



UNLOCKING HEIR PROPERTY OWNERSHIP:

Assessing the Impact on Low and Mid-Income Georgians and Their Communities



GEORGIA APPLESEED CENTER FOR LAW & JUSTICE

www.GaAppleseed.org

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To increase justice in Georgia through law and policy reform.

Georgia Appleseed Center for Law & Justice is a non-partisan not-for-profit organization devoted to law that serves the public interest. Using the skills of hundreds of volunteers, mainly lawyers and other professionals, Georgia Appleseed focuses on achieving changes to laws and policies that unfairly impact children, poor people and other marginalized people in our state. Georgia Appleseed is an independent affiliate of the national Appleseed network.

The Heir Property Project has been an integral part of the Georgia Appleseed mission since the project's inception in 2008. The project originated through a Cousins Public Interest Fellowship at the University of Georgia School of Law. From there, it has grown into a statewide collaborative effort to improve justice for owners of heir property. This report highlights the results of original tax data base research that supports Georgia Appleseed's continuing efforts to create an independent legal clinic focused on the needs of low and moderate income owners of heir property and on the communities impacted by vacant heir property.

For more information, visit **www.gaappleseed.org/heir**

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FOREWORD

In 2008, the newly formed Georgia Appleseed Young Professionals Council, under the leadership of its first President, now Georgia State Senator Jason Carter, decided to tackle a major issue of systemic injustice associated with a form of land holding often referred to as “heir property.” The decision arose from Georgia Appleseed’s experience in a collaborative project spearheaded by national Appleseed called “A Continuing Storm: The On-Going Struggles of Hurricane Katrina Evacuees.”

Two years earlier, in 2006, national Appleseed and several of its centers, including Georgia Appleseed, investigated the experiences of hundreds of thousands of Hurricane Katrina evacuees who were still awaiting return to their homes more than one year after that storm. In the course of that project, Appleseed learned that many were unable to return home because they were ineligible for federal “Road Home” rebuilding funds. Indeed, these evacuees had learned the hard way that their homes were “heir property” and that they “shared” ownership of their homes with relatives they often did not know. The absence of any Last Will & Testament among members of several generations of families meant that state law took over at the death of each owner and that second, third and even fourth cousins, who did not even know of each other’s existence, were in fact co-owners of homes and farms now destroyed by the hurricane.

Georgia Appleseed knew that the issue of heir property was bigger than this particular storm. Georgia Appleseed, and its newly formed Young Professionals Council, discovered that available legal services to help low and moderate income Georgia homeowners gain secure tenure in their own homes and farms was outmatched by the need. Inspired by the example of South Carolina Appleseed, which was a partner in the creation of an independent legal center to help owners of heir property in that state, and by the example of Alabama Appleseed, which conducted original tax data base research, Georgia Appleseed set its sights on the work required to identify, quantify and verify the scope and prevalence of heir property in Georgia. Georgia Appleseed’s ultimate goal became clear: to make the case for the first legal clinic dedicated to serving low and moderate income owners of heir property in Georgia. The vision: to find “an end to poverty through property rights.”

Due to the astonishing scope of work of hundreds of volunteers who collectively put in thousands of pro bono hours, Georgia now has its own fact-based confirmation to what many have known anecdotally for years – that heir property is rampant throughout the state. The silver lining is that with expanded legal services in this area, literally hundreds of millions of dollars of currently inaccessible “wealth” can be unlocked to benefit the families who have lived on the land for years. In addition, for those urban communities where heir property is not occupied but is instead the abandoned “crack house” on the street, the advent of greater legal resources, to be provided eventually through an heir property legal clinic, will mean that neighborhoods seeking revitalization can realize their own dreams of more families living and working together in safer communities.

This report will serve not only as a source of information for others who desire to do similar research, but also as a notice to all Georgians that heir property is a critical legal issue with major social justice implications. Georgia Appleseed is grateful for each and every volunteer who contributed to these efforts.

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UNLOCKING HEIR PROPERTY OWNERSHIP

Heir Property: The Challenge

A significant part of the economic portfolio of millions of Americans is the equity value of their homes, even with the recent economic downturn. Many will seek to cash in the investment in mortgage payments and maintenance made over the years to secure a comfortable life in retirement. Others may plan on passing the homestead and its value on to their children or grandchildren. While there may be concerns about the current fair market value of their property, most homeowners have no doubt that this value belongs to them. In fact, many consider their homes or farms their greatest source of wealth and greatest protection from poverty.

