

THANK YOU!
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*To Probate...
or not to probate?
That is NOT
the question!*

Tina had opened her husband's probate, but times got tough so she stopped the process. Luckily, a probate - once properly opened - can be re-opened and completed...even after 10 years.

[See page 3 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

It begins with listening...
and ends with knowledge and access



The Center for Heirs' Property Preservation Staff

In 2002, the Coastal Community Foundation listened to what the rural communities were saying about problems that needed addressing. Resolving heirs' property issues was a big one. The Center opened its doors in 2005 and the staff began listening to what the people living in these historically under-served, rural communities were thinking, feeling and fearing about their family land and what to do with it.

What we learned was that these families needed to know more about their land and landownership and be able to access the services and financial assistance to "do more" with it. As one client said - "We have wealth that we didn't know we had." Knowledge and access to resources help protect family land and unlock its value. That is what the Center is providing for these families, which will ultimately begin to change the face of generational poverty in our state.

Probate: A Tale of Two Openings

An estate which has been opened in probate court within 10 years of a death - can be re-opened and completed at any time thereafter



In the Lowcountry, heirs' property [HP] is more commonly owned by African American families, however this form of landownership occurs wherever the law is not well understood or when proper legal steps are not taken to prevent it.

HP is not a racial issue. It is a socio-economic issue due to a lack of legal information or income to pay for the legal help needed to resolve HP. Knowledge and access make the difference.

When Tina's husband passed away and she didn't finish probating his estate in court, she thought that was the end of that. She was laid off and couldn't afford an attorney anymore. Priorities had to be set and the probate had to wait...until she needed home repairs and went to the City of Charleston Housing and Community Development Department to apply for financial assistance and learned that she didn't qualify because her property had become heirs' property.

"That came as a complete surprise to me," Tina said. "When they told me I had to finish the probate, I was at a complete loss and didn't know how much it would cost, or how long it would take."

HP is not a racial issue. It is a socio-economic issue...

The City referred Tina to the Center where Attorney Walden initially filed a PTDH [Petition to Determine Heirs] and then found out that Tina had, in fact, "opened" her husband's estate in probate court within the statutory 10 years of his death. Attorney Walden's way was then clear to petition the court to re-open and complete the probate.

"The whole process was a learning experience for me," she said. "I felt better the first day I talked to Josh. He held my hand through it all. I wouldn't have been able to do it without him."

Who Owns Heirs' Property?

Heirs' property (HP) exists across the United States. Native Americans, African Americans, Hispanics and Whites all own HP.

There are 47,000 acres of HP to protect in our service area. Protecting HP helps preserve our rural landscape. Heirs' property can happen in any family. We can't afford to lose another inch.

For Walden, this was an easy one. He wishes more cases were like Tina's. Within six months, Walden completed the probate with a Deed of Distribution to Tina and her two children, who then transferred their interest to her. She has since received financial assistance to begin repairs on her home.

Also, Tina now has a Will and an estate plan for transferring ownership of her home upon her passing. "Not having the deed in my name had tied me up," Tina said. "I had this house with tons of equity in it, but I couldn't do anything with it and I didn't know where to turn. The Center was a huge help to me."

Making Your Land Work for You...

Diaries of Two Participants of the "Sustainable Forestry

Diary #1 - Yvonne owns forestland with her sister. The pillars in the front of her house are the stones from a family grocery store owned and operated by her grandparents. Yvonne is a South Carolinian come back home after living in the north and this place means more to her than words can express.



"Woodland Community Advocate" Yvonne and her sister own their land together in an LLC.

2013

I read an article in the Post and Courier on Federal funds being allocated to help with minority land retention. It highlighted Alex Singleton and the Center's Forestry Program. I called him. He in turn told me to call the director of the Forestry Program - Sam Cook.

I called Sam and began attending the Center's forestry education seminars and events and the lightbulb moments began:

1st 💡: I learned that you can stagger the planting of trees realizing greater income.

2nd 💡: I learned about a Beaufort landowners group. Saw value in banding together to protect and preserve land.

3rd 💡: In Walterboro, we saw the building of a "Hoop House" and the advantage of growing organic and year round crops.

4th 💡: In Ridgeville I visited ArborGen and learned how to grow better and faster growing trees.

