

CENTER FOR HEIRS' PROPERTY PRESERVATION

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[1 to r] Award presenter Rev. McKinley Washington, Jr. and his wife, Beulah, Guest Speaker Chief Justice Jean H. Toal, Honoree Lucille S. Whipper, and Rev. Nelson Rivers, III, Emcee.

2015 "Commitment to Justice"

Thanks to everyone who made the 2015 "Commitment to Justice" Award reception honoring Lucille S. Whipper such a special night—Sponsors, Program Participants, Guests and Host Committee members: Dr. P. George Benson, George E. Counts, Esq., Dr. Barbara D. Dilligard, F. Renee Gaters, Esq., Dr. Patricia Williams Lessane, Judge Daniel E. and Mrs. Ruby N. Martin, Sr., Phil Noble, Dr. and Mrs. Kenneth [Priscilla] Robinson and Rev. and Mrs. McKinley [Beulah] Washington, Jr.

Photo Credits page 7 and page 8: Nickie Cutrona



Rev. Washington and Chief Justice Toal were overjoyed for Whipper



Always in motion.



Joyous Whipper Family

BE AN ANGEL
Celebrate our 10th Anniversary with
a \$1000 gift and get your WINGS!

Getting the family house in order...

When Gloria drove up to her parents' house, it was in shambles and her heart broke. "I cried and asked my parents' forgiveness. We hadn't been good stewards," she said, but that was about to change.

[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.

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A Note From Jennie

Forces for Good



As a child, I always wanted to be a superhero. Perhaps this was a similar desire for you. Allow me to take you back to your childhood and offer you the opportunity to become a superhero for the Center. The Center has a small team [pictured above] which is stretched across our multicounty service area. Therefore, to have greater impact, we must enlist the help of landowners, pro bono attorneys and representatives of

government, non-profits, foundations and corporations. These individuals help us share our message in local communities, the state, the region and the nation; they are our "evangelists."

As you read about some of our superheroes in this edition, take a moment, put on your cape and join them in the crusade to become "Forces for Good" in promoting the protection and sustainable use of the land of historically underserved landowners.

Understand the value of your forest and a forest management plan.



Bishop Alphonzo Gadsden is very proud of the 82 wooded acres of diocesan land on the inter-coastal waterway that he stewards in Awendaw, and which became part of the Reformed Episcopal Church [REC] family in 1875. He has dreams for it, too. He wants to make it a place where everyone, especially the young, can gather and enjoy nature — a place for eco-tourism and community events. Sam Cook, SFP director, is helping him and his church members realize that dream.

“I can’t put a dollar value on how good it feels to get started,” said Gadsden.

“This diocese has been my home and will be from birth to the grave. When

I came on board as bishop in 2007, I wanted to make the property debt-free and enhance it so everyone can enjoy it.”

The “short term” plans for the land involve cleaning it up and planting longleaf pine. Cook and SFP partners are providing the education, technical assistance and resources for Gadsden to do the work, which will cost about \$20,000. To help with those costs, the Diocese has already qualified for up to 90% reimbursement through the USDA/Natural Resources Conservation Service “EQIP” [Environmental Quality Incentive Program]. “Sam helped us do all that,” Gadsden said.

The managed forest will provide wood and pine straw for a revenue stream, and the controlled burning for longleaf growth will create wildlife habitats and increase plant species to enhance the scenic and eco-tourist value.

“Most people used to cut timber and leave the land to grow back as nature did before — as ‘God intended,’ explains Cook. “Over time, the difference in income between managed and unmanaged forestland is significant.”

The “long term” plans for the land involve protecting it through a Conservation Easement which has been facilitated by the Lowcountry Open Land Trust and for which the Diocese has already been approved for \$290,000 from the Charleston County Greenbelt Program.

What is a “Conservation Easement?”

Conservation easements enable landowners to ensure that the natural character and resources on their property are protected for future generations. Easements can exist on all or part of a property, and do not always require public access.

A landowner creates a conservation easement agreement with a land trust or USDA/NRCS. Together, they decide the long term or permanent limits to the use of the land to protect its conservation value. The landowner continues to own and use the land (within those limits), and can sell it or pass it on to heirs. Future owners are bound by the easement terms and the land trust is responsible for monitoring that.

Easements are flexible. On a property containing wildlife habitats, development might be prohibited, while on a working farm agricultural structures might be built.

The Center’s local land trust partners include: Lowcountry Open Land Trust, Beaufort Open Land Trust, Pee Dee Land Trust, and the Lord Berkeley Conservation Trust.

Landowners with easements may receive tax benefits and/or fund allocations through programs like the the Charleston County Greenbelt Program.



Preserving Family Land and Growing the Future

As the first phase of the Center's Sustainable Forestry and African American Land Retention Pilot Program nears completion, one thing is clear. The combination of work to protect heirs' property [HP] and to promote the use of both HP and non-HP property through

sustainable forestry in SC is a substantial wealth-building formula which will enable more families to keep their land and pass it on to the next generation.

SFP is funded by the US Endowment for Forestry and Communities, USDA/Natural Resources Conservation Service [NRCS] and the USDA Forest Service.

The Impact of the Center's Work



Happy SFP Funders and Partners: left to right

Alan McGregor [US Endowment]; Kellee Melton [Asst. State Conservationist for Programs], Ann English [NRCS State Conservationist]; Sam Cook [Center Dir. SFP]; Robert Bonnie [USDA Under Secy.]; Jacqueline Davis-Slay, [NRCS Dir. of Public and Private Partnerships] and Jennie Stephens [Center Exec. Director].

