

A Will is just a Piece of Paper...

Helen's husband left her everything in his Will, which she thought was all she needed...until she asked for help from the City of Charleston Home Rehabilitation Services and was told that she had to "probate" her husband's estate in court to make his Will valid.

[See page 7 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, regardless of whether they live on the land; pay the taxes or have ever set foot on the land.



A Note From Jennie

I often describe our work in terms of "buckets".



When I am speaking, I often describe our work in terms of "buckets." For the past seven years, we have been concentrating our work in the buckets of heirs' property prevention [stopping its growth] and heirs' property resolution [fixing it]. Now we are beginning to work in the third bucket—sustainable land use [doing something with it].

We are fortunate to have received a grant from the US Endowment for Forestry and Communities, Inc. to launch our new "Sustainable Forestry" Program [see story on pgs. 4-5] which will allow the Center to further its mission by establishing a network of partners—government, nonprofit

and corporate organizations—who will provide the tools our landowners need to generate income from their land while maintaining ownership for many generations to come. We will introduce new practices as well as those used by our ancestors to hold onto the land—proven practices that have been forgotten by the younger generations.

If you are interested in applying to participate in this program, contact Jackie at: jwilson@heirsproperty.org or 843-745-7055. If you would like to contribute to the financial match for this program, contact Tish Lynn at tlynn@heirsproperty.org or 843-745-7055.

2013 Board of Directors

[L to R] Susan K. Dunn, Mary M. Wrighten, Alex Singleton, Nancy Bloodgood [Chair], Amanda E. Compton, Dana Adkins and Richard Habersham. Not pictured - G. Hamlin O'Kelley, III [Treasurer].

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Resource Development Coordinator
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HOW TO MAKE YOUR LAND WORK FOR YOU

Educating all landowners, including heirs' property owners, about best practices and programs to develop and implement sustainable land use plans.

In late 2012, the Center and the USDA/SC Natural Resources Conservation Service [NRCS] decided to join forces and conduct combined educational workshops on resolving heirs' property issues and benefiting from NRCS land use programs available to landowners.

Why? Because the people at NRCS discovered that many landowners who sought their help owned heirs' property and needed to clear title to their land before they could take advantage of the NRCS programs. The timing was perfect because the Center was ready to begin the third bucket



of its work — to help families with cleared title to develop and implement sustainable land use plans to realize the economic asset of their family land.

Ninety-three people attended the first three workshops conducted in Hemingway [Georgetown County], Cross [Berkeley County] and Ridgeville [Dorchester County] to hear experts discuss land ownership issues, best sustainable farming and forestry practices, conservation easements, agri-business, agricultural output and more. Call the Center for up-coming workshops at: [843] 745-7055.

The Center and the SC NRCS team conducted an educational workshop in the Hazel S. Parson Starkes Municipal & Community Service Building in Ridgeville with the support of Mayor Williams and Councilman Willie Davis. Call the Center for the next combined workshop at: (843) 745-7055 or tollfree: 1-866-657-2676



(Left to right) Jennie, Jeff Lucas (USDA/SC NRCS County Conservationist), Attorney Walden, Dorchester Councilman Willie Davis and Ridgeville Mayor Williams.

The Center proudly announces The Daniel Island Community Fund's grant award of \$10,000 to continue outreach in the Wando/Huger/Cainho communities. Please call us to schedule a seminar or presentation.

THANK YOU!



[In Hemingway, SC] NRCS Team: [L to R] Trinette Vereen, Jennie Stephens, Debbie Mans, Dennis Mobley, and Ann English.

For more on NRCS programs, go to: www.nrcs.usda.gov.



[In Cross, SC] Dennis Mobley, Josh Walden, Center Attorney, Angel Sams, County Conservationist for Charleston and Berkeley counties and Berkeley County Councilman Caldwell Pinckney.

Center Awarded Grant for **NEW** “Sustainable Forestry” Program for African American Landowners



Native longleaf pine stand.

The U.S. Endowment for Forestry and Communities, Inc. has awarded the Center \$425,000 to conduct a 30-month, collaborative NEW “Sustainable Forestry” Program for African American Landowners.

The Center’s new program is a joint venture with the USDA/SC Natural Resources Conservation Service [NRCS] and the USDA Forest Service to address the need to restore and conserve threatened African American forestland and increase its value and productivity for the landowner.