5th 💡: I visited Mac Rhodes' land and learned you can get many cuts from "stands of trees"

6th 💡: At an Awendaw meeting I was introduced to Tri-County Forestry Association. I'm now a member.

7th 💡: I visited a sawmill to see how timber is processed from tree arrival to shipping.

8th 💡: Sam is relentless!

2014

I walked our forestland with Sam, a professional forester and a NRCS rep. Not calling it "woods" anymore. We learned about basic species, different stands of trees and wildlife habitat cover.

My sister and I are SOLD! We developed a plan for managing our forests in three weeks. We have 5 stands of trees, 2 ponds and a feeding stream.

Thinning of stand #2 financed our site prep and planting of stand #1.

2015-2016

We worked the process! We have successfully planted 85 acres of loblolly pine trees. We are officially "Tree Farmers" preserving the land for the future generations.

We currently lease land to a hunting club. They maintain the roads and graciously assist in other maintenance projects.

We lease a total of 61 acres for farming of corn, wheat, soybeans and peanuts.

We still maintain a hand pump on our property, a family garden and a picnic area used by a local Boy Scout and church group for annual events.

Working with the USDA/Natural Resources Conservation Service [NRCS] and the Center for Heirs' Property [CHPP] has been a wonderful experience and great asset for us.

REVELATION:

You have to listen; learn all that you can; develop a "plan of action" and ACT! It can be done!

instead of You Working for the Land and African American Land Retention Program" [SFP]



"Woodland Community Advocate" Bishop Mole organized an educational seminar for Center at Fennel Elementary School in Temasee in April 2016.

I am the bearer of good news and the word is — "harvest"

I say proudly that we are the champions of the importance of Wills.

I purchased 71 acres from my heirs to keep the land in the family.

I was so proud of those acres that I let people hunt the land for free. Then I met a young man named Sam Cook. Now, I'm receiving payment for these new hunting leases!

I have learned that when you harvest, you must re-invest. Re-investing in the future keeps me motivated and makes

a better life for me and my family. My children are involved in this with me.

My father used to say, "Don't eat your corn seed...plant it!"

I say, "If you cut down a tree, plant another in its place."

Trees are a good long term investment. This is a business. You've got to have patience. Trees are growing all the time — even while you're sleeping.

Sam is persistent. I kept saying, I don't have the time, but he sat again and again in my kitchen until I realized that I could do what he was saying.

Diary #2 - Bishop Andrew Mole has been a supporter of the Center since 2006. When Sam Cook asked him to become a "Woodland Community Advocate" to spread the word about the Center in his community, he was unsure, but Sam wouldn't give up until he said - yes. Eureka! A Center "star" is born!

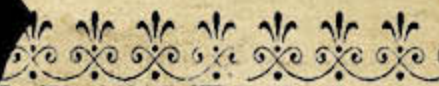
**THANK YOU,
U.S. Endowment for
Forestry and Communities,
Inc., USDA/NRCS and
USDA Forest Service
for awarding additional
funding to continue the
forestry program!**

REVELATION:

**Sometimes we turn a deaf ear
when we should listen.**

"We are conservationists because of our historic practices that now have new names." Minority Landowners Conference with many Center attendees.





It all starts with a seed.



Knowledge and Access Make the Difference

One BIG lesson learned from the Forestry Program: You must resolve your HP issues if you want to fully participate in and benefit from the Center's ongoing Forestry Program and USDA/NRCS financial assistance[see page 7]...so here are some basic DO's and DON'Ts for Keeping and Managing Your Land.

DON'T

1. DON'T... Wait to resolve your heirs' property issues so that you will be able to qualify for programs beneficial to you and your land.
2. DON'T... Sell your timber without first consulting a professional forester. ASK before you AXE!
3. DON'T... Wait to make estate plans or get your Will drafted.
4. DON'T... Underestimate the value and potential value of your land.
5. DON'T... Sign anything until you fully understand what you are signing.
6. DON'T... Try to manage your land alone. Work with a professional forester to make the most of your land.
7. DON'T... Trust the person who knocks on your door and offers to "cut your trees" for quick money. Your trees may be worth a lot more than he is offering.
8. DON'T... Be afraid to ask questions. You will make better decisions about your land if you get answers.
9. DON'T... Be intimidated by people who are pressuring you to do something with your land. You have the right to say "No" and seek advice.
10. DON'T... Let your inaction distress your family and children.