For some though--poor people of color for the most part—this “American Dream” can unexpectedly become a nightmare when they learn that they do not have sole ownership of the homes they have lived in or the farms they have tilled for decades. They learn that their greatest asset can be lost through no fault of their own. Lacking secure property rights, these people can face impoverishment if they are forced off their land.

They discover that they occupy “heir property.”

What is Heir Property?

The term, heir property, refers to land that has been passed down informally from generation to generation. In most cases, the situation involves landholders who have died without a will specifically directing that their home, farm or other land is to be conveyed to a named person or persons. When a landowner dies without a will, the interest of that landowner is transferred to *all* living heirs¹ by operation of state law. The heirs then own the land as “tenants in common” and are referred to as “co-tenants.”²

Following the Civil War, despite major obstacles, many former slaves and their descendants in the rural south became land owners. For various reasons, these new landowners often did not have wills.³ The effect of this reliance on informal land transfer is that over time the number of legal owners of the land often geometrically increased because each co-tenant can freely sell or otherwise transfer this interest in the land. If the co-tenant also dies without a will, the co-tenant’s interest in the land will be further reallocated among his or her heirs.⁴

¹ See O.C.G.A. § 53-2-1: Heirs, in order of degree, include spouses, children, parents, siblings, grandparents, uncles and aunts and cousins of the decedent. Typically, in the absence of a will, the surviving spouse and children will share the land. If the land holder dies without a living spouse or child, then the property passes to all members of the heir category in the next highest degree, e.g., all surviving siblings would then share the property; if none, then all surviving grandparents, etc.

² For example, assume that a man acquired a 40-acre farm where he and his wife lived and raised a family of five children. One son stayed and worked the land while the other children moved away to seek their fortunes. When the then widowed father died without leaving a will, the farmer son stayed on the land with his family. Years later, assume that each sibling of the farmer son and their spouses have passed away without a will, each leaving five children of their own as heirs. At that point the farmer son has been working the land and paying the taxes for decades but the legal reality is that he holds only a 20% interest in the land. The remaining 80% ownership is vested in his 20 nephews and nieces as co-tenants. If this scenario recurs over ensuing generations, the ownership of the land will become increasingly subdivided with each descendant having an ownership interest in the entire farm even though none of those descendants is farming the land, living on the land, or paying the taxes on the land.

³ Thomas W. Mitchell, *From Reconstruction to Deconstruction: Undermining Black Ownership, Political Independence, and Community through Partition Sales of Tenancy in Common Property*, 95 NORTHWESTERN U. L. REV. 505, 518-21 (2001) [hereinafter “Mitchell Article”].

⁴ A co-tenant’s ownership interest is often referred to as an “undivided fractional interest.” While this sounds like an oxymoron, it means that a co-tenant’s often very small fractional legal interest applies to the entire property and not to any discrete physical segment of the property.

The fact that land is heir property can lead to many significant adverse consequences. A long time land holder may be unable to take advantage of the accrued value of the land by selling or mortgaging the property. Furthermore, the land holder is at risk of being involuntarily ousted from the property. Heir property challenges can also lead to adverse community and societal impacts.

Individual Economic Implications

When many people have claims to the same property, the legal and associated economic ramifications for the land holder are many. When a land holder seeks to sell the property or to obtain a loan using the property as security, the buyer or the lending institution will require a demonstration that the land holder has marketable title.⁵ If the land holder owns only a partial interest in the property, he or she cannot unilaterally agree to sell or mortgage the property, but instead, each of the multiple co-tenants of heir property must agree. While there are ways by which such obstacles can be overcome, they are often very time consuming and require the expenditure of significant legal fees and costs that are beyond the means of many holders of heir property. Thus, at a minimum, the economic value of heir property may be inaccessible to the land holder.

In addition to severe constraints on conveyance and borrowing power, heir property status also puts the land holder at significant risk of being involuntarily divested of the land. The law provides that any co-tenant, no matter how small a fractional interest that person may hold, may initiate a "partition" action in court to seek to obtain a share of the value of the land. The law does allow the judge to order an equitable physical division of the property among the co-tenants, but that power has historically been used only rarely. The most common remedy is that the property is ordered to be sold so that the proceeds of the sale can be divided among the co-tenants in proportion to their ownership interests.

