

Heir Property:

Legal and Cultural
Dimensions
of Collective
Landownership



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HEIR PROPERTY: LEGAL AND CULTURAL DIMENSIONS OF COLLECTIVE LANDOWNERSHIP

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INTRODUCTION

When a landowner dies without a will, state law regulates what happens to the property, which may be passed down communally to family members. Existing literature describes heir property, as land held in this form is commonly referred to, as a cause of land loss among African Americans, and as a constraint to economic development in predominantly black communities. Most people and organizations interested in this subject view the presence of heir property in rural areas as inconsistent with modernity and unhealthy to economic stability and growth (18,9,42).

Based on face-to-face interviews with heir landowners and other knowledgeable respondents, this report provides a culturally-based explanation for the persistence of heir property in Alabama's Black Belt — home to persistent poverty, high unemployment, low incomes, and poor health. Literature that explains the benefits of black landownership (4,9,14,15) and the cultural value of land (1,2,6) are used to suggest that heir property, because of its collective, informal nature, may serve a number of purposes and be a source of security in a time of struggle. Heir property must be evaluated in the context of poverty and power structures as well as adaptive cultural mechanisms involving familial relations, ownership rights, and community socialization.

Whether the advantages of heir property, such as keeping land in the family or having a place to live that allows for flexibility, outweigh the risks involved in living on and owning such property is dependent upon individuals' situations. Economic, political, and social factors all need to be considered. A number of stakeholders may be affected by heir property, each with a different perspective on its usefulness. Developers and real estate speculators may think heir property is a waste of space. Bureaucrats may view it as inconvenient and the source of legal problems. Residents may consider it a place to call home and a traditional way to keep familial ties strong. Even within families there may exist differing levels of functionality, since not all the landowners live on or near the land (9,18,41).

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Objectives

The purpose of this study is to explain the persistence of heir property as a prominent form of African American landownership despite risks and limitations associated with this form of collective ownership. A better understanding of the cultural side of heir property ownership may help a number of organizations, such as housing programs, farmers' cooperatives, and tax assessors, to better serve the public. The answer to the "problem" of heir property may not be to eliminate it, but to understand why it persists, what advantages collective ownership may offer, and how to protect those who prefer communal forms of landownership. The following is a list of specific objectives pursued.

- Objective 1: Develop a clear understanding of what heir property is and legal processes involved.
- Objective 2: Examine legal constraints a communally held deed presents to heirs, especially regarding harvesting timber and housing program eligibility. Identify connections between these legal constraints and the socioeconomic statuses of those who face them.
- Objective 3: Through interviews with lawyers and courthouse personnel, examine how partition sales are forced and conducted as well as outcomes of such sales on heirs.
- Objective 4: Develop a multidimensional characterization of heir landowners in Alabama's Black Belt with an emphasis on a cultural approach to land.
- Objective 5: Identify institutional alternatives to heir property that may allow families to enjoy the benefits of communal ownership yet have access to opportunities those with clear title do.

What is Heir Property?

Few African Americans living in rural areas have estate plans. A study conducted by the Emergency Land Fund in the 1980s revealed that about 80 percent of African American rural landowners did not have such plans (18). There are several possible explanations for this: distrust of the legal system, superstition, lack of education, and reluctance to do something that may cause friction between family members (41).

When an individual dies intestate—or without a probated will—his or her property becomes heir property. Following state laws of descent and distribution, property is passed down to the deceased landowner's family members, who inherit the land communally. Individuals receive fractional portions of the land based on how many generations removed from the deceased they are. The land is not divided, nor is the deed to the property. All decisions regarding use of the land, such as building permanent structures, using the land as collateral for loans, harvesting timber or leasing plots, must be agreed upon by all those entitled to the land. Thus, the economic value of heir property as a source of income or repository of wealth is limited.

Difficulties increase with each passing generation of landowners who die without wills. Landowners' ownership interests decrease in size as the number of landowners increases. Heirs may not live on the land, know one another, or have contact information for each other. Often the land is managed by one heir or by a small group of

heirs. Management of heir property is difficult because of confusion about who owns what and how much. Poor management leads to other problems; for example, taxes may not get paid and the land taken away. Because it is difficult to keep track of who is (or should be) paying taxes, the land may be lost to the tax office or to real estate speculators, who acquire the land by paying the taxes themselves. Landowners often have trouble contacting one another and organizing to save the property and it may be sold to recoup unpaid taxes.