- Cleared 123 titles on land with a cumulative tax-assessed value of \$6.2 million that could have been lost to these families forever;
- 6 Sustainable Forestry Program [SFP] families have already realized \$325,800 in income earned from selling their timber [average \$1,200 per acres];
- 11 families are finalizing harvest sales estimated at a total of \$1.2 million in 2016 [average \$1,200 per acres];
- 40 SFP families have forest management plans and/or conservation plans in place where there had been none;
- 71 families have applied to USDA/Natural Resources Conservation Service [NRCS] for up to 90% cost-share reimbursement for work done on their land;
- 49 families are approved to receive \$390,000 in NRCS - EQIP reimbursement in the 2015-2016 cycle;
- 35 families have applied for SC American Tree Farm Certification of their land;
- 2 SFP participants have nearly completed their South Carolina Forestry Commission Forest [SCFC] Stewardship Management Plan and,
- 2 participant organizations are finalizing easements estimated at \$2,290,000 with 4 more landowners exploring the process.

The combination of HP and SFP work is preserving our rural landscape. Families, whose land is working for them, are more likely to keep it and pass it on to the next generation.

In Brief...



by Josh Walden

WHAT YOU DON'T KNOW CAN COST YOU

Timber Sales on Heirs' Property

At least once a month, I meet with someone angry about a timber sale organized by another heir.

The Center's requirement that families come to agreement about what to do with their family land can be long and difficult. It doesn't help when there are hard feelings about a past or current timber sale. Once timber is cut, you can't un-cut the trees, nor can you easily repair the damage between family members.

Generally speaking, one heir does not have the right to cut and sell substantial amounts of timber without the consent of the other heirs [cotenants]. If an heir [covenant] profits from cutting, removing and selling timber without the consent of all of the heirs, the non-consenting heirs may recover damages/money through a claim of waste. Furthermore, the non-consenting

heirs may potentially have a claim against the timber buyer, as well.

In almost all circumstances, I advise heirs' property cotenants to wait until all the legally determined heirs have reached agreement and their title issues are resolved before they sell any timber. Going ahead with a timber sale without agreement very often leads to anger which can de-rail a family agreement and create bad feeling from one generation to the next.

TIMBER THEFT

Timber is big business in South Carolina. If you suspect that a third-party has illegally [without your permission] cut timber on your family's land [heirs' or non-heirs' property alike], the family must report this immediately to the South Carolina Forestry Commission at: [803] 896-8800. The longer you wait to report such a crime, the greater the likelihood that evidence will disappear and the culprit will not be punished.

If, however, family members have agreed/consented to a timber sale but the terms of the sale have not been followed through or the timber buyer is not paying you properly, you should call the Forestry Commission right away.

The South Carolina Forestry Commission serves as the "police force" for crimes such as outright timber theft and/or fraud related to the purchase of timber - before, during or after the cut. Fraud includes when a timber buyer takes advantage of someone who is not mentally capable of understanding the terms of the contract, as well.

Timber statutes [laws] require timber buyers to follow certain procedures, to provide certain disclosure information to the seller, and to pay the seller within a certain period of time. Not all reports to the South Carolina Forestry Commission result in criminal charges, but it should be your first call: [803] 896-8800. Visit their website at: www.trees.sc.gov.

The information above does not substitute for legal advice based on your specific circumstances and facts.



News Flash!

Outreach Coordinator Hope Watson is our new attorney in charge of legal work for the Center's clients in Beaufort, Colleton and Jasper counties and parts of Charleston County. Spread the word and keep her busy!

Getting the Family House in Order



Gloria's family land, if taken altogether, is about 50 acres in Georgetown County. Lots of family members are living on the parcels. Gloria owns nine acres "free and clear" with another five as an heir. She attended one of the Center's heirs' property and Sustainable Forestry Program education seminars in Plantersville and now wants to manage her timber and create a butterfly garden for the neighborhood children. But where she is today began with a painful homecoming in 2011.

"When I drove up to my parents' house, my heart broke," Gloria said. "We had not been good stewards of what they had given us." This was the house on which her father had lovingly built a front porch and extra rooms when she was a child. Her parents have both passed, but they worked hard to see that all eight of their children received the high school education they never had.

Gloria was the first in the family to go to college, graduating from Howard University and then becoming the first woman to earn an MS in Agricultural Economics from Clemson. Her graduate thesis was on the subject of heirs' property.

She sits proudly on the porch her father built. She has fixed it up and the paint is new. "I can't wait to bring the grands here — to ye-ye's house." She intends to tell them stories of how her own grandfather used to call her out to the makeshift stall at the end of the driveway where he was selling his watermelons and squash. "Nanny... count me out the profit!"

Gloria has big plans for her grandfather's land, which "now has a Farm and Tract number", she says with pride. She is working with the Center to resolve HP issues, to develop and implement forest management plans, and has already

SC Forestry Facts and YOU:

- Forestry is a \$17 billion industry in SC annually
- SC exports \$1.4 billion in forest products annually
- Forestry ranks #1 among SC's manufacturing industry jobs and payroll
- Timber is SC's #1 cash crop (\$759 million annually)
- SC has 13.1 million acres of forestland
- 88% is privately owned
- 92% of the wood harvested comes from private land
- Pulpwood (10-17yr.old trees) remain SC's leading forest product

LANDOWNERS - If you own at least 10 forested acres you can benefit from this industry.

Plant and grow more trees!

qualified for the USDA/NRCS Environmental Quality Incentives Program [EQIP] to receive up to 90% cost-share reimbursement for conservation planning and controlled burning. With the help of a timber buyer, identified by Sam Cook, she will soon thin the timber around the family home and down the street.

She wants her land to be a showcase in the community, so others will want to do more with theirs.