⁵ Marketable title has been defined in a number of court cases as title which can be sold to a reasonable purchaser or mortgaged to a person of reasonable prudence. See, e.g., *Cowdery v. Greenlee*, 126 Ga. 786, 790, 55 S.E. 918, 920 (1906))



*"I don't want to see what my mother and daddy worked hard to keep get taken away. ... I would feel like I let my parents down because once you sell your land, you can't ever walk back on it again."*¹

-Angeline Scott

For all her life, Angeline Scott, an African-American woman in her eighties, had lived with other family members in a compound of very modest homes on a nearly 100-acre former cotton farm near Thomasville, Georgia. This land had been in Ms. Scott's family for 150 years and she expected to live out her life there. She cherished the land and the memories it held.

Unbeknownst to Ms. Scott, a local peanut farmer had begun to purchase the interests of other family members in the homestead and eventually acquired a 52% ownership interest. He sued Ms. Scott and a few of her siblings to force a sale of the land. By mid-2010, the land had been sold and a check for \$14,000 deposited with the court as payment to Ms. Scott for her interest in the land.

"Where can I go?" she asked. What can I do at my age? What can I do with \$14,000?"²

Ms. Scott refused to accept the check.



1 Eighty Two Year Old Faces Homelessness After Eviction From Family Estate, ALLVOICES, Audraine Jackson, April 7, 2010; <http://www.allvoices.com/contributed-news/5560954-eightytwo-year-old-faces-homelessness-after-eviction-from-family-estate>

2 81 Year Old Faces Eviction, CCN Video, <http://www.cnn.com/video/#/video/us/2010/03/30/pkg.morris.81.eviction.cnn>



Thus, a long time property holder, one who has lived on and worked the land for perhaps nearly a lifetime, can be ousted by a legal action initiated by a person who has never had any connection with the land at all and who may own only a minute fractional interest in the property. Very often the person seeking the forced sale is not actually a distant relative but rather an unrelated third party developer who purchased a fractional interest and is using the partition process to acquire the property as part of an effort, for example, to convert rural homesteads to other land uses.

Community and Cultural Impacts

But the tragedy of heir property is much more than a matter of the economic impact on individual land holders. The significance of property ownership goes well beyond the often relatively low fair market value assigned to many of the individual heir property parcels at risk of loss.

At the individual and group level, the connection to family history and community and the sense of freedom and independence that is associated with land ownership often has extraordinary, perhaps incalculable, value. This is especially so for those whose ancestors, for hundreds of years, were first forbidden to hold and then had to overcome difficult obstacles to acquire land. As one scholar has noted: “[M]inority land ownership can promote dynamic community life and facilitate greater democratic participation for groups historically at the margin of American political life.”⁶



⁶ Mitchell Article at 509.



The heir property status of land presents a risk to these important values in several ways.

Loss of the Small Farm Community

The once large number of African-American owned farms have dwindled dramatically. In the past 60 years, approximately 95 percent of all such farmland has been lost.⁷ While many circumstances led to this development, the fact that many of these holdings were heir property was a contributing factor.

Subcultures at Risk

Heir property also is playing a role in the potential demise of a distinct African-American subculture in Georgia and the coastal southeast, the Gullah/Geechee. Slaves who came from West Africa and who were often settled on isolated barrier islands developed a unique language and distinctive art, music, crafts and food.⁸ Some of their descendants seek to preserve this culture. But the pressure of development, especially in areas becoming more and more valuable, is difficult to resist, especially if the land is potentially subject to partition actions by those not sensitive to the values inherent in preserving this cultural heritage.⁹

Challenges to Redevelopment and Revitalization

While heir property can be an impediment to efforts to *preserve* an economic sector or a cultural heritage, such property can also be an obstacle to effecting *change* through initiatives by neighborhood associations and community revitalization groups. Many abandoned land parcels and structures are heir property, especially in inner city urban neighborhoods. These areas are often untended and dilapidated. At best, they are an eyesore; at worst, a haven for crime. The status of these parcels as heir property makes it difficult to identify the land owner to enforce local property safety ordinances or to acquire the land as part of comprehensive community redevelopment efforts.

