



Heirs' Property
PRESENTATION

HEIRS'
PROPERTY

MATTIE'S



It's OK to ask —
“What does that mean?”

[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 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. 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.



A Note From Jennie

Pursuit of Justice

As I look ahead to the Center's 15th Anniversary in 2020, I could say many things about what the Center has achieved, but at the heart of what we are called to do — is pursue justice.

"You can't separate justice from land or from economics," said Armand Derfner, our 2019 Commitment to Justice honoree. "Justice is economics. Justice is education. Justice is a job. Justice is the ability to be a 1st class citizen. What the Center is doing is working to make sure that people, who have a possibility of that, really can realize that."

Access is our justice tool. We provide our landowners with access to education, to expertise, to partners, to programs and choices, which allows them to honor and realize a legacy, and to build generational wealth.

In his remarks, Derfner also reminded us of the adage: The best time to plant a tree was 20 years ago. The second-best time is now. "I would love to go back in time to give us more of a head start than we have now," he said. "But I can't do that, obviously. So, I'm planning to do the second best. Tomorrow, I'm going to work. I'll see you all there."

We'll keep planting trees, Armand...and thank you.

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It's OK to ask, “What does that mean?”



These words can apply to lots of situations in life. All too often, though, that simple question is not asked because of embarrassment, intimidation and not wanting to appear stupid. And yet, it can be the most important question to ask when decisions are being made.

The Center's staff encourages questions every step of the way with both legal clients and forestry participants. Only when information and options are understood can good decisions be made about land and landownership.

The Lessons of Wills and What Are in Them

#1 Get Your Will Drafted and Probate Estates

At the end of a pretty row of houses on a dead-end street lives Ms. B. She has never known another home but this one. It is neat and well-loved with framed, family photographs filling table tops and shelves.

“That’s my mother in the center,” said Ms. B pointing to a nest of images. “I nursed her until she passed at the age of 92, five years ago. Good genes,” she said.

Ms. B came to the Center in June of 2017 to get her Will drafted, but that turned out to be only the beginning. When Center Attorney Watson began

asking her questions about her Will, she found out that her mother had a Will and that she had passed away in 2015.

“Ms. B had not yet probated her mother’s estate, but luckily she still had plenty of time,” said Watson. With or without a Will, estates must be probated within 10 years of the death of an individual in SC.

#2 Have Your Will Drafted by an Attorney Who Regularly Drafts Wills

There was a problem with Ms. B’s mother’s Will, though. Some of the language left room for interpretation and required clarification in order to comply with the Probate Code. This can happen when an attorney, who rarely drafts Wills, doesn’t keep up with changes in the Code. Also, Ms. B’s mother might not have felt comfortable asking, “What does that mean?”

In her Will, Ms. B’s mother had given Ms. B and her brother the right to live in the home for the rest of their lives. The Will also left the home to “all of my grandchildren who are living at the death of” Ms. B and her brother.

This caused confusion. Using language that creates a group of beneficiaries, who can not be identified at the time

Don’t “Doctor” a Will

Some people think that they can legally “doctor” (make changes to) their Will by crossing things out and writing in the changes they want to make — as long as they initial them. This is untrue.

Only the person, whose Will it is, can change what is in the Will — with the assistance of an attorney.

of the decedent’s death, makes the transfer of ownership in property of any kind, especially land, unclear or subject to question. What if more grandchildren were born after Ms. B’s mother had died? Was her intent to include them among “all of my [her] grandchildren?”

Because the beneficiaries were not properly identified in the Will, probating the estate could have required a lengthy and expensive formal probate. No one in the family wanted that, so Watson met with the family to reach agreement about what Ms. B’s mother had truly intended to do in her Will.

Watson then developed clear language to reflect that; the judge agreed with it, and the probate proceeded without a hitch.

“I’m thankful that I got in touch with the Center,” said Ms. B. “I’m pleased with the outcome, and the respect I received from all of the staff, especially Ms. Watson. She stood by me.”

Justice is economics.

Justice is the ability to be a first class citizen. That is what the Center is doing —

The Ford Foundation funds the "Heirs' Property Preservation Project", managed by Jennie Stephens, at Coastal Community Foundation. Partners are - SC Bar Foundation and SC Legal Services.

