked the good Lord the day the boweevil put an end to it. Her father worked as an independent farmer to buy land for his family. He saved up his nickels and dimes in a little black bag. "I admire him for what he did," she said. "I know how hard he worked and what he did without."

Ercelle's mother died in 1926 and her father bought seven acres of farmland a year later and worked it until the day he died. "He was thinking ahead. He wanted land for his children."

When Ercelle moved back from New Jersey where she had raised her own family and lived for many years, she put a mobile home on the land that was her father's, and looked forward to the day when her daughter would move down to join her. Then she found out the land wasn't hers. It was heirs'

property. That's when she came to the Center. "If it wasn't for the Center I couldn't have done anything. They helped me get my parcel deeded to me. Without that, my daughter would never be coming down. It made all the difference in the world."

Today, at age 96, Ercelle tills her own summer and winter garden by hand; rakes and bags her own leaves, and clips her hedges. "I rode a mower until I was 90," she says proudly. There's a smell of baking in her tidy, cheerful kitchen. She has made dozens of cookies to take to local nursing homes. She will continue to "do" for others as long as she can, but she mostly wants to settle the rest of her father's land, which is still heirs' property. "Tax time is always at-risk time," she says. She worries that the young people don't understand what the land means. "They can't feel what it meant to my father, but I do. That's why I want to keep it."



Ercelle in her garden.

WHERE THERE'S A WILL... THERE'S A WORRY LIFTED

Lucille was born in Awendaw and will be 80 this month. She has been living in the same house since 1963 which she bought through a repossession sale. Her boss helped her get it. His brother-in-law worked in real estate.

Seven years after Lucille moved into her house her husband died. She had ten children and wanted to get a will drafted, but she was hesitant to ask for help. "I was afraid of people taking advantage of my property," she said. After getting help from the Center to draft a will, she feels a lot better. No one will fight over anything involving the land when she is gone.

"I had to fight hard to survive and hold on to this land with ten children. Thank the Lord I am now able to leave it to them without a worry."

She also has property in Awendaw, which she has left to two of her sons. All is in order. "The children need to learn about their heritage and the history of their family land. They need to understand what their family went through to get land decades ago," she said.

Her advice to others is simple: Get help early and you won't worry.



**Why has so much Black-owned land been lost?
...because so much of it was heirs' property.**



How much Black-owned Property Has Been lost?

According to data compiled by one of the Center's partners—Black Family Land Trust—there were 15 million acres of Black-owned land across the country at the turn of the 20th century. Today there is less than 1.5 million and that number continues to decrease.

Much of this lost land was heirs' property and the reasons for its loss remain true today—lack of access to capital and the legal system, lack of education about heirs' property, and discrimination. Resolving heirs' property issues will significantly reduce the continued loss of Black land. Without resolution, any meaningful plan to realize a healthy, sustainable, economic future for these communities in the rural South will not be on firm ground. A viable future depends on stemming Black land loss and supporting innovative and creative uses for Black-owned land.

The current reversal of Black migration to the rural South is changing the face of rural communities. Now is the time to reverse this historic boondoggle so that these families may take full advantage of land ownership. This transformation will require the will and commitment of this region's community to invest in effective strategies in the Lowcountry.

How BIG is the Problem of Heirs' Property in the Lowcountry?

We are in the process of finding out. The Center has acquired the information to determine how much heirs' property exists across the six counties we serve—Beaufort, Berkeley, Charleston, Colleton, Dorchester and Georgetown.

Interns and externs from the Charleston School of Law and new Board Member Joe Hamilton from Colleton County, have generously

"Preliminary findings would indicate that there is even more heirs' property than we suspected. With each generation that passes, it only gets more complicated. There will never be a better time than right now to resolve our region's heirs' property issues. Not to—would shame us all."

- Jennie Stephens

donated their time to cross-check the data for each county. The Conservation Fund [TCF] in North Carolina is partnering with the Center to analyze the data and create digital maps with various informational demographic overlays indicating poverty levels, conserved land and zoning/development plans. Once completed, these maps will be used to inform our strategic work plan, our supporters, our partners and our community leaders. Look for the unveiling of this important information in the fall. To map additional key counties we welcome your support. Please contact Tish Lynn at: 843-745-7055 / tlynn@heirsproperty.org or give online at www.heirsproperty.org. Thank you!