Hurricane Katrina — A Tragic Wake Up Call

In the late summer of 2005, Hurricane Katrina devastated the Gulf Coast. In the aftermath, when thousands of residents sought recovery assistance from the Federal Emergency Management Agency (FEMA), the extent of heir property in the area of impact and the potential effect of heir property status on property rights was brought into clear focus.

Because heir property owners were not the only owners of their land and often lacked documentation of their ownership interest in the property in which they had lived before the storm, they could not initially qualify for FEMA or other government grants to rebuild their homes. Approximately 25,000 of the 185,000 displaced New Orleans residents who applied for rebuilding assistance were identified as heir property owners.¹⁰

Georgia Appleseed joined with National Appleseed and Appleseed Centers in Alabama, Louisiana, South Carolina, and Texas as part of the Appleseed Gulf Coast Recovery Project. The project coordinated the delivery of pro bono legal and mental health assistance services, provided access to public education on the topic of heir property, and sought to assist heir property owners attain much needed government help. Ultimately, FEMA developed an administrative process that allowed occupants of heir property to obtain assistance.

⁷ For a comprehensive history of African American land loss, see *Homecoming... Sometimes I am Haunted by Red Dirt and Clay, Black Farming & Land Loss: A History* (PBS Broadcasting), available at <http://www.pbs.org/itvs/homecoming/history/html>.

⁸ GULLAH GEECHEE CULTURAL HERITAGE CORRIDOR COMMISSION, GULLAH GEECHEE CULTURAL HERITAGE CORRIDOR MANAGEMENT PLAN at p. 5. Prepared and published by the National Park Service, Denver Service Center (2012).

⁹ *Id.* at p. 17.

¹⁰ Alabama Appleseed, *Heir Property Project*, http://www.alabamaappleseed.org/index.php?option=com_content&view=article&id=107&Itemid=95.



Taking Action

For Georgia Appleseed, the Katrina experience underscored its mission to help change laws that unfairly impact poor and marginalized people and became the impetus to address challenges confronting low income heir property owners in our own state. The outcome was creation of a multi-faceted Heir Property Project, under the auspices of the Georgia Appleseed Young Professionals Council, focused on providing property owner education, training lawyers to provide specialized pro bono legal assistance and establishing statewide legislative protections. **Appendix A** provides a brief summary of the full project.

Gaining full insight into the prevalence and scope of heir property ownership in Georgia was an essential step. How many Georgia residents would potentially face extra challenges in obtaining government assistance in the event of a future natural disaster impacting this state? How many land holders potentially have a significant portion of their wealth in an inaccessible virtual “lock box” because their land ownership is shared with strangers? How many people are at risk of unexpectedly losing their homestead through a forced sale? What is the value at risk to Georgia heir property owners and their communities?

