

MATTERS

It's Never Too Late to
Make Things
Right

At the age of 79, Mary B. was alarmed to find out that her home, where she had lived with her husband and given birth to five children, was heirs' property—not hers.

[See page 7 for full story]

WHAT IS HEIRS' PROPERTY?

Most heirs' property in the Lowcountry is land that was either purchased by or bequeathed 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 allow your land - the gift your loved ones left you - to be lost.

them legal and binding. Now, their property is heirs' property and the process of obtaining clear title to their property is much more challenging.

There is a scripture that states, "my people are destroyed from lack of knowledge..." People with heirs' property suffer every day from lack of knowledge of the importance of having a Last Will and Testament drafted and the need to probate the estate/will of deceased family members, lack of knowledge of the rights and responsibilities of heirs' property ownership, lack of knowledge of taxes and other financial duties, and lack of basic legal knowledge.

Let us help you gain this knowledge. Please call on us to schedule a seminar, conduct a Wills Clinic, or provide you with an hour of free "Advice and Counsel" with our attorney on your particular heirs' property situation. Listen to the advice given by Maey and Gladys in this issue, and take the first step and...do it NOW!

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Recently, a woman asked a question that surprised me. Let me ask you that question - "Do you know what you need to do to take care of your loved one's assets after they pass?" How do you know? Who talks about and teaches the stuff?

Lack of knowledge has played a major role in the loss of heirs' property. People often come to our office to apply for services and bring the wills of their deceased loved ones stating what was left to them. They are very proud that they still have these wills. The only problem is that these individuals did not probate the wills within the 10 year period, required by law to make

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

It's **Never** too late to **Make Things Right**

Mary B.'s husband bought the lot in Liberty Hill and had the house built for her and the five children who would follow. Her husband worked for Charleston Rubber Company for thirty-two years while she mostly took care of the children. Her two surviving children, Jean and son David, currently live with her.

As the family grew, they would have cookouts and big birthday parties and family gatherings on the property. "Life was good," Mary said. "Though we didn't have much, the family got everything they needed. The house definitely has a lot of memories and we intend to keep it in the family as long as we can."

Like many of the Center's clients, Mary first learned that she was living on heirs' property when she tried to get repairs done to her house through Habitat for Humanity. That's when she was told that the property was still in the name of her deceased husband — not hers. Habitat then referred her to the Center for help and the work to clear title began.

"It was surprising about all of the legalities and things we had to do to get the house in my name. But we were glad to be getting the help we needed and just wanted to make sure that the next generation wouldn't have to worry about the property."

"It was surprising about all of the legalities and things we had to do to get the house in my name."

Today, Mary and her family are relieved to have everything in order. Her advice to others who own heirs' property is simple: "Get with your family and talk through how you want the property to be handled and get a will written before it is too late. Pay your taxes."



Trust = Family Agreement

Richard was born and raised on his grandfather's land at the corner of 6-Mile and Rifle Range Road in Mt. Pleasant. "It was all dirt roads back then," he said. "My uncle used to come through with vegetables in a horse-drawn wagon."

Deeds were never locked. "Everyone knew everybody... trusted everybody." Richard and his four siblings grew up in the embrace of this family community and have lived their lives there but, over time, the neighboring properties have changed. More and more houses were built. "There was just more of everything," he said. That's when he and his siblings decided to make sure that their children would inherit the land.

After hearing about the Center at his church, Richard made the call. "If it wasn't for the Center, I wouldn't have had the money to go through with it. The Center filed a Quiet Title Action after the heirs agreed to sign over their interest to Richard. Then deeds were written to give each heir his/her portion of the land. Family trust and agreement made the outcome a success.

"It's a big relief. Things are in order and it seems like we have no more worries," Richard said with a laugh. "It makes me feel younger."



You are invited
to help us do even more!

This has been a year of proud firsts at the Center!

We successfully inaugurated our "Commitment to Justice"
Award Reception honoring Judge Richard E. Fields.

We began the research to estimate the amount and
location of heirs' property in our six-county service area
plus Jasper County.

Preliminary results indicate there are 15,000 parcels of heirs'
property across Beaufort, Berkeley, Charleston, Colleton,
Dorchester, Georgetown and Jasper counties.

With this information, we can direct services
where they are most needed.

Always, it is a human story. A story about building trust and
bringing families together...one family member at a time...like
Mary and Richard featured in this issue.

We have accomplished a great deal, but...
now we know there is even more work to do.

Help us do even more!
...and thank you for caring enough to give.



A Matter of Enormous THANKS!

Without the generous gifts of those listed below, the Center would not be able to continue its work. These gifts were received between September 1, 2010 and September 1, 2011.

Please let us know if there are any errors or omissions to this list and grant us your forgiveness.

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THANK YOU!



2012 "Commitment to Justice" Award Will Honor Judge Alex Sanders

On Thursday, February 9, 2012, the Center for Heirs' Property Preservation will host a reception at the Charleston Marriott to honor Judge Alex Sanders with its "Commitment to Justice" Award for exceptional humanitarianism and passionate pursuit of justice for all.

Judge Sanders has been described as a poet, politician, President of the College of Charleston, orator, teacher, writer, Co-Founder of the Charleston School of Law, legislator, attorney, scholar, judge, husband, humorist, civic leader, father and circus performer. But, in all things, he is a man who has never hesitated to swim against the popular current. He speaks his mind openly and has always championed equality and justice, regardless of the consequences.

This special evening is a chance for you to celebrate Judge Sanders' many achievements and to salute his singular voice in shaping and enriching the community in which we are privileged to live.

Thanks to our Co-Chairs, Reverend Nelson Rivers, III and Edward J. Westbrook [Richardson Patrick

Westbrook & Beckman] and to The Charleston School of Law for generously agreeing to be a Presenting Sponsor. We look forward to including many more sponsors on the invitation and souvenir program.

Proceeds from this event will help the Center provide education and direct legal services to low-income owners of heirs' property to help them obtain clear title and keep their family land - an issue that is dear to Judge Sanders' heart. "The Center is carrying on critically important work to remedy a here to fore intractable problem, especially prevalent in the lowcountry of South Carolina."

SAVE-TH-DATE:

Thursday, February 9, 2012 Charleston
Marriott - Crystal Ballroom [170
Lockwood Blvd.]
6-8:30 p.m.

Call Tish Lynn to become a sponsor
and Jacqueline Wilson to reserve your
individual tickets
[\$100 each] at [843]745-7099.

There'll be more time to socialize
before this stellar program!



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
- Greater 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.

HURRICANE SEASON: The Hidden Costs of Heirs' Property

Hurricane season is once again upon us, but what happens if you own heirs' property and a hurricane strikes?

Attorney Nancy Bloodgood, Co-Chair of the Center's Board, still shakes her head when she thinks about the double devastation of owning heirs' property in the wake of a natural disaster.

"I came face-to-face with it when I was Deputy County Attorney in Charleston County in 1991 and was dealing with the aftermath of Hurricane Hugo [1989] and tax sales. After Hurricane Hugo, heirs' property owners couldn't repair their homes or pay their taxes and they were losing their land at a high rate at tax sales."

The hidden costs of heirs' property revolve around two main issues: lack of clear title and tax stress.

Lack of Clear Title

For lack of clear title...heirs' property owners' homes often suffer more damage in a hurricane because many are already in disrepair due to the owners' inability to obtain public or private funds to maintain their homes.

"It is one thing for a structurally sound home to be able to withstand hurricane force winds, but quite another for a home suffering from years of decay" said Michelle Mapp, Executive Director of the Lowcountry Housing Trust. "Our fear is that we are

one hurricane away from a huge homeless population along the coast."

For lack of clear title...permits for electrical wiring are routinely denied, so illegal wiring is strung from home to home. Devastating fires can occur when loose, live wires are blown around in hurricane winds.

For lack of clear title...insurance claims on heirs' property damaged in a hurricane are routinely challenged and denied.

Insurance companies may write policies and take payments, but they do not cover damage to heirs' property.

Tax Stress

Many heirs' property owners struggle each year to pay the taxes on their family land. With the added cost of repairing hurricane damage to homes, they are even less able to pay the taxes.

Heirs' property loss following a hurricane is compounded by changes in the handling of tax sales. Formerly, tax sales were conducted by the Sheriff, an elected official. The decision to put families out of their homes by selling their property at a tax sale was more discretionary. Today, tax sales are treated more like a business, with little or no consideration given to the special situation of heirs' property, even when in distress.

"Dealing with the effects of another hurricane will be very costly and will require significant community resources," says Bloodgood. "The most vulnerable among us will once again receive the least help. We need to appreciate and value the social and cultural significance of these communities and do more to protect and sustain them now, since there will likely not be the resources, energy, or will to do so after the next hurricane."



Attorney Nancy Bloodgood stands beside her favorite portrait of her children—Pete, Anne and Robby. The painting, painted by her father Paul Bloodgood, which hangs in her law office at 819 Island Park Drive, Beaufort Island.

Family Presentations - A Way Forward

The reputation of a thousand years may be determined by the conduct of one hour.

—Japanese Proverb

If one were to heed the words of this Japanese Proverb and live accordingly, life might be more peaceful — especially family life. However, realistically, things can get complicated in families and when property or money is involved — sometimes explosive.

The Center's Attorney Josh Walden often conducts "Family Presentations" to help heirs' families reach an agreement.

Family Presentations are unique, tailor-made seminars created for individual families. No two are alike. Each has its own character based on the family

dynamic, but it provides an opportunity for family members to hear the same information at the same time; ask questions, and wrestle with differences under the patient guidance and sensitive mediation of Attorney Walden.

"My role is to explain the law and to facilitate an exchange of ideas whereby options are discussed and the heirs can come to an agreement," said Walden.

Things don't always go smoothly. One family spent thirty minutes arguing over which heir "deserved" land, regardless of the law and who actually owned an interest. For many, this

The First Step Toward Family Agreement is Finding Your Family

Before any family agreement can be reached, family members must be found and a family tree completed. This can be daunting but it can be done. Check our web site for courses to keep in mind as you research your family tree, as well as useful web sites and organizations to consult www.heirproperty.org.

is the first chance to work through long-held family resentments. Even seemingly unrelated arguments can serve to clear the air and a casualty benefit the process.

"Ultimately, the success, or lack thereof, is determined by a family's willingness to compromise and move beyond old hurts and disagreements."

The voices of calm and reason are still very often the respected elders in a family who still remember what their parents and grandparents sacrificed to buy and keep the land. With their passing, a powerful and personal connection to the past is lost. The time to resolve these issues is now before these healing voices are silent.

To learn more, join us on FACEBOOK or visit our website at www.heirproperty.org.



THE HEIRS' PROPERTY PRESERVATION CENTER
MATTERS

CENTER FOR HEIRS' PROPERTY PRESERVATION

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We love you!
Thanks to the devotion and
dedication of our many volunteers.



THE HEIRS' PROPERTY Preservation Center and Charleston County School officials recently met with the pastor and staff of the First African Baptist Church in Mt. Pleasant (top r) Back Room, Michael Agos, Tim Lane, Joann Prater, Nicholas M. Murray, Ryan Grubbs and Project Room, Kathleen Roberts, Kimberly Pauline Stinson, Hope Wilson, Renee Anderson, Joseph Paulson.



Mr. Paulson (right) coordinated the Center's education series and was conducted by a group of youth leaders from the First African Baptist Church in North Charleston.

During their class presentation from the First African Baptist Church in Mt. Pleasant.