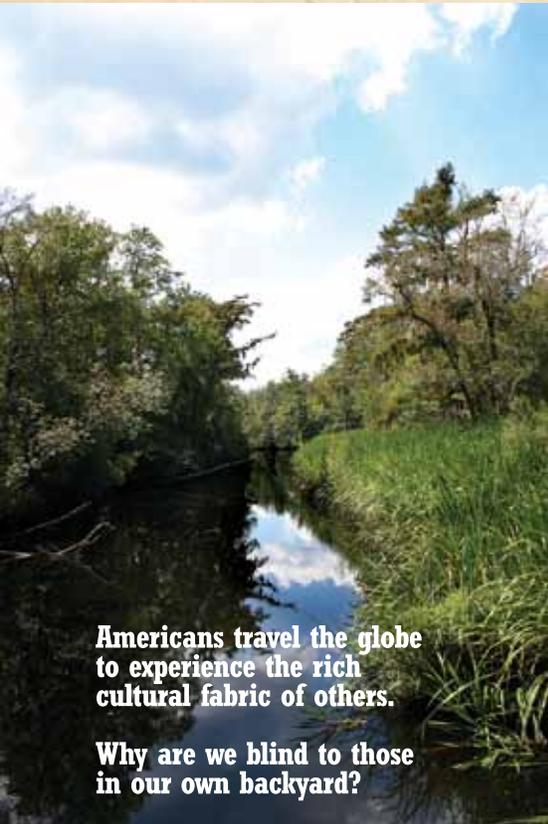
[L to R] Jennie Stephens meets with The Conservation Fund partners representing the "Resourceful Community Program": Program Officer Calvin Allen, Vice-President Mikki Sager and Program Officer Cynthia Brown.

In 1981, with a grant from the United States Department of Agriculture, the Emergency Land Fund produced its seminal study "The Impact of Heir Property on Black Rural Land Tenure in the Southeastern Region of the United States." In it, heirs' property was found to be one of the primary reasons Blacks lose land.



Why Should You Care About Heirs' Property?

...because what happens to heirs' property affects everyone's quality of life.



Americans travel the globe to experience the rich cultural fabric of others.

Why are we blind to those in our own backyard?

The fate of heirs' property is our shared fate and we can't afford to leave it to chance.

Help the Center stop further loss of heirs' property along our coast.

Donate online at:
www.heirsproperty.org

Much of heirs' land is rural and forms part of the valuable "green" landscape that borders our urban areas and sustains sensitive and critical natural habitats. This land is also home to the diverse, cultural heritage of historic African American communities, but it is imperiled by accelerated development along the coast and pressing urban sprawl.

Loss of heirs' land in our region affects us all. The tree-lined, scenic roads you drive. The open rural spaces you enjoy - marsh views, inland waterways and historic settlements and hamlets "behind God's back" deep in Awendaw, Johns Island, Wadmalaw, Cainhoy, St. Helena Island, Bluffton, Browns Ferry, Pawleys Island, Ridgeville, Sheldon, Yemassee, Walterboro, Williams and more. Across rural South Carolina, you are never very far from heirs' property.

Make the choice to protect your community by helping the Center preserve heirs' property.

WHAT WE DO

The Center for Heirs' Property Preservation (the Center) helps prevent land loss among low-income heirs' property (HP) owners so that they may keep their ancestral land in the family.

HOW WE DO IT

The Center:

- Conducts HP 101 (heirs' property) legal seminars to educate heirs on their rights and strategies to ensure they do not lose their land;
- Provides extensive legal assistance and representation to heirs who either want to "clear" title, or are in the process of losing their land;
- Conducts "Informational Outreach" presentations to the community-at-large;
- Provides family presentations to promote family agreement;
- Conducts Wills Clinics to prevent the growth of heirs' property ownerships, and
- Creates and disseminates educational materials to increase awareness about heirs' property ownership.

WHY WE DO IT

This work helps HP owners protect rural, family land against urban sprawl and development; preserve the unique cultural heritage of Lowcountry communities; sustain the region's diverse ecosystem, and engage under-represented groups in land use dialogue and in the value of land stewardship.

CENTER FOR HEIRS' PROPERTY PRESERVATION

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The Man of the Hour



Shared history and humor: [L to R] Judge Matthew J. Perry, Jr., Herbert U. Fielding and Judge Richard E. Fields.

Thank You!



Judge Deadra Jefferson presents Judge Fields with the "Commitment to Justice" Award.



Standing room only.

"Commitment to Justice" Host Committee, Sponsors, Program Participants, Attendees and Award Recipient — Judge Richard E. Fields! Your outstanding generosity made the February 10th Award Reception a huge success and will help the Center continue to protect heirs' property in the Lowcountry.