Our Research Methodology

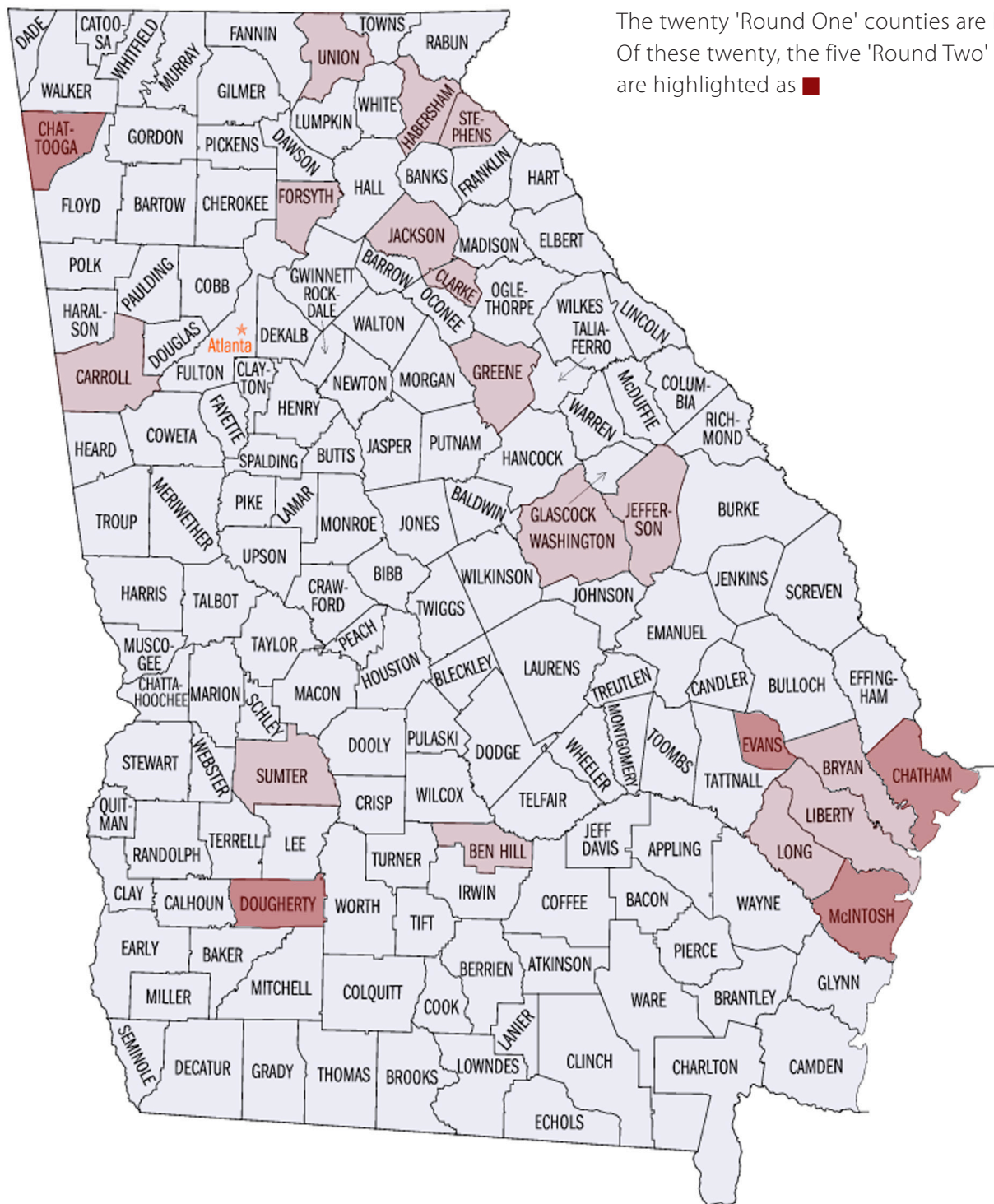
Detailed data on the prevalence of heir property in Georgia was nearly non-existent. Short of contacting individuals living on the land, it is very difficult to identify heir property with total accuracy. Therefore, Georgia Appleseed created a research protocol that could identify potential heir property with a degree of reasonable certainty and estimate the acreage and fair market value of heir property in Georgia.

Our research methodology was based on initial research conducted by Dr. Janice F. Dyer, Auburn University Department of Agricultural Economics and Rural Sociology, in collaboration with Alabama Appleseed through its Heir Property Project led by Senior Policy Fellow Craig Baab. With a thorough land screening process using tax records, Alabama Appleseed was able to approximate the amount of heir property in one county and extrapolate meaningful estimates based on that assessment. Georgia Appleseed extended that research model further, applying it to twenty Georgia counties in an intensive research initiative spanning three years. **(See Figure 1)**

The Georgia Appleseed research was conducted in two rounds. Round One was designed to screen for risk factors commonly attributable to heir property, to better identify parcels that are likely owned as heir property. In Round Two, the data from five focus counties were then more intensely assessed by experienced real estate lawyers to allow the identification of parcels that present a high probability of heir property status. (A detailed discussion of the methodology employed is contained in Appendix B.) This effort was made possible through the voluntary effort of hundreds of lawyers and paraprofessionals from throughout Georgia who donated thousands of hours of time in laborious review of individual property tax records.



Figure 1. Georgia Counties in the Heir Property Tax Data Base Research Project



The twenty 'Round One' counties are highlighted. Of these twenty, the five 'Round Two' focus counties are highlighted as ■

For full details, see **Appendix B: Tax Data Base Research Methodology**

Findings

In the five focus counties highlighted in Figure 1, Round One screening identified more than 4,000 land parcels as potentially being heir property. The more intensive round two effort identified 1,620 of these parcels as having a very high probability of being heir property. Based on the fair market value assigned by the local county tax commissioner to each identified heir property parcel, the parcels identified as likely heir property are valued at \$58,649,195 in the aggregate. These findings are summarized in **Figure 2**.