“For complex historical and economic reasons, minority-owned forests in the South are often not managed for optimum forest health

and income,” said US Endowment President, Carlton Owen. “However, recent policy and program focus within USDA and state forestry agencies along with growing interest by minority landowners, creates opportunity to support landowners by accelerating sound forestry practices, increased income, and retention of historic family land.”

The Center and its expert partners will help African Americans with forested acres to increase their income and land asset value by providing educational workshops on new forestry technologies from trusted experts in the field and by connecting forest owners to traditional and emerging forest products’ markets.

The Center invites African American forested landowners to apply for this new program. Both heirs’ property owners and landowners with clear title will be eligible to participate in the program if they meet the following criteria:

- their forested acres are located within the Center’s service area [Beaufort, Berkeley, Charleston, Colleton, Dorchester and Georgetown],
- they own a minimum of 10 forested acres of land,
- they have agreement among the family regarding the use of the land, and
- they agree to remain within the program over the two-year period.

Potential applicants who meet the criteria and would like to be notified when applications are available [June 2013], please contact Jacqueline Wilson at the Center at: [843] 745-7055 or jwilson@heirsproperty.org.

The Center is required to raise \$87,500 in additional funds locally to support this work, and separate grants will support research on the conditions and income potential of African-American owned forests and specialized forestry services for landowners. Anyone wishing to contribute to the matching funds may contact Tish Lynn at: [843] 745-7055, or email at tlynn@heirsproperty.org.

THE WORK

A minimum of 25 African American landowner families with forested acres will be enrolled. Due to the amount of heirs' property [HP] located across our service area and our mission, a greater number of heirs' property owners will be recruited.

The main strategies for this project are to:

- provide outreach to African American landowners—those with HP and those with clear title—to increase their awareness of resources to help stabilize and sustain their forested properties;
- deliver legal services and education to clear title to HP and to create estate plans for the landowners;

- deliver technical assistance on the proper sustainable forestry techniques, and
- identify and develop connections to markets for their forest products.

The Center will conduct recruitment workshops in the first six months to make landowners aware of the pilot program, to introduce them to the professionals who will be helping them, and to make them feel comfortable about the idea of working together to “do something” with their land.

The Center is the lead organization for this program and is the primary contact for any inquiries or requests.

Super Center Partners and Funders

[left to right]:

Danyelle O'Hara [Consultant, US Endowment for Forestry and Communities, Inc.], Calvin Bailey and Russell Hubright [SC Forestry Commission] Josh Walden [Center Attorney], Alex Singleton [Center Board], Ron Harris [USDA/NRCS], Steve Carruth [Kapstone Corporation], Steve Moore [SC Wildlife Federation], Jennie Stephens [Center ED], Gene Hundley [MWV], Ebonie Alexander [Black Family Land Trust], Mikki Sager [The Conservation Fund], Michelle Mapp [Lowcountry Housing Trust], Evelyn Whitesides and Dennis Mobley [USDA/NRCS], Alan McGregor [US Endowment]. [Not pictured - Abby Saunders, Charleston School of Law and Drew Lanham, Clemson University Department of Forestry and Natural Resources.]



In Brief

by Josh F. Walden

Did Someone Leave You Something in a Last Will and Testament?

Beware! It's not valid unless the estate has been probated.



Josh F. Walden, Supervising Attorney

At the Center, we believe that everyone needs a Will to help prevent the growth of heirs' property and to ensure their wishes are carried forward after they pass. However, a Last Will and Testament must be probated within 10 years of the death of the person who wrote the Will for it to be legally valid. "Probating" the Will entails filing the original Will, copy of the death certificate, and the initial probate application with the probate court. The Will is usually filed in the county probate court where the person lived at the time of death. The entire process involves the filing of certain documents and notices usually over a period of about a year.

Probate is the legal process of taking property out of the name of someone who has died and putting it into the name of someone living.

In the last several months, I've had two applicants who held onto Wills too long so the estate became an "intestate probate" and the land passing through the estate became heirs' property. When that happens, the South Carolina law of intestacy decides who inherits the land rather than the deceased's wishes, as expressed in the Will. This created major problems for the applicants, who were originally named as the only beneficiaries in the Wills.