Heir landowners may also fall victim to partition sales. A co-owner may decide to have the land sold and does not need the consent of the other heirs before seeking such a sale. One or several co-owners sue the remaining heirs, forcing a court-ordered sale of land (usually at a fraction of its true value) to the highest bidder. Family members who live on the land may be unable to out-bid others, such as developers or real estate speculators (3, 18). Proceeds are distributed among the co-owners according to their fractional interests, but only after the costs of conducting the sale and attorney fees are deducted (18). In some cases, developers may purchase a distant relative's share, then ask to have this share sold, forcing the whole tract of land to be sold (41).

In his study, Zabawa (41) examines the impact multigenerational landownership has on farmland. His article, subtitled "Strategies to Preserve a Scarce Resource," demonstrates how black-owned land is passed on to succeeding generations and what effects it may have on access to participation in commercial agriculture. He says that problems related to heir property can hamper farm productivity and that farmers holding land in heir title may avoid improving the land for fear that other co-owners may decide to sell their shares and that investments would be lost.

METHODS AND SETTING

This research relies heavily on qualitative data—mostly personal interviews conducted in casual settings. The names of heir landowners and one community have been changed. The population of this study includes African American heir landowners who own land in Bullock and Hale counties in Alabama as well as people in professional positions with exposure to legal and bureaucratic problems caused by heir property. Names of interview subjects were initially collected through interviews with a Cooperative Extension agent and a housing program director. Through a snowball approach (technique in which the researcher asks initial participants to identify or recommend other individuals who may be appropriate or willing to participate), more subjects were identified.

The primary data collection technique was detailed, semi-structured personal interviews. Information was provided by 31 respondents, including 12 holding (or having held in the past) ownership interests in heir property, as well as lawyers, housing counselors, workers in the Revenue Commissioner's office, probate judges, a circuit clerk, and more. Secondary analysis of literature helped to frame the research historically and theoretically. Initial stages of the research were spent reviewing literature on issues relevant to heir property, especially land loss and landownership benefits.

Questions asked of heir property owners were intended to gather factual information and attitudinal data about respondents' socioeconomic statuses and cultural

approaches to land. Factual information included type of home, size of property, number of heirs, length of residency, and number of co-owners residing on the land. Attitudinal data included opinions about housing services, importance of landownership, benefits sought from landownership, and expectations of the future. The research focus was on how heir landowners view their land and what role different variables play in their approach to land management. Professionals interviewed spoke about the topic from both a professional standpoint (sharing on-the-job information) and a personal standpoint (sharing stories about their friends or members of the community). Informants were asked to generalize about people in the community—both personal acquaintances and those they interact with through work.

Procedures outlined by the Institutional Review Board (IRB) were followed to ensure that human subjects were not harmed or put in any risk. Each respondent was given a letter containing information about the research project and ensuring confidentiality. Respondents were assured their participation was entirely voluntary and they could stop the interview at any point. Any real names used are done so with the consent of the respondents.

Because many co-owners do not think of their land in terms of communal ownership, but rather as their own land, gathering the names of individuals with interests in heir property was difficult. How owners hold their land does not become an issue or something they even think about until something needs to be done, like applying for funding for home repairs, getting a mortgage, or going to court to settle a partition action. For many people, the land they live on, pay taxes for, and take care of is their land. Everyone's situation is different and making generalizations about all heir property owners would be a mistake.

A series of mini-case studies was developed to demonstrate how heir property owners manage their land in different ways. Case studies allow for detail in description and a more delicate understanding of the complexities of every situation (40). Through each person's story another piece of the puzzle takes shape. While the puzzle is not complete, the compilation of these narratives allows the reader to get a clearer picture of what heir property is and how it affects individuals in different ways.

Research Setting and Demographics

Bullock and Hale counties are located in Alabama's Black Belt, a region characterized by high numbers of African Americans living there, many in poverty. A lot of literature has been devoted to the Black Belt, examining education, health disparities, joblessness, politics, landownership, and social disintegration. Census Bureau statistics offer a quantitative look at how this troubled region lags far behind other parts of the state and nation.

Bullock County is one of the least populated counties in the state, with fewer than 12,000 residents spread out over 626 square miles. The county is located in southeastern Alabama, wedged beneath Macon County and to the east of Montgomery County. Approximately 73 percent of the land in Bullock County is under forest coverage and much of it is owned or managed by African Americans (7). Farming and timber production are among the largest industries in the county. According to

the U.S. Census Bureau (20), 73.1 percent of Bullock County's residents identified themselves as Black or African American (Table 1). This high number of blacks in the county is only one statistic that characterizes it as part of the state's Black Belt.

Economic characteristics reveal how Bullock lags behind the rest of Alabama and the nation in many ways. Nationwide in 2000, 9.2 percent of families lived below poverty level—compared to 29.8 percent of families in Bullock County. Of the 811 families in the county that lived below poverty level, 740 of them were black (about 91 percent). The median household income in 1999 in the U.S. was \$41,994. For African Americans in Bullock County, it was \$15,979. One factor in income levels nationwide is education. For the U.S., 19.6 percent of Americans had less than a high school degree. For residents of Bullock County, 39.5 percent had less than a high school degree. Of those, about 73.2 percent were black. Many in Bullock County rely on forms of income other than wages and salaries. Nationwide, in 2000, 19.3 percent of Americans qualified for disability status. In Bullock County, 29.5 percent of its residents qualified and about 86 percent of those were black.

Hale County is located in west-central Alabama, south of Tuscaloosa County. The county has a population of more than 17,000. While still considered a part of Alabama's Black Belt, Census Bureau statistics suggest that Hale County is less poor (fewer people living below poverty level) than its counterparts (Table 1). The demographic profile of Hale County is slightly better than that of Bullock, but Hale still lags far behind the rest of the nation in many respects. In response to the 2000 Census, 59 percent of the county's residents identified themselves as Black or African American. Compared to 9.2 percent nationwide, 22.2 percent of the families in Hale County lived below poverty level; 83.1 percent of those families were black. The median household income in Hale County was \$25,807 and for blacks it was \$17,565 (less than half the U.S. median). In comparison to 19.6 percent nationwide, 34.8 percent of residents in Hale County had less than a high school degree and 64.7 percent of

**TABLE 1. DEMOGRAPHIC PROFILE OF TWO STUDY COUNTIES
COMPARED TO ALABAMA AND THE UNITED STATES, 2000**

Variable	Bullock County	Hale County	Alabama	United States
Population	11,714	17,185	4,447,100	281,421,906
African American population as % total	73.1	59.0	26.0	12.3
Families below poverty (%)	29.8 91.2*	22.2 83.1*	12.5 52.9*	9.2 26.8*
Less than high school degree (%)	39.5 73.2*	34.8 64.7*	24.7 66.6*	19.6 65.8*
Disability status (%)	29.5 85.7*	29.7 59.2*	23.2 29.6*	19.3 14.8*

* Percentage of those who are black

Source: U.S. Bureau of the Census (2000)

those respondents were black. In 2000 in Hale County, 29.7 percent of respondents had disability status (slightly more than Bullock County) and of those respondents, 59.2 percent were black.

BLACK LAND LOSS AND BENEFITS OF OWNERSHIP

There is a long history of land loss among African Americans. To fully appreciate the implications of heir property, it is important to understand this history and the role it plays in forming attitudes toward landownership (8,16). Before the Civil War, landownership was not a privilege available to most blacks in America. Even after the emancipation, many measures (legal and illegal) were taken to ensure that blacks did not receive many privileges. Blacks, along with whites who sold them land, were often the subjects of threats and harassment. While the “40 Acres and a Mule” program did allow some blacks to become landowners (especially in parts of South Carolina and Georgia where the land was undesirable), much of the land was later rescinded. Since that time, the expression “40 Acres and a Mule” has come to represent broken promises of the Reconstruction era. Later efforts, such as the Farmers Home Administration and Roosevelt’s New Deal programs, were criticized for compounding—not solving—the problems of blacks, especially black farmers. Even years after these programs were created and many later abolished, a large number of rural African American farmers continued to suffer under the double handicap of being small producers and black.

Racism remains a major contributor to black land loss (9). Factors in land loss identified by the Land Loss Fund (12) and the Federation of Southern Cooperatives (18) include tax sales, partition sales, land sales to non-African Americans, limited access to legal counsel, forceful land takings, discrimination by public and private institutions, and failure of the USDA and the land grant complex to provide adequate information and resources to small farmers.

Land has been taken from African Americans through unlawful means involving violence, legal exploitation, and trickery (18,13). “Torn From the Land,” a three-part web documentary, was the product of an 18-month investigation in which Associated Press reporters examined tax records, deeds, mortgages, and estate papers, and interviewed, among others, families who had lost land (13). The AP discovered instances in which land takings involved murder, intimidation, threats, arson, and even arrests of African Americans on trumped up charges in order to force families to sign over their land. In some cases, the government took part in the land takings, and in others it approved or stood idly by (13).

For decades, the amount of land owned by black landowners declined while the size of landholdings owned by absent, white, upper class individuals increased (42). However, statistics show that this trend may slowly be reversing. Between the 1950s and early 1980s there was a significant decrease in the number of farms operated by both whites and blacks (Table 2). However, nonwhite populations (both state- and nationwide) experienced the brunt of the decrease. For Alabama in 1954, there were 130,924 white-operated farms, compared to only 45,635 white-operated farms (a -65.1 percent change) less than three decades later (21,33). In that same time frame, the

number of black-operated (or nonwhite-operated, see table note) farms experienced a -94 percent change from 46,032 farms to 2,759.

Statistics released by the USDA's Census of Agriculture (33,37,39) show that the trend toward black land loss may have turned a corner in the 1990s. Between 1982 and 1992 the number of black-operated farms in Alabama dropped from 2,759 to 1,381, representing a -49.9 percent change in 10 years. The next 10 years marked a drastic increase in black-operated farms. In 2002, there were 2,350 black-operated farms in Alabama (a 70.2 percent increase). While the numbers for 2002 were still lower than those reported in 1982, they offer hope that black farm loss may have subsided. Statistics from these years also demonstrate that the amount of acres owned by black farmers has followed similar trends (Table 3). Between 1982 and 1992, there was a -42.4 percent decrease in acres (from 296,589 to 170,824) among black operators. The following decade noted a 49.6 percent increase to 254,803 acres.

While these numbers appear encouraging, Gilbert et al. (9) note that in 1997 the USDA took over the Department of Commerce's duties and conducted the Census of Agriculture for the first time. The authors say that because of this, the 1997 census provided the most accurate count of black farmers that had been done in some time. Therefore, they argue, the apparent trend is misleading, and most likely, the number of black farmers continued to decline as it had in previous years. These statistics reveal a need for more research and updated literature that can account for changes in the past several decades as well as determine what factors led to such changes. Black land loss

TABLE 2. CHANGE IN NUMBER OF FARMS BY RACE OF OPERATOR IN ALABAMA AND THE UNITED STATES, 1954-2002^{1,2}

Year	White				African American			
	Ala.	% change	U.S.	% change	Ala.	% change	U.S.	% change
1954	130,924	—	4,301,420	—	46,032	—	481,601	—
1959	86,522	-33.9	3,423,361	-20.4	29,266	-36.4	284,612	-40.9
1964	71,579	-17.3	2,957,905	-13.6	20,951	-28.4	199,952	-29.7
1969	62,618	-12.5	2,626,403	-11.2	9,873	-52.9	87,393	-56.3
1974	52,716	-15.8	2,254,642	-14.2	3,962	-60.2	59,371	-32.1
1978	52,620	-0.2	2,398,726	+6.4	4,791	+20.9	57,271	-3.5
1982	45,635	-13.3	2,186,609	-8.8	2,759	-42.4	33,250	-41.9
1987	41,416	-10.2	2,043,119	-6.6	1,828	-33.7	22,954	-31.0
1992	36,370	-12.2	1,881,813	-7.9	1,381	-24.5	18,816	-18.0
1997	39,658	+9.0	1,864,201	-0.9	1,467	+6.2	18,451	-1.9
2002	42,176	+6.3	2,067,379	+10.9	2,350	+60.2	29,090	+57.7
Net loss	88,748	-67.8	2,234,041	-51.9	43,682	-94.9	452,511	-94.0

Source: U.S. Department of Commerce (1956a, 1956b, 1961, 1962, 1967, 1968, 1972, 1973, 1977a, 1977b, 1981a, 1981b, 1983, 1984, 1989a, 1989b); USDA (1992, 1997, 2002)

¹ For 1954, 1959, and 1964, farms were classified as operated by "White" or "Nonwhite" operators. For 1969, farms were classified as "Negro operated" or "All farms". For 1974, farms were classified as operated by "Black and other races" or "All farms". For 1978, farms were classified as operated by "Black" operators, "Black and other races", or "All farms". For 1982, 1987, 1992 and 1997, farms were classified by specified races (including "Black"), the total of which was subtracted from "All farms" to determine white-operated farms. For 2002, farms were classified by races, including "Black" and "White".

² For 1954, 1959, and 1974, census specified number of black operators but did not specify number of farms operated by blacks.

TABLE 3. CHANGE IN FARMS (ACRES) BY RACE OF OPERATOR IN ALABAMA AND THE UNITED STATES, 1954-2002^{1,2}

Year	White				African American			
	Ala.	% change	U.S.	% change	Ala.	% change	U.S.	% change
1954	18,384,060	—	1,101,993,599	—	2,426,432	—	58,050,255	—
1959	14,948,267	-18.7	1,070,235,603	-2.9	1,594,463	-34.3	53,142,456	-8.5
1964	14,033,385	-6.1	1,063,351,001	-0.6	1,192,412	-25.2	46,835,999	-11.9
1969	12,901,259	-8.1	1,011,091,799	-4.9	752,956	-36.9	52,254,690	+11.6
1974	11,474,848	-11.1	1,008,085,697	-0.3	378,098	-49.8	8,944,660	-82.9
1978	11,115,302	-3.1	975,230,654	-3.3	413,354	+9.3	4,743,619	-47.0
1982	9,897,486	-11.0	933,885,954	-4.2	296,589	-28.2	3,474,573	-26.8
1987	8,936,065	-9.7	912,496,050	-2.3	198,315	-33.1	2,636,896	-24.1
1992	8,258,864	-7.6	890,290,482	-2.4	170,824	-13.9	2,310,349	-12.4
1997	8,493,322	+2.8	873,056,698	-1.9	176,028	+3.0	2,384,868	+3.2
2002	8,583,713	+1.1	879,993,532	+0.8	254,803	+44.8	3,355,791	+40.7
Net loss	9,800,347	-53.3	222,000,067	-20.1	2,171,629	-89.5	54,694,464	-94.2

Source: U.S. Department of Commerce (1956a, 1956b, 1961, 1962, 1967, 1968, 1972, 1973, 1977a, 1977b, 1981a, 1981b, 1983, 1984, 1989a, 1989b); USDA (1992, 1997, 2002)

¹ For 1954, 1959, and 1964, farms were classified as operated by "White" or "Nonwhite" operators. For 1969, farms were classified as "Negro operated" or "All farms". For 1974, farms were classified as operated by "Black and other races" or "All farms". For 1978, farms were classified as operated by "Black" operators, "Black and other races", or "All farms". For 1982, 1987, 1992 and 1997, farms were classified by specified races (including "Black"), the total of which was subtracted from "All farms" to determine white-operated acreage. For 2002, farms were classified by races, including "Black" and "White".

² For 1954, 1959, and 1974, census specified number of black operators but did not specify farm acreage operated by blacks.

remains a concern and heir property is still an important component in that concern. Heir property is commonly cited as the traditional form of African American farmland ownership (42); so as long as heir property exists, there are black landowners.

Landowner Benefits

When examining the causes and ramifications of African American land loss, it is important to explore what kind of benefits landownership provides that may be difficult to acquire through other means. Value associated