



HEIRS'
PROPERTY

MATTERS

*Family
Agreement?*

Not a Chance!

Reaching family agreement...
when you never believed it
could happen...

[See page 3 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 - whether they live on the land; help pay the taxes, or have never set foot on the land.



A Note From Jennie

Are You Prepared?

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Hurricane season begins June 1st. Are you prepared? Do you have your checklist? The American Red Cross' Hurricane Safety Checklist specifies that you should pack the deed or lease to your home.

If your home is damaged in a hurricane, you will need a deed to your property with your name on it to qualify for disaster assistance. Heirs' property [HP] owners often cannot supply a deed with their names listed as owners.

After Hurricanes Katrina and Matthew, heirs were denied disaster assistance from the Federal Emergency Management Agency [FEMA] until their HP title was cleared. Resolving HP is complex and "clear" title cannot be obtained to satisfy application deadlines. Consequently, HP families are often displaced or continue to live in damaged homes long after disasters have struck.

If you own heirs' property, the first item on your Hurricane Preparedness Checklist is to call the Center to get help with clearing your title.

Family Agreement? Not a Chance!



Myron and Janice

You are not alone. Many heirs' property owners, who come to the Center for help, doubt that their family will ever come to the table together — let alone reach family agreement on what to do with their land.

Take heart! The Center doesn't have a magic wand, but our lawyers have a mediation tool called the "Family Presentation" which helps families work through past hurts, grudges and misunderstandings before any talk of "the land" is discussed. It isn't easy, but it works, and there can be a lot of family healing and mending in the process.

Sometimes, a family finds its own way through their differences. That's what Myron found out. When he came to the Center, he believed that "there was almost no chance of family agreement," but luckily there was.

"This was a case of two lawyers — willing to discuss alternate resolutions and a family that did the right thing in the end," said Josh Walden, Director of Legal Services at the Center.

Walden is used to dealing with distrust among heirs, but the Center does not take cases to court without an agreement among all heirs. Walden inherited this case from another Center attorney who was on the verge of closing it based on family disagreement.

"During the course of the resolution process, the family changed their mind about what they wanted to do with the land," said Walden.

At first, some family members suggested group ownership, while others suggested the possibility of

selling the land. In such a scenario, Myron would have demanded reimbursement for improvements but the case would have devolved into a situation where family might be forever estranged and Myron forced out of the home. Due to the instability, Walden did not pursue a Petition to Determine Heirs [PTDH] nor probate Myron's mother's estate for fear of a possible forced sale in the Probate court.

It looked like a stalemate. Then Walden proposed a "buyout" by way of owner financing. Myron would buy out the ownership of the other heirs and own the property outright himself. There would be a promissory note and mortgage held by the heirs and secured by the property. The opposing Attorney Arthur McFarland thought it was a reasonable solution and took the proposal to the heirs.

After a lot of back and forth regarding the sum of the buyout and the terms of Myron's payments to the heirs, all parties reached an agreement. He'd made a lot of improvements to the property over the years — out of his own pocket. So, his family factored that into the sale price.

Once Myron began payments, the parties prepared for the filing of a Quiet Title, and all title issues were successfully resolved. "It took everyone to agree — what's fair is fair," said Walden.

Sometimes a "Family Presentation" is needed and sometimes a family works things out with a little help from their Center friends.

Why Grow Trees?

- Timber is the top harvested crop in the state and top export from the port of Charleston
- Timber is a \$20 billion industry in SC
- 300,000 private landowners own 88% of the 12.9 million acres of forestland in SC
- The timber industry makes big profits growing and harvesting trees. YOU can too!



"God Will Grow Back My Trees"

Yes. Nature will grow your trees, but if you want to be a good tree farmer you plant exactly what you want to harvest.

"A Clemson University Forestry study suggested that managed timber produces three times the profit than naturally grown timber," said Vince Keeler, Director of Forestry at the Center. "It's always a good thing to replant trees once you've cut them."



Keep Good Records

Separate your business finances from your personal finances. That's important for tax reasons and to show your history of profitability on the land. Remember to identify your property as AG property [Agriculture] to lower your taxes. Trees are a crop, too!

FOREST MANAGEMENT PLAN:



You Must Have a Plan...a Forest Management Plan

For any business to succeed, you need a plan. It's the same for the business of growing trees. The way to maximize your income and to benefit from financial assistance programs is to create a solid plan based on what you want to do with your land and what trees will grow best on it. And - put that plan into practice.



Center Woodland Community Advocate Margarite Delaine may put nesting boxes for the endangered red-cockaded woodpecker on her trees.

What You Need to Know and Why

Pre-Forest Management Plan [FMP]

- Call the Center and get the information you need about the Center's services and educational opportunities around forestland management
- Walk your land with a professional forester to determine what's growing on it right now. Know your boundaries!
- With your professional forester, decide what your objectives are for your land, and make your plan to achieve them.