It is a mistake to believe that simply possessing a Will carries some legal force. It doesn't unless and until that Will is properly probated in the courts.

What are the results of NOT probating a Will within the mandatory 10-year period? In the case of these two

applicants—one of them now shares ownership of the property with 13 other people when the entire property was left to her in the Will. The other applicant has no ownership to the land at all.

Don't let this happen to you! Probate the Will within 10 years. Here is what you need to know/do:

- Most people need the help of an attorney to probate the estate;
- If you are a low-income individual, who cannot afford an attorney, call to see if you qualify for our services;
- The first items you will need for your attorney are:

1. Death certificate of the deceased
2. The original Last Will and Testament
3. Any documentation showing the property owned by the departed at the time of death. Copies of life insurance policies, current bank account statements, titles to any automobiles, any deeds showing an ownership in land/property, etc., are needed.

Legal Liaisons

Attorney Walden has brought cases before the courts of Judge Condon (Charleston Co.), Judge Kornahrens (Berkeley Co.) and Judge Maring in Georgetown Co., and he has worked closely with Dorchester County Probate Judge Mary Blunt, and Colleton County Probate Judge Ashley H. Amundson to provide "Lunch 'n Learn" and CLE opportunities for local attorneys to learn more about the Center's work and to refer low wealth clients who may need our services. Call us if we may address your County Bar Associations or legal organizations. (843) 745-7055.

A Will is Just a Piece of Paper... Until You Probate the Estate



A Great Pair:
Helen and her daughter Dr. Prioleau

Helen did not know that the Will that she held in her hand was not valid. It was properly drafted and properly signed and witnessed. In it, her husband stated that he wished to leave everything he owned to her.

She did not know that after he died, she was required by law to probate his estate in court — within 10 years of his passing — to make the Will valid. If an estate is not probated within

the 10-year statutory period, the Will might as well have never been written.

Luckily, Helen found out while there was still time left. She called the City of Charleston's Home Rehabilitation Services to apply for housing repair assistance, and found out that she had to probate her husband's estate in order to qualify.

That required an attorney. With the help of Josh Walden at the Center, her husband's estate was probated and her home is now being repaired.

Helen's work falls into the Center's "prevention" bucket — before heirs' property sets in — which saves a lot of heartache.

Be sure to have your own Will drafted and REMEMBER to probate the estate of a loved one who has died within 10 years of his or her passing.

THREE buckets of the Center's work:

- PREVENTION of growth of HP through education, Wills Clinics, legal services to probate estates within 10-year statutory period.
- RESOLUTION of HP issues through delivery of direct legal services including Family Presentations to reach agreement, Petition to Determine Heirs' actions, Probate Estates, and Quiet Title actions.
- PROMOTE SUSTAINABLE LAND USE once title is cleared to increase the economic benefit of this asset to low-wealth families.

Wills Clinics – First Step



The Center conducted two Wills Clinics in February at Cainhoy Elementary/Middle School and Bethel AME in Georgetown [at left]. Thank you! Tressa Devlin [Bethel AME], Attorneys Bob Moran, Gus Smith and Charles Smith, and volunteers: Kelly Stewart, Abby Dease, Aaron Essary, Chris Siebenaler, Sarah Smith, Anna Hill, Morgan Wiegand and Joseph Murphy.

Since 2009, the Center has drafted 320 simple Wills in six counties.

CENTER FOR HEIRS' PROPERTY PRESERVATION

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Nigel Redden with Tippy Brickman,
family and friends



Michael Brickman and his
mother, Fay



Sr. VP [SCBT] Nate Barber
and Julie Medich



Judge Bernard and Conchita Fielding



“Commitment to Justice”

A grateful community gathered to celebrate the “Great and Good Life” of Dr. Theodore S. Stern at the 2013 “Commitment to Justice” Award Reception. Tippy Stern Brickman accepted the award in honor of her father’s memory.

Our sincere thanks to the exceptional leadership of our Host Committee and to the many generous sponsors and guests.

Host Committee Members [below] include: Bill Saunders, Co-Chairs Lucille Whipper and William G. Medich, Dr. Sue Sommer-Kresse and Henry J. Blackford, III.

[Host Committee members not pictured: Charles J. Baker, III, Greg Padgett, Maxine Smith, Ed.D., Charles S. Way, Jr. and J. Rutledge Young, Jr.]