

Residents learn about heirs' property and forestry management

Clayton Stairs

cstairs@southstrandnews.com

- Friday, March 13, 2015



Clayton Stairs/South Strand News Walden, attorney with the Center for Heirs' Property Preservation, works with families to resolve issues with property owned by the heirs of a deceased person.

Photos



The longer you let heirs' property issues go, the more complicated it gets.

That was the message from Josh Walden, attorney with the Center for Heirs' Property Preservation, during a meeting with about at Bethel A.M.E. Church in Georgetown March 11.

"It will never get easier than it is today," he told a group of about 20 Georgetown County residents at the meeting. "And if you don't get the land out of disrepair, it is only a matter of time before it ends up belonging to another person, not in the family."

That meeting also included a presentation from Sam Cook, director of the Center's Sustainable Forestry Program, about forestry management on heirs property and other property in the county.

There will be a free Wills Clinic at the same church, by appointment, on Friday, March 13, from 10 a.m. to 2:30 p.m.

Having a will can be the defense against creating more heirs' property in the future, Walden said.

"Even if you have heirs' property, you can leave your interest in the property to whomever you want," he said. "Most people think that you have to leave your property to all of your children equally — this is not true."

Walden explained that heirs' property is land that is still titled in the name of someone who died more than 10 years ago. Without a clear title to the land, the property is vulnerable to being lost forever for future generations, he said.

Also, without a clear title to the land, the family of the deceased owner will have trouble getting mortgages, public utilities, grants and many other things land owners need, Walden said.

The Center for Heirs' Property Preservation is a nonprofit organization that provides free education and free direct legal services to heirs' property owners. The Center helps people in Georgetown, Beaufort, Berkeley, Charleston, Colleton and Dorchester counties who want to keep family land and get clear title to their property.

Walden, who is based in Charleston, comes to Georgetown once each month to meet with families and individuals who have issues with heirs property.

“Call me and we can discuss your situation,” Walden said. “We offer free legal services for people facing heirs’ property issues.”

He said what they do is help the family members to create a family tree to determine all of the heirs’ to the property. Then he can work to get each of the heirs to come to agreement about ownership.

Walden said if there are 10 heirs who own 10 acres, each of the heirs owns one-tenth of 10 acres. So, they have to decide who will own which section of the property.

Barbara Brave and her family, who are heirs of 12 acres of property off South Island Road in the Maryville section of Georgetown, are going through this process now.

Brave said her father died in 2000 and he didn’t know that he owned property.

He had nine siblings and four of them sold their property to a man who paid them a total of \$500, so her father thought the land belonged to someone else.

But since there was no deed on record for the property, that transaction was void.

Brave’s second cousin, who lives in New York, has been paying the property taxes each year.

“We have to talk to Josh Walden,” Brave said. “We know all of the heirs, but we need to sort some things out.”

Walden said there are some myths about heirs’ property that he wanted to dispel.

- Some people think that heirs’ property is the best way to own and maintain family land, but this type of ownership puts the property at a high risk of being lost by the family. And any person who inherits or purchases an interest in the property can force a division or sale of the land.
- Some people think physically living on the land gives an heir greater rights to the use and ownership of the land than those held by absent heirs, but heirs who do not live on the land or help maintain the property have the same rights as heirs who live on the land.
- Some people think that payment of property taxes and other assessments entitles that person to more complete ownership, but heirs who do not contribute to tax payments do not lose any rights to ownership.
- Some people think that all living descendant’s share depends on the number of heirs in each preceding generation, but a descendant’s share depends on the number of heirs in each preceding generation.

- Some people think that a land survey provides proof of ownership, but a survey cannot grant ownership of the land to any heir. Ownership of any real property can only be transferred by a duly-recorded deed.

Contact the Center for Heirs' Property Preservation at 843-745-7055.

Forestry management

Cook, who deals with sustainable forestry management, told people at the March 11 meeting that if ownership and boundaries are determined, there are funds available through the U.S. Department of Agriculture and the S.C. Forestry Commission to harvest trees on property that is more than 10 acres.

"In 2013-14, The USDA had \$20 million to distribute to help land owners," Cook said.

One woman he has worked with earned \$430,000 on 268 acres of land.

"We want to work with land owners to help you understand the value of the property to go to market," Cook said. "Right now, we are working with 40 families, but we are looking to expand our services to work with more families."

He said that they urge land owners to plant trees after the land is harvested.

For information about the S.C. Forestry Commission, call 803-896-8800, or visit www.trees.sc.gov.

Free Wills Clinic

The Center for Heirs' Property Preservation is conducting a free Wills Clinic at Bethel A.M.E. Church at 401 Broad Street in Georgetown on Friday, March 13, from 10 a.m. to 2:30 p.m. Get a simple will drafted and have some peace of mind.

All are welcome, but you must make an appointment to have your will drafted.

Contact Hope Watson at (843) 745-7055 to schedule that appointment.

To learn more about the Center, visit www.heirsproperty.org.