Your FMP is a 2-part Plan

- Your Short-Term Plan is your plan for what is growing on your land right now. That might include clear cutting your trees, thinning them, mechanical site prep for replanting, firebreak installation to stop or control the spread of fire, and more.
- Your Long-Term Plan deals with what you want to do with your land going forward. That might include re-forestation [re-planting], scheduled thinning of trees, proscribed fire of longleaf pine, pest control treatments...and more.



Our landowners learned a lot when they toured Mac Rhodes' forestland with SC Forestry Association and Tree Farm Program experts.



Maps, Maps and More Maps!

Picture your plan.

Maps and photos will be created for you to see your land and make a good plan for it. Aerial photos [bird's eye views] are used to show different stands of trees and tree types, boundary lines, water elements, topography, different soil types; where firebreaks are needed; where rutted and damaged land may be...and more.



We're Expanding for You

Jennie Stephens, Executive Director



Forestry & Advice/Counsel

*One-hour of free, legal Advice and Counsel



Forestry & Full Legal Services

The Center is now working in 15 of South Carolina's 46 counties - starting from the coast and reaching inland. The increased demand from within these counties for our help has been a call-to-action for the Center to expand our legal and forestry services.

These 15 counties are home to:

- At least 185,000 acres of heirs' property
- Nearly 40% [5 million] of the State's 13.1 million acres of forest land
- Some of the best soil for growing pine trees

- One-third of the State's population, of which two out of every five persons are African American and one out of every three persons is poor.

When the Center began, its vision focused on land loss prevention. More recently, an asset development focus, using forestland management, has been incorporated.

When you consider the statistics above, this blended vision is answering the call to "educate" these landowners on how to hold onto their land AND how to tap into its hidden potential to generate more income and build wealth.

Our Attorneys Are Coming to YOU!

The Center is providing NEW office hours and locations for YOU to get legal advice in:

Orangeburg County

2nd Tuesday of each month
Attorney Renee Gregory
1550 Henley Street NE, Room 103
Orangeburg, SC 29115

Sumter County

4th Tuesday of each month
Attorney Renee Gregory
1975 Castle Rock Drive
Sumter, SC 29153

Allendale County

1st Wednesday of each month
Attorney Hope Watson
James Brandt Building
[Conference Room]
398 Barnwell Highway
Allendale, SC 29510

Beaufort County

3rd Tuesday of each month
Attorney Hope Watson
Beaufort Town Center, Suite 214
2015 Boundary Road
Beaufort, SC 29902

The continued loss of land threatens the healthy, sustainable, economic future of these rural communities. A viable future depends on stemming land loss and promoting its sustainable use.

Call The Center's Community Outreach Coordinator Jasmine Brown to schedule Center events in your county: [843-745-7055 or jbrown@heirsproperty.org]



Family Fireworks!

In Brief

by Josh F. Walden, Esq.

During my time with the Center, I have seen numerous families work their way through heir disagreement and find their way to a mutually beneficial resolution. The Center is dedicated to mediating such agreements, because full agreement is required before we will bring a client's case to the courthouse.

Here are some very common issues families need to resolve to move forward:

But...I live here!

This problem can arise when one heir has been living in a home, originally owned by a parent or grandparent, for several years. The client is often coming to us because they want to "be the only one on the deed" and may be impatient to qualify for assistance with home repairs. It can be hard for the client to reach out to the other heirs if he or she believes mom or granddad "gave the house to me and everybody knows it." *All legitimate heirs must be part of the family agreement.*

Timberrrrrr!

This problem revolves around a timber sale by one heir or more heirs. Usually, that sale is not disclosed to the other heirs and the profit only goes to the heirs involved in the sale. This situation tends to leave a bad taste in the mouth of the "left-out" heirs and their children. *All heirs have equal right to the use, enjoyment and benefit of the property.*

It's too much trouble!

This problem usually happens when the client, who is doing the legwork to put together the family tree, encounters resistance from the other heirs who want the client to quit. *Creating the family tree is hard work but must be done to move forward with clearing title.*

I don't know any of these people!

This problem usually occurs when the client, who is creating the family tree, becomes disillusioned as the family tree grows. The idea of engaging folks the client does not know well [or at all] can cause some to quit. *It's daunting but, sometimes, it brings a family together around the shared story of the land in a special way.*

Don't Wait!

I have seen clients and families successfully work through these very same problems. Others don't. The process is usually complicated. The inability to reach agreement can lead to inactivity by the heirs, which only further complicates the legal problems associated with the title like the addition of more heirs, or an adversarial action between heirs, which can lead to a forced sale. *Now is the time to resolve your HFP issues.*

**Persevere.
It's worth it!**

CENTER FOR HEIRS' PROPERTY PRESERVATION

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Fraternal brothers -- forever



Irresistible!



Host Committee Member Bart Daniels is elated to greet the honoree



A Senator's and Mayor's WELCOME!