



HEIRS'  
PROPERTY

**MATTERS**

*A "Multi-Family"  
Legacy of Land  
on St. Helena Island...*

*preserved and  
productive!*

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[See page 3 for full story]

## WHAT IS HEIRS' PROPERTY?

**M**ost heirs' property in the Lowcountry is land that was either purchased by or deceded 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

*Land Loss is  
Economic Loss*

For most of us, our land is our most valuable economic asset. We invest in it, improve it, take care of it, make written plans — estate plans — to pass it on to the next generation and hope that it will increase in value.

More importantly, our name is on the deed. There is no question who owns it and no question whose right it is to make decisions about it and profit from it.

These are all things many of us take for granted, but not heirs' property owners. Too much of their land has been lost over the years. Whether they are Black landowners in South Carolina, white landowners in Appalachia or Native American landowners out West, the loss of heirs' property is not just the loss of family land, it is the loss of economic power and potential for future generations.

At the root of the loss is a lack of affordable legal services and knowledge about estate planning and drafting wills.

What we are doing at the Center is creating a model for this work that is needed across diverse populations — in all corners of our nation — where mostly rural families seek to realize the wealth-building asset of landownership that so many of us enjoy.

### Staff

- Jennie L. Stephens, Executive Director\*
- Josh F. Walden, Esq., Director of Legal Services\*
- Steve Patterson, Interim Director of Forestry\*
- Tish Lynn, Director of Communications\*
- Jacqueline W. Wilson, Associate Director of Administration\*
- Kendra Yates, Executive Assistant\*
- Trey Bailey, Forester
- David Bourgeois, Forester
- Jasmine Brown, Community Outreach Coordinator
- Rick Callison, Attorney
- Lisa Estes, Grants and Contracts Manager
- Sharmaine George, Administrative Assistant
- Leslie Graham, Paralegal
- Renee Gregory, Attorney
- Sharon Piggs, Legal Secretary
- D. Hope Watson, Attorney
- \* Leadership Team

*MISSION: To protect heirs' property and to promote the sustainable use of land to provide increased economic benefit to historically under-served landowners through legal and forestry education and direct services.*

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## A "Multi-Family" Legacy of Land...preserved and productive!

In the 1920's, Dennis Freeman, who grew up on Tom Bee Plantation, persuaded his relatives and friends to pool their money and buy 328 acres of waterfront and wooded property on St. Helena Island to recreate, to hunt and fish, to launch boats to nearby islands, to cut firewood and to provide family burial grounds.

The descendants of those families still own it today. It is called Lands End Woodlands, Inc. In the 1990's all title issues on the land were resolved with the help of the Penn Center and pro bono attorneys, and it is now held by the owners as a non-profit corporation under the state of South Carolina.

As Gullah natives on the island, Freeman and the founding families were committed to keeping and protecting the land as a perpetual legacy. Their descendants have worked hard to keep that dream alive.

"They were visionaries, who captured an opportunity to purchase and preserve land for future generations," said John Miller, President of Lands End Woodlands, Inc. "That value of preserving the land is still strong and will be passed on."

But — holding on to land can be a challenge. For years, the families cut trees and organized fish fries and other social events to raise money to pay the taxes to maintain and keep the land. Ultimately, there needed to be a plan, and that plan became forest management.

In 2013, they became participants in the Center's inaugural "Sustainable Forestry and African American Land Retention Project" [SFP], where they received forestry education and technical expertise, and are now successfully implementing a long term forest management plan with the help of USDA/NRCS financial assistance.

The land is becoming an economic engine for this generation and the next. They are even considering placing a conservation easement on it, which would protect forever the natural resources, beauty and unique ecological, cultural and historic character rooted in the land.

"The desire to own land was powerful among African Americans following Emancipation and still is," said Jennie Stephens, Executive Director of the Center. "The Lands End founders understood the value of owning land communally. There was strength in numbers and shared ownership created a critical support system. They were indeed visionaries."

*Come enjoy the Annual 2-day Lands End Woodland River Festival [food, music, performances] on Friday, August 31st [5-10PM] and September 1st [11AM-6PM] at 100 Lands End Road on St. Helena Island.*





## YOU REAP WHAT YOU SOW —

Once there were two landowners, Mr. Bob and Mr. Ted. They each had 100 acres of forestland in Berkeley County and both had cut all of their trees down [clear cut], but they made two different decisions about what to do next.

Mr. Bob decided to let God grow back his trees. Mr. Ted decided to work with the Center to develop a plan for growing back his trees [forest management plan].

Here's what happened...

### Mr. Bob's "Unmanaged" Forest



Mr. Bob's trees were seeded every which way by birds and critters and the wind. The seeds were all different and so were the trees that grew. They were hardwoods and pines and others. They grew up in the open field — all spread out around the stumps and debris left by the clear cut.

The trees had large, lower branches that did not self-prune. They were shorter and knottier because they grew "out" instead of "up." They would generally only be good for fuelwood or pulp wood, instead of sawtimber. Pulpwood

prices are about half that of sawtimber and fuelwood prices are even less.

In one part of his property, the trees grew up in a dense cluster ["stand"]. The trees were straighter and taller and self-pruned more quickly, but they grew more slowly and shaded and choked each other out.

All of Mr. Bob's "stands" of trees had more disease and many were forked instead of straight, which decreased their value.

At the end of 30 years, Mr. Bob clear-cut his forest again and received \$8,000 - \$10,000 for his trees [\$800-\$1,000 per acre].

### Mr. Ted's "Managed" Forest

Mr. Ted created a plan for re-planting his forest with the help of a professional forester. Just like his grandfather, who grew certain row crops in season, Mr. Ted wanted to pick the trees that would grow best in his soil and plant them in rows to take advantage of every square foot of his land.

In the Lowcountry, loblolly pine is often planted because it is the most valuable timber crop that can be grown in the shortest period of time. Longleaf pine is slower growing but is generally more valuable at harvest time, but Mr. Ted's soil was too wet for longleaf, so he chose loblolly.

Loblolly may be marketed for fuel chips [cheapest], pulp [medium price], sawtimber [higher price], or poles & pilings [highest price].

Mr. Ted's forest management plan was like a blueprint with a timetable. It



showed him clearly what he needed to do and when. His professional forester advised and guided him, reassured him and answered his questions.

The work was going to cost Mr. Ted some money up-front. The Center introduced him to the USDA NRCS — "Environmental Quality Incentive Program" [EQIP] and helped him apply for financial assistance [up-to 90% of the cost of the work he was doing on his land].

First, his land was prepped for re-planting. All of the stumps, stems and shrubs were sheared at ground level [summer work].

In a few places, raised planting beds were created where the ground was too wet. By fall, the trees and shrubs that had spouted were chemically treated to clear the site for planting.

In January/February, Mr. Ted's seedlings were planted in neat rows, approximately 620 loblolly pine trees



## Unmanaged versus Managed Forestland



per acre, to give them plenty of room to grow. His seeds were genetically-improved so his trees would be more resistant to disease; grow faster, straighter, and with fewer forks.

An herbicide was applied a few months later to control competition from trees, shrubs, and vines without damaging the pine trees.

After 15 years, the stand was thinned. The smaller and defective trees were harvested for pulpwood for a profit of \$500 per acre [\$5,000 total]. This was Mr. Ted's first profit. Mr. Bob had no profit at 15 years.

The taller, straighter, higher value trees were then left to grow into sawtimber or poles and pilings, which

were harvested 10 years later for a profit of \$25,000-\$30,000 [\$2,500-\$3,000 per acre].

### **Happy [and unhappy] Ending**

Mr. Ted made a maximum profit of \$35,000 in 25 years from his "managed" forest. Mr. Bob made a maximum profit of \$10,000 in 30 years from his "unmanaged" forest.

That's the difference for you and your family. Isn't it worth the investment?

You can help yourself and your family by learning more.

*Knowledge  
makes a  
difference!*





# MATTERS

## All It Takes is One Person...who cares

100 simple wills drafted. That's what Attorney Evan Guthrie has done for the Center. Because he cares and understands what a difference having a will makes, he has volunteered at many of the free, community Wills Clinics organized by the Center and single-handedly drafted 100 simple wills to help prevent the growth of heirs' property.

Today, the Center conducts 10-12 of these clinics each year across its 15-county service area. Since Evan began volunteering in 2011, he has appeared like clockwork at the doors of the parish halls or the community centers early and ready to go.

In Edisto, in Awendaw, in Moncks Corner, in St. George, in Walterboro — on Saturdays from 10AM-4PM. He's fast, efficient and thorough but, mostly, Evan shows up and always has a smile on his face. "I love the opportunity

to volunteer at the Center," he said. "Because I know that I am directly able to help so many in need and witness the immediate results."

A will is the first, basic act of estate planning that all of us can do to ensure that our loved ones receive what we wish them to receive from us when we are gone.

"It is vitally important to make an estate plan and get a will because it allows anyone the ability to take control of their future and protect their loved ones and future generations to come," said Evan.

Evan joins members of the SC County Bar Associations, and students from the Charleston School of Law and USC School of Law to help provide this

much-needed service — but no one has come close to his volunteer hours. **Attorneys! We challenge you to beat Evan's record!**

Since 2009, when the Center began to conduct free community Wills Clinics, 707 simple wills have been drafted where property has been the primary asset and the total value of the estate has not exceeded \$500,000.

We salute Evan for his generosity, commitment and passion for helping families take care of one another through this important, single act. So... **DO YOU HAVE A WILL?**



Where's Evan?





# The Road to Family Agreement May Be Bumpy... but it must be traveled.

The Center requires 100% heir agreement in order to proceed on a client's behalf. Many times, reaching this level of agreement is a long and difficult process. If you are a client at the Center, "Family Presentations" are offered to help families reach agreement. If you are not a client, a Center attorney can help you conduct one for a fee.

Each heir has a right to his/her opinion about what to do with the land. All of those opinions need to be aired in a "Family Presentation."

The Center attorney serves as an objective, neutral, non-family member communicator in this process, which can be emotional and intimidating.

The Center will work with you to:

- Contact and invite as many heirs as you can and meet in a neutral place - church, parish hall, community center - not a family member's home to avoid "turf" issues;
- Select one or two highly respected heirs to lead the meeting, keep it on track, reduce distractions and quiet disputes;
- Create and share the meeting agenda and family tree [if you have one] with everyone before the meeting and ask for suggestions and any necessary corrections, and

- Coordinate the planning and scheduling of the "Family Presentation" and assist in running it.

This is a family gathering. Socializing for a while before the formal meeting helps everyone relax and feel more comfortable.

Throughout the presentation, be respectful, patient, polite and listen to one another.

Expect that the first part of the meeting might be a time of airing old hurts and grudges before any talk of the land can begin. Encourage apologies and forgiveness. Re-hashing and "right-

**This is a time when the sacrifice of the ancestor(s) to acquire the land should outweigh individual egos and personalities**

fighting" will serve no purpose. Short breaks help if things get heated.

Remember that the greater goal is to reach family agreement. Without it, you may lose your land.

Call the Center to talk more about this "Family Presentation" service at 1-843-745-7055 or toll free at 866-657-2676

## GRAND OPENING!

The Center opens **NEW** office in Orangeburg!

Attorney Rick Callison will provide full legal services

Office hours begin on Monday, July 9th (9AM-5PM) at:  
396 St. Paul Street - Unit 105  
(Across from the Courthouse)  
Stop by and welcome Rick to the community!

Together Forever  
forever lasting legacy  
ALWAYS Thank you  
SHARE  
be patient with each other  
DREAM BIG  
always say I love you  
THANKFUL LOVE DEEPLY  
BE MEMORIES BE PROUD  
HAPPY OF OURSELF

## CENTER FOR HEIRS' PROPERTY PRESERVATION

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### Judge Bernard Fielding honored at the 2018 "Commitment to Justice" Reception

"Justice is day to day. It's the life that you live and what you do to try to help other people." So said Judge Fielding - a champion of justice and one of the earliest supporters of the Center's work. THANKS to all of the generous sponsors and guests who filled the room with love and admiration for the Judge. Catch the video here: <https://vimeo.com/263496003>



*Fielding Family and Friends*



*103 years young, Center client Ercelle Chilli and daughter Donna Payton.*



*L. B. Barry Baker, Joe Mendelsohn, Edwards Carry, and Sen. Marlon Kingmon*