

# The Catch-22 of Heirs' Property

**P**atricia B. thought she owned an acre of land in Mount Pleasant until she applied for funding for repairs on her home. That's when she found out that she did not have clear title to her family land and she couldn't get any help to fix up her house until she did.

[See page 5 for full story]

## WHAT IS HEIRS' PROPERTY?

**M**ost heirs' property in the Lowcountry is land that was either purchased by or deeded to African Americans following the Civil War. Much of this land has been passed

*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.*

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, pay the taxes or have never set foot on the land.



## A Note From Jennie

The initial focus of the Center was education, awareness raising and providing direct legal services.

Today, we continue to provide these core services, but we now look at heirs' property ownership from a broader perspective. We conduct free Wills Clinics to prevent the growth of heirs' property. We partner with other nonprofits to ensure their clients have "clear" title to their family land so they may access funds for home repairs and for safe, decent housing. We prepare community leaders to serve as "liaisons" on the issue of heirs' property and planning, and we help planners understand the impact that land use plans have on heirs' property.

In the upcoming year, we will answer the question, "How much heirs' property is there in your community?" This critical information will allow us to better direct our services and inform the public.

The Center would not be what it is today without YOU! Please take this opportunity to give to our "Fifth

Anniversary - Power of 5" campaign and help protect historic family land and preserve the cultural heritage rooted in that land.

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Aleatra P. Williams, Chair  
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Tish Lynn, Resource Dev. Coordinator  
Adrienne S. Rowlin, Paralegal  
Jacqueline W. Wilson, Adm. Assistant  
To find out more about the Center go to [www.heirsproperty.org](http://www.heirsproperty.org).

**W**ow, I cannot believe it! The Center for Heirs' Property Preservation is five years old. How could I foresee all that has happened? It began when Madeleine McGee, then President of the Coastal Community Foundation [CCF], accepted the challenge of The Ford Foundation to look at the community economic development needs in its rural service area. Faith Rivers, Esq. then executive director of the SC Bar Foundation, and the board of directors of both agencies added their support. I first served as the CCF staff member directing the heirs' project and eventually became the Center's executive director.

## WHAT IS THE CENTER FOR HEIRS' PROPERTY PRESERVATION?

The Center is a non-profit organization that serves, supports and empowers heirs' property owners and their communities in Charleston, Dorchester, Berkeley, Georgetown, Colleton and Beaufort counties by providing education and legal services to low-income heirs' property owners to obtain clear title and keep their family land.

A million thanks to our dedicated Board of Directors [from left]: Judge Richard Fields, Nancy Bloodgood, Aleatra Williams, Rev. Robin Dease, Susan Dunn and Richard Habersham. Not pictured: Judge Tamara Curry, Amanda Lawrence, Alexander C. Peabody and Juan Watson Tolly.



Staff : (L-R) Josh Walden, Adrienne Rowlin, Jennie Stephens, Jacqueline Wilson and Tish Lynn

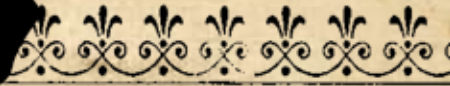
## Community Idea... Real Results...

**S**ince its inception in 2005, the Center has provided advice and counsel to more than 850 applicants, and legal services to more than 205 clients; conducted 173 legal seminars and presentations to more than 4,923 persons, and also provided technical assistance to county government and local planning committees as they worked on comprehensive plans for their communities. Working with

volunteers from Charleston School of Law and Trident Technical College, the Center has drafted wills for 121 people — a new service begun in 2010 — and successfully resolved 26 cases resulting in 47 titles cleared.

Need help with heirs' property? We welcome the chance to conduct a seminar or presentation. Call us at 843-745-7055 and we will come!





Board Members of the Charleston County Bar Association [CCBA] proudly display their support for the Center for Heirs' Property Preservation [l to r]: Abby Edwards Saunders, associate dean of students at the Charleston School of Law and CCBA board member, Jennie Stephens, executive director of the Center for Heirs' Property Preservation, Mark O. Andrews, Andrews Mediation & Law Firm, P.A and immediate past president of CCBA, and Randell Stoney, Esq., Barnwell Whaley Patterson & Helms and current president of CCBA.



## RAISING THE BAR

**T**he Charleston County Bar Association [CCBA] knows how much lawyers cost, so they have generously contributed \$10,000 to help the Center continue to provide legal, mediation and educational services to heirs' property owners in Charleston County.

"The Center provides the advocacy and the means for owners to clear title and retain properties that have been in their families for over 100 years, in some cases, and have become subject to pressure from investors for development," said Randell Stoney, president of the CCBA. "It was during

Marvin Infinger's tenure as president of the CCBA that we first began to undertake this project and consider how we could be a part of their effort. It is not only the displacement of people and their loss of land occupied

for generations, but also the gradual dilution of a culture that is so uniquely the Carolina Lowcountry."

The CCBA provides information and programs to members of the Charleston County Bar to enable them to continue to provide the

highest level of competent and ethical representation to the citizens of the State of South Carolina.

"Once again our Bar stepped up to a most worthy cause," said Mark Andrews, immediate past president of the CCBA. "It is our goal for the resources of the CCBA to be used to advance the common good of our community and to champion the cause of the vulnerable and less fortunate. On behalf of the members of our association, I want to thank the Center for allowing us this opportunity to join in this endeavor."

Thank you - CCBA - Way to raise the bar!

**"Once again our Bar stepped up to a most worthy cause"**

## NO ONE SAID IT WOULD BE EASY...

**W**hen Phyllis D. moved back to James Island in 1970, she bought a house in her parents' name but when they passed away she needed to clear title in her name.

Phyllis had seen other families go through a lot of heartache over heirs' property. "People come out of the woodwork. You lose friends and find family you never knew you had," she said.

For her, the waiting was the hardest part. But it was worth it. The property had a lot of sentimental value for Phyllis. "I had a fantastic childhood and didn't know we were poor. We had everything we needed. During Pearl Harbor we were the only ones who had a battery-powered radio so everyone came to the house to see what was going on."

Today, at the age of 75, Phyllis has 15 grandchildren and remembers all the family get-togethers that were celebrated on her family's land and is glad that everything is in order.

"The Center was a Godsend for me to do the work I needed. I cried when it was finally done."

# The Catch-22 of Heirs' Property

**P**atricia B. thought she owned an acre of land in Mount Pleasant until she applied for funding for repairs on her home.

Many people who own heirs' property find out that they don't have clear title to their land when they can't get funds to improve it. Without a clear title, they can neither obtain a mortgage nor acquire public funds for repairs.

When Patricia walked into the Center's office, she learned that although she had owned the property with her husband, she had failed to probate his estate within the ten-year period after he died so her land had become heirs' property. However, Patricia was lucky. Because of the small number of heirs, the Center was able to get her case to

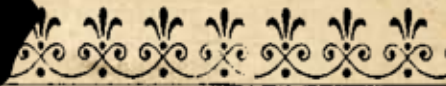
court more quickly than usual. Deeds were prepared and executed for the three heirs who had interests in the property and a Petition to Determine Heirs action was filed in the Probate Court for Charleston County.

Once the titles were cleared, the Center informed the United Methodist Relief Center so that Patricia could get the repairs done as quickly as possible.

"I believe the service was great!" said Patricia. "It was quicker than I thought, from the time I came in to the time it went to the Judge."

This was a relatively quick and happy ending to a problem that plagues many heirs' property owners. This Catch-22 situation depends on collaboration for the best result.





## LOOKING BACK ..WITH THANKS

In this anniversary year, the Center thanks all those who believed in and supported its work from its infancy. Without those early and on-going gifts, the Center would not be where it is today. Please forgive and call us about any errors or omissions to this list.

### Individuals

Jonathan S. Altman  
 Barry I. Baker  
 Philip A. Berlinsky  
 Robert Bernstein  
 Margaret Blackmer  
 Anne Frances Bleecker  
 Nancy Bloodgood  
 Ryan D. Bluestein  
 Joseph S. Brockington  
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 Mary Frances Brown  
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 Judge Bernard Fielding  
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 Sirena Memminger  
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 Marjorie Rath &  
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 Thomasena Stokes-Marshall  
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 Juan W. Tolley  
 Charles S. Way, Jr.  
 Robertson Wendt  
 Aleatra Williams  
 Annie Williams  
 Jacqueline Wilson

### Government

Charleston County  
     Government  
 City of Charleston  
 City of North Charleston  
 SC Budget and Control Board  
 SC Conservation Bank  
 U.S. Dept. of Agriculture -  
     Rural Development

### Foundations/Corporations

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 CE McKenzie & Associates, LLC  
 Charleston AME District Lay Organization  
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 Charleston County Bar Association  
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     Open Grants, RHOF Fund,  
     The Beaufort Fund and Wando-Huger  
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 The Spann-Wilder Law Firm, LLC  
 Urrichio Howe Krell Jacobson Toporek  
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 Henry & Sylvia Yaschik Foundation

Our "in-kind" list of friends devoting time and talent is so long that it is celebrated on our web site at:  
[www.heirsproperty.org](http://www.heirsproperty.org) and FACEBOOK page —Thank you one and all!

## WHY SHOULD YOU CARE ABOUT HEIRS' PROPERTY?

...BECAUSE WHAT HAPPENS TO HEIRS' PROPERTY  
 AFFECTS EVERYONE'S QUALITY OF LIFE.



...loss of marsh views...open rural spaces...cultural heritage...historic communities...

# SAVE THE DATE!

**Thursday, February 10, 2011**

Join us in honoring our friend and Board Member Judge Richard Fields with a “Commitment to Justice” Award



On Thursday, February 10, 2011, the Center will honor a man who is beloved and respected by all who know him. On that evening, Judge Richard Fields will receive the Center’s “Commitment to Justice” Award for his exceptional humanitarianism and passionate pursuit of justice for all.

His support of the Center has been unflagging and personal. Judge Fields knows a little bit about making things personal. In 1949, he hit the streets of his hometown Charleston with a brand new law degree and decided to knock on the door of every lawyer in town and learn as much as he could from each one of them.

“I needed to get to know them and they needed to get to know me,” he says simply. That followed the sage advice his mother had given him when he first became a lawyer. “A lot of people want to get along,” she said to him, “but very few do any gettin’. You do all the gettin’ and you’ll do fine.”

Judge Fields is an original. Join us in honoring this great and gentle-man. There’ll be food and drink and jazz and toasts and stories and lots of fun - **CELEBRATING!**

**SAVE-THE-DATE:** Thursday, February 10, 2011, at the Marriott Riverview Hotel from 6:00 – 8:30PM. Call Tish Lynn to be recognized as a sponsor. Reserve your tickets (\$100) by calling Jacqueline Wilson at: (843)745-7055 or purchase them online at: [www.heirsproperty.org](http://www.heirsproperty.org).

## WHAT WE DO

The Center:

- ✦ Conducts 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;
- ✦ Provides family presentations to promote family agreement;
- ✦ Conducts Wills Clinics to prevent the growth of heirs’ property ownership;
- ✦ Conducts “Informational Outreach” presentations to the community-at-large, and
- ✦ Creates and disseminates educational materials to increase awareness about heirs’ property ownership.

## WHY WE DO IT

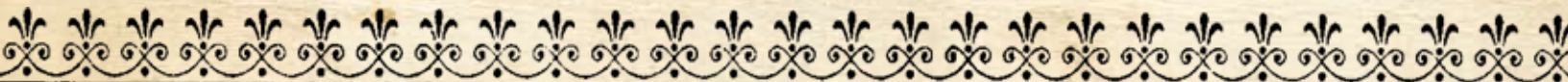
This work helps heirs’ property owners protect rural, family land against urban sprawl and development; preserve the unique cultural heritage of Lowcountry communities; sustain the region’s diverse ecosystem, and engage under-represented groups in land use dialogue and in the value of land stewardship.

**CENTER FOR HEIRS' PROPERTY PRESERVATION**

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# WHAT WOULD WE DO WITHOUT YOU?

SEMINARS, WILLS CLINICS, SPECIAL EVENTS, LOCAL FESTIVALS  
THE CENTER COULD NOT DO WHAT WE DO WITHOUT YOU!

[right] Wills Clinic at Greater Trinity AME Church  
- Pro bono attorneys, students from the Citadel and  
Charleston School of Law and Center staff.



[left] Heritage of Home Cookin' — Local BBQ  
and sweets-and-sides cooks and volunteers  
joined staff for a delicious event during MOJA.