2002

Center incorporates as non-profit organization with a budget of \$150K and 2 paid staff. Serving 5 counties (Charleston, Colleton, Beaufort, Berkeley and Dorchester).

2005

Full time Executive Director Jennie Stephens is hired. Add Georgetown County to service area and 1st heirs' property (HP) title is resolved.

2006

27 HP titles are resolved.

2007

Heirs' Property Map is created identifying at least 47,000 acres of HP in 7 counties to protect. 5 staff members.

2010

Revised Mission; developed partnership to launch the "Sustainable Forestry and African American Land Retention" (SFAALR) program. Center budget - \$500K.

2012

Recipient of grant awarded for SFAALR. Client intakes doubled with 1 attorney. Hired Sustainable Forestry Director. More regional and national attention. 7 staff members.

2013

Historic Accomplishments

- Resolved 226 HP titles with total tax-assessed value of \$13.6 M
- 2,289 individuals received free, one-hour "Advice and Counsel"
- 947 Simple Wills drafted
- Assisted 450 landowners owning 30,000 acres with forestry
- Facilitated the planting of 703,000 seedlings for 31 families
- 105 landowners received \$1.34 M in USDA/NRCS "EQIP" and other financial assistance and 30 families earned \$1.47 M in timber sales

Justice is education.

working to make sure that people, who have a possibility of that, can realize it.

Armand Derfner, Esq. 2019 "Commitment to Justice" Honoree

2020

Goal of serving 24 counties and celebrating 15th Anniversary...with your generous support!

2019

1st satellite office opened in Orangeburg. Helping to build regional network with other Sustainable Forestry and Land Retention programs. Center budget \$2M.

2018

Resolved 202 titles since 2005, with a total tax assessed value of \$12.2M. Service area expanded to 15 counties. 17 staff members.

2017

Limited legal services in Allendale, Clarendon, Hampton, Jasper, Orangeburg, Sumter and Williamsburg counties. Multi-year, national grant of \$600K awarded. 16 staff members.

2016

Mapping Project reveals at least 108K acres of HP across Center's anticipated 15-county service area. 10 staff members.

2015

Jasper County receives legal services. Conducted HP and Forestry forums in AR, GA, MS and VA. Graduated first class of "Woodland Community Advocates" to promote the work of the Center.

2014

Add 5 counties to receive forestry services (Allendale, Bamberg, Clarendon, Hampton, Jasper and Orangeburg).

DIG THIS WORK!

In the seven short months since the doors opened at the Orangeburg satellite office:

- Staff has grown from 1 to 3
- Resolved 9 titles with total tax-assessed value of \$470K
- 58 individuals received free, one-hour "Advice and Counsel"
- 15 applicants became full clients, with 3 "Pending Clients"

Planting today...for those who come after

Between the fall of 2018 and early 2019, Center foresters facilitated the planting of 340,000 seedlings on 547 acres of land owned by 17 families in the forestry program.

Those trees were planted for the future. The average landowner is near retirement age. Their forest management plans are gifts to their children and grandchildren.

They may see a thinning of the stand in 12-15 years, but the full benefit of the timber harvest is for those who come after.

**It's OK to ask,
"What Does That Mean?"**

Along a country road, an open area appears - strewn with logs, branches and debris. "What happened here? It looks like a tornado dropped down?"

What may look like a mess to you is actually a beautiful thing to a forester or a landowner. They are the sign of a harvest and the new planting to follow. This is un-salable, logging debris left from a harvest [branches, tree tops,



BEFORE the planting - "wood" debris left from harvest. Summer 2017.

etc]. They must be cleared up to make way for the new forest.

How? A large bulldozer with a "shear blade" on the front makes passes across the site shearing off the old stumps, which are then pushed aside into piles by a V-Blade to allow for rows of trees to be planted.



Bulldozer with "V Blade".

If the site is on wet soil, the bulldozer will make an additional pass with huge disks pulled behind it to create a bed of soil, in which

much of the debris is mixed. Excess debris will be pushed to the sides of the machine between the beds.