If land ownership patterns similar to those identified in these five counties are present in other areas of Georgia, then it is likely that tens of thousands of heir property parcels with a value of hundreds of millions of dollars are present in the state.

Figure 2: Tax Data Analysis

County	Total Population ¹	Total parcels ²	Land parcels Rd. 1	Land parcels Rd. 2	# of heir property land parcels	Acreage of heir property	Fair market value
Chatham	265,128	115,135	1,028	537	537	922.75 acres	\$22,308,672
Chattooga	25,736	14,445	565	162	162	271.32 acres	\$820,428
Dougherty	94,565	34,000 ³	790	472	472	1,551.26 acres	\$8,897,850
Evans	11,000	6,484	285	40	40	93.48 acres	\$387,960
McIntosh	14,333	12,825	1,531	409	409	2,376.53 acres	\$26,234,285
TOTAL					1,620	5,215.34 acres	\$58,649,195

¹ The data reported herein reflect information provided by the 2010 census, if available. When the data have not yet been made available through the 2010 census, 2000 census information is provided.

² These data were obtained from the county tax commissioner in each county.

³ This number is an estimate.



Conclusion: Making the case for a statewide Heir Property Legal Clinic

Georgia Appleseed seeks to help disadvantaged heir property owners unlock the resources of their holdings and secure protection under the law. Our research demonstrates that there are potentially thousands of land holders in Georgia who may not be able to access the wealth that has accrued in their homes and farms over decades and who may be at risk of unexpectedly losing the right to live on and work the land held by their families for generations. Many of these citizens are currently unaware of the tenuous nature of their land holdings and will often not have the resources to obtain the legal services necessary to protect their interests.

Georgia Appleseed seeks a sustainable long term solution to this challenge through the creation of an Heir Property Legal Clinic, with a goal of assisting poor and minority rural families to maintain ownership of their homes and farms despite barriers to title. Additionally, the same assistance can be provided to more urban neighborhoods, in Atlanta and elsewhere, where heir property typically shows up as the abandoned “crack” house in the low income neighborhood seeking to restore public safety and economic revitalization. In these cases, the clinic would be working with county and city officials to help in neighborhood restoration.

An Heir Property Legal Clinic would provide an opportunity for the development of multi-disciplinary teams of professionals to make a very real and meaningful contribution through *pro bono* services to meet the challenge of heir property in Georgia. The results of the extensive three-year research underscore the expansive impact such a clinic could have. Georgia Appleseed is determined to satisfy this need. By working with willing partners, we will transform the insights we have gained into the creation of additional self-sustaining legal resources for low and moderate income owners of heir property and, above all, help bring “an end to poverty through property rights.”





APPENDIX A

Heir Property Project

In addition to its tax data base initiative assessing the extent of heir property in Georgia, Georgia Appleseed has spearheaded a number of other efforts to meet this challenge. View the full project at www.gaappleseed.org/heir.

Increasing Public Awareness

To heighten community awareness and provide heir property owners with the tools to secure their property rights, Georgia Appleseed has conducted public informational presentations in partnership with local community groups around the state. The presentations explain what heir property is, how to know if one owns it and steps to protect it. See the box on page 15 for partnership examples. Also supporting the education process is a user-friendly guidebook, *Heir Property in Georgia*, published by Georgia Appleseed in 2008.

Training Lawyers

In 2010, Georgia Appleseed and its Young Professionals Council completed a comprehensive manual for pro bono or non-real estate attorneys seeking to help heir property owners. This educational tool, the *Heir Property in Georgia Attorney Training Manual*, outlines issues facing heir property clients and supplies examples of forms that assist lawyers in obtaining all necessary family and land information and making appropriate court filings. The manual has been distributed to more than eighty attorneys through continuing legal education training courses.

Clearing Titles

Supported in part by a grant from The Mary Reynolds Babcock Foundation, Georgia Appleseed has initiated a pilot program matching ten heir property holders in Georgia with pro bono lawyers to assist in resolving the heir property status of their land.

