

Appleseed This Week

Alabama Center Tackles "Heir Property" Issues

Young Lawyer Section Launches Pro Bono Initiative in Support

December 11, 2008 - Confronting a dire legal issue exposed by Hurricane Katrina, **Alabama Appleseed** has enlisted the *pro bono* support of the Young Lawyers Section of the state bar to help low-wealth households secure title to inherited properties. The effort is designed to prevent abusive practices that result in the loss of family land and homes, and to help these families gain vital access to rebuilding funds and other financial services.



As in other storm-affected regions along the Gulf Coast, thousands of Alabama residents own family land that has been conveyed intestate over a number of generations - known as "heir property" - thus resulting in unclear title among dozens of tenants-in-common. Title to such land remains in the name of a long-deceased ancestor and such households, which typically represent low-income and minority families with disabled or elderly members, are ineligible for aid from FEMA or other federal home rebuilding grants.

"The prevalence of heir property ownership was one of those problems not caused by Katrina, but exposed by it," said **Craig H. Baab**, senior fellow for policy & development of the Alabama Center. "Indeed, we discovered that this was a major systemic problem throughout the country, but particularly acute in Alabama and throughout the southeast. Heir property ownership drastically limits the ability of low-wealth communities of any color to access the equity value of their land."

"While we do not know the full extent of the problem, we have clues," Baab said. "Some 95 percent of African- American owned farmland in Alabama, and the U.S. generally, has been lost in the last 50 years."

Appleseed is seeking to address the challenges faced by owners of heir property in accessing the equity of their land. It is often difficult, for instance, for a large group of tenants-in-common to agree on - and apply for - a mortgage or other loans with which to improve their homes, plant crops, or send a child to school. As a result, the value of their property goes unused, and they often become the victims of unscrupulous neighbors and speculators.

In response, **Gray Borden** of Birmingham's **Lightfoot, Franklin & White** began a *pro bono* partnership with Baab, who also serves as Appleseed's heir property project director, to examine the issue further and devise strategic solutions.

Baab also recently presented on state policy solutions to heir property problems at a committee of the National Conference of Commissioners on Uniform State Laws, which is recommending policy solutions to the full conference for consideration this summer.

Other Appleseed Centers working to design solutions to heir property problems include **Georgia, Louisiana, South Carolina** and **Texas**.

For more information about Alabama Appleseed's projects, visit:

<http://www.alabamaappleseed.org>

For more information on Appleseed, visit www.appleseednetwork.org. To support the work of Appleseed, donate [here](#).

Appleseed, a nonprofit network of 16 public interest justice centers in the United States and Mexico, uncovers and corrects social injustices through legal, legislative and market-based structural reform. Appleseed Centers bring together volunteers from the law, business and academic professions to devise long-term solutions to problems in such areas as education, financial access and health care. For more information, visit: www.appleseednetwork.org.