DO

1. DO... Call the Center for advice at [843] 745-7055.
2. DO... Seek the legal help you need to resolve your heirs' property issues.
3. DO... Educate yourself on land management best practices and opportunities.
4. DO... Seek the help of a professional forester before you cut your trees. ASK before you AXE!
5. DO... Work with your family to create a shared vision for your land.
6. DO... Contact the SC Forestry Commission for advice about your land, if you own more than 10 acres.
7. DO... Ask questions until you get the information you need to make decisions about your land.
8. DO... Collect and keep safe all the documents you have pertaining to your land. Be sure to obtain a survey, plat and deed.
9. DO... Have patience. Proper land management takes time but yields great rewards.
10. DO... Spread the word about the Center's work in your community.

Forestry Help - Step-by-Step

I may not live to see all that is done on the land, but it's nice to think that I'll be remembered for what I tried to do on my family land. [Client - Sustainable Forestry Program]



Growing healthy trees makes you happy! Sam Cook with Ann English [SC-NRCS] and Jacqueline Davis-Slay [Director of Public & Private Partnerships - USDA/NRCS].

If you are a landowner with 10 or more forested acres and want forestry help, here's what to do:

- 1] Call the Center [843-745-7055] and talk with the forestry assistant.
- 2] If you have a deed to the land, you will be referred to a Center forester.
- 3] If you own heirs' property [HP] and don't have an attorney helping you, you will be given an appointment to talk with a Center attorney about resolving your HP issues, while you pursue forestry help.
- 4] The Centers' forestry assistant will complete an interest intake form for you. Expect a call to set up an appointment for the forester to see your land and talk about what you may want to do with it.
- 5] You will receive information on the timber industry in SC, forestry practices and potential partners,

including: Natural Resources Conservation Services [NRCS] Field Office, Farm Services Agency [FSA], SC Forestry Commission, Professional/Consultant Foresters, Clemson University Extension and the SC Forestry Association.

- 6] Think over the various land use options and discuss with your family.
- 7] If you decide to become a forestry participant, the Centers' forester will set up appointments with county agents [see #5 above] and will accompany you, if you wish, to help you fill out the necessary forms.

What is NRCS and what can NRCS do for you?

NRCS is the Natural Resources Conservation Service which helps farmers and ranchers improve their land with land management plans, technical and financial assistance to help pay for the implementation

of those plans [up to 90% of cost of work].

NRCS is a BIG partner in the Center's Forestry Program. The Center provides a trusted connection with the rural families who most need their help and NRCS provides the services and funds they need. An ideal collaboration.

To qualify for NRCS help, you will need:

- 1] a Farm and Tract Number from the Farm Service Agency [FSA];
- 2] a proven resource need, and
- 3] an adjusted gross income [AGI] of less than \$900,000 annually.

NRCS has local agents working in all counties of SC - ready to help YOU. Go to: www.nrcs.gov/GetStarted and click on Office Locator for the NRCS office nearest you!



New Team Players [l to r]

ARiel Tianna Brown, Legal Secretary

Clifton Gillens, Forestry Assistant

Rachel Carey, Forestry Event Coordinator / Resource Development Assistant

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All Hail the Chief!

Jean H. Toal, Chief Justice [Ret.] of the SC Supreme Court, received the Center's 2016 "Commitment to Justice" Award. Thanks to everyone for making it such a special night: Sponsors, Program Participants, Guests and Host Committee members: Charles A. Baker, III, Esq., William C. Cleveland, Esq., M. Elizabeth Crum, Esq., Anne S. Ellefson, Esq., Faith Rivers James, Esq., Wilbur E. Johnson, Esq., John S. Nichols, Esq., Alice F. Paylor, Esq., W. Kenneth Swing, Jr. and Bradish J. Waring, Esq.

Clockwise from top:

Babs Warner, Host Committee Members Mr. and Mrs. Brad Waring and Anne Ellefson.

Joyous Justice Toal.

Best of friends - The Honorable Joe Riley and Toal.

MC Judge Duffy's hug-of-approval!

Congressman Clyburn, Keynote Speaker.