Laying the Foundation — Heir Property Legal Clinic

As the tax data base research reveals, Georgia has hundreds of millions of dollars of heir property potentially at risk. It needs an independent legal clinic that will provide protection to heir property holders in the state through pro bono or low cost legal assistance and financial literacy training. Georgia Appleseed has laid the foundation for the establishment of the clinic through its work with local communities to raise public awareness of heir property perils and challenges. It has trained a cadre of lawyers to provide supplemental assistance to legal clinic lawyers and through the Babcock Foundation grant, it has launched a pilot effort pairing lawyers to clients with real-time heir property challenges. A clinic business plan is under development and preliminary discussions have been initiated with representatives of potential clinic hosts.



Changing the Partition Law

A key objective of the Georgia Appleseed Heir Property Project was realized with the unanimous passage of Georgia's Uniform Partition of Heir Property Act in 2012. Only the second state to adopt such legislation and the first in the south, this new law provides additional protections for heir property land holders to help assure that the experience endured by Angeline Scott does not victimize others. (see Sidebar on page 7)

Thanks to behind the scenes advocacy efforts of Georgia Appleseed and the effective leadership in the General Assembly of Representative Edward Lindsey (R-54), this legislation establishes a number of protections, including

- Improved notification practices before forced sales,
- Expanded legal alternatives to such sales, and
- Broadened judicial consideration before forcing low-income families out of their homes.

For a fact sheet on the Georgia legislation, visit www.gaappleseed.org/heir/uphpa-fact-sheet.pdf

A sampling of strategic partnerships across the state and the region

Advocates work together through the Heirs Property Retention Coalition (HPRC), to preserve heir property within low income African-American communities through a variety of strategies. In addition to Georgia Appleseed, other HPRC members include the African American Land Trust, Alabama Appleseed Center for Law & Justice, Federation of Southern Cooperatives Land Assistance Fund, the Lawyers' Committee for Civil Rights and many more.

In the city of Darien (McIntosh County) and the city of Fitzgerald (Ben Hill County) heir property has taken on communal dimension. Working in concert with the city Community Development Department, Georgia Appleseed education efforts are helping stem the proliferation of heir property that is plaguing city reclamation efforts. This includes efforts to save the oldest wood framed church in Fitzgerald that "would have languished ownerless until it fell down." City leadership allocated local tax dollars to clear titles of some low income heir property owners.

McIntosh County Sustainable Environment and Economic Development (McIntosh SEED) is helping Georgia Appleseed build bridges to its communities and improve financial literacy.

Georgia Legal Services Program in Savannah offers pro bono referrals to heir property owners along the Georgia Coast who are in need of assistance, as well as provides network connections for Georgia Appleseed in the region.



APPENDIX B

Tax Data Base Research Methodology

Original research to identify parcels that are likely owned as heir property was conducted in two “rounds” designed to screen for factors commonly attributable to heir property.

Round One

Round one involved an in-depth analysis of the on-line county tax assessor records for all land parcels in each of 20 Georgia counties.¹ In each county, every land plot is assigned a “tax parcel card” containing standard information about the homeowner and property. Such information may include owner/taxpayer name, mailing address, property address, land value, land information, improvement information, acreage, and sale/conveyance information.

Researchers examined this information looking for select indicators that were used to determine if a property might be considered heir property. These screening indicators included: mailing address being different than property address; low value of land; lack of recent sale/conveyance information; and lack of or dated improvement information. Round One data collectors were asked to be inclusive in their screening efforts; that is, researchers were asked to err on the side of including a parcel card as being potential heir property if the indicator analysis was ambiguous.

Round Two

Of the twenty counties researched in Round One, Georgia Appleseed selected five geographically and demographically diverse counties to analyze further during the Round Two review. Each offers a unique lens through which to analyze the impact of heir property. The selection of these five counties reflects our best effort to present a reasonably comprehensive assessment of the incidence of heir property on a state-wide basis. Below is a brief demographic description of each.

Chatham County is located along the eastern coast of Georgia. Savannah, Georgia’s first city,² is located in Chatham County, one of the oldest counties in the state. The county is comprised of 426 square land miles.³ Chatham County is the most populous county outside the Atlanta metropolitan area, with a population of 265,128 per the 2010 US Census.⁴ Of this population, 40.1% are African American, 16.6% are persons living below the poverty line, and 12.4% are persons over the age of 65. The median income of this population is \$44,928.⁵

Chattooga County is located near the northwest corner of Georgia between Rome and Chattanooga, Tennessee. The county is largely rural and has a population of 25,736.⁶ Of this population, 11.6% are African American, 19.2% are persons living below the poverty level, and the median household income is \$32,419.⁷

¹ The counties include: Ben Hill, Bryan, Carroll, Chatham, Chattooga, Clarke, Dougherty, Evans, Forsyth, Greene, Habersham, Jackson, Jefferson, Liberty, Long, McIntosh, Stephens, Sumter, Washington, Union

² The New Georgia Encyclopedia, <http://www.georgiaencyclopedia.org/nge/Article.jsp?id=h-1056>


³ U.S. Census Bureau, State and County Quick Facts, <http://quickfacts.census.gov/qfd/states/13/13051.html>

⁴ U.S. Census Bureau, State and County Quick Facts, <http://quickfacts.census.gov/qfd/states/13/13051.html>

⁵ U.S. Census Bureau, State and County Quick Facts, <http://quickfacts.census.gov/qfd/states/13/13051.html>

⁶ U.S. Census Bureau, State and County Quick Facts, <http://quickfacts.census.gov/qfd/states/13/13055.html>

⁷ U.S. Census Bureau, State and County Quick Facts, <http://quickfacts.census.gov/qfd/states/13/13055.html>



Dougherty County is located in Southwest Georgia and spans 334 square miles. This county was chosen because it is located in the Black Belt⁸ Region, an area known for its fertile soil and historical plantation agriculture. The city of Albany is located in Dougherty County. Of the 94,565 people living in Dougherty County, 77,434 live in the city of Albany.⁹ Dougherty County has a very high African-American population at 67.1%. Twelve percent of the population is 65 years of age or older.¹⁰

Evans County is located in the Coastal Plain of Georgia. It is one of the smallest counties in Georgia, covering 187 square miles. The city of Claxton is the county seat of Evans County and the home of the Claxton Bakery and Georgia Fruit Cake Company.¹¹ The population of Evans County is 11,000; 29.1% of the population is African American, 13.7% is over the age of 65 and 21.2% of the population is below the poverty level.¹²

McIntosh County is located on the coastal plain of Georgia approximately 50 miles south of Savannah, Georgia. The county has a total area of 575 square miles. The population of McIntosh County is 14,170. Of this, 14.6% are over the age of 65 and 35.9% are African-American. Approximately 23.3% of the population does not have a high school diploma.¹³

Round Two Processes:

During Round Two, volunteers compared the tax assessor records from Round One with Superior Court land records, namely the records on the Georgia Superior Court Clerks Authority website. The goal of Round Two was to confirm that the potential heir property parcels in the tax records identified in Round One were indeed heir property by examining data available in the land records. While the Round One evaluators were often not experienced in real estate law, Round Two evaluators were real estate attorneys.

After completing the analysis, volunteers entered relevant information for those parcels determined highly likely to be heir property into spreadsheets, which were then compiled into one master file for an overall assessment of each county. The master spreadsheet includes owner/tax payer name, property address, mailing address, tax parcel number, fair market value of the land acreage and any relevant land record findings from Round One and Round Two.

⁸ CARL VINSON INSTITUTE OF GOVERNMENT, UNIVERSITY OF GEORGIA, *Dismantling Persistent Poverty in Georgia: Breaking the Cycle* at p.1 (April 2003), available at http://www.poverty.uga.edu/docs/GA_Report.pdf

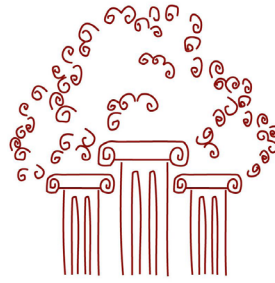
⁹ U.S. Census Bureau, State and County Quick Facts, Albany, Georgia <http://quickfacts.census.gov/qfd/states/13/130105.html>

¹⁰ U.S. Census Bureau, State and County Quick Facts, <http://quickfacts.census.gov/qfd/states/13/13095.html>

¹¹ <http://www.claxtonevanschamber.com/community/fingertipfacts.html>

¹² U.S. Census Bureau, Quick Facts, Evans County, Georgia, <http://quickfacts.census.gov/qfd/states/13/13109.html>

¹³ U.S. Census Bureau, State and County Quick Facts, <http://quickfacts.census.gov/qfd/states/13/13191.html>



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