The planters will then follow these "beds" to plant trees at a specified distance apart. For best results and fastest growth, a crew will walk along these forestry beds and spray herbicides a few months after planting. This will release the seedlings from weeds so they can grow. The debris mixed in the beds will slowly break down and become a valuable source of organic matter and nutrients for the new forest.



AFTER two years, the young trees are flourishing, as the piles begin to disappear. Spring 2019.

After a few years, the planted trees will be taller, and the piles will break down and eventually no longer be visible. In the meantime, these piles serve as wildlife habitats that shelter and shade small mammals and reptiles that are drawn by the rodents living within them.

In 20 to 30 years the trees will be harvested and the cycle will begin again.

*The true meaning of life
is to plant trees,
under whose shade
you do not expect to sit.*

- Nelson Henderson



In Brief

By C. Renee Gregory

C. Renee Gregory is the Center's new Director of Legal Services. She has been an attorney at the Center since 2016.

How Land is Transferred: Myth vs. Truth

There are many myths and misunderstandings about how land is transferred. Here are some I encounter often and wish to correct.

MYTH: The spouse of the person who has died [the decedent] inherits everything — even if the decedent had children. NO!

TRUTH: A spouse only inherits one-half of the decedent's estate if the decedent had children. The remaining one-half interest is shared among all of the decedent's children, including those from other relationships.

As the surviving spouse you would therefore share ownership of any property that was owned by your spouse, possibly including your home,

with all of your spouse's children, who may or may not be your children. That means that all of your spouse's children have to be consulted regarding any actions that require the participation of all property owners, such as getting a mortgage or assistance with home repairs.

Even in the best families, this can be a challenge. Blended families, families that include children from previous relationships, present special challenges.

You can control who inherits your property by getting a Last Will and Testament prepared. Your Last Will and Testament allows you to say who gets your property at your death. If it is your intention that your property automatically transfers to someone at your death, there are ways to take care of that in a deed. Always consult with an attorney to draft your Will and to make sure that the language in your deed does what you want it to do.

MYTH: If a parent transfers property to one "named" child in a Deed or

by a Will, but intended that all of the children would share the property — the remaining children inherit the property, when that "named" child dies. NO!

TRUTH: Those remaining children do not have any rights to the property. Only the spouse and children of the "named" now deceased child will inherit the property. Once property is deeded to a single person, with no qualifying language, the property belongs solely to that person.

MYTH: One way to transfer title to land is by getting a notarized letter from an heir stating that he/she doesn't want anything to do with the property, which eliminates that person's interest in the land. NO!

TRUTH: A notarized letter has NO effect. There are two basic ways for people to transfer interest in land:
1] during their life by a deed or
2] after their death through their Will.

A Will must be probated within 10 years for the property to transfer to the person[s] named in the Will. If a Will is not probated, property could transfer to people other than the person[s] intended. If you are in possession of the Will of someone who has died, you are required to file the Will with the probate court.

Consult with an attorney or call the Center [843-745-7055], which provides an hour of free, legal consultation to anyone with questions about land ownership, including the issues addressed in this article.

Renee Reminder

"Don't let your property go to tax sale!" Your ability to redeem your property is different in every county and it can be messy.

CENTER FOR HEIRS' PROPERTY PRESERVATION

1535 Sam Rittenberg Blvd., Suite D
Charleston, SC 29407

phone (843) 745-7055
toll free (866) 657-2676
www.heirsproperty.org



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"If you don't have justice...then I don't have justice, either!"

The crowd was hushed as the 2019 "Commitment to Justice" honoree, Armand Derfner, recounted fleeing from Paris with his parents the day before Nazi occupation, and read from his father's letter about the lesson of survival. "Your life was not spared on your own merit. Circumstances give you a chance to do something for those remaining. Do whatever is possible. That is the only meaning of your survival." Thank you for continuing to live out those words, Armand. And — THANKS to all who attended and gave so generously.



Do what you can to help others.



Dot Scott and Pearl Ascue



Nathalie Dupree snaps a photo.



Joel Derfner and Mike Combs.



Emcee Barry Baker - "If there ever was a mensch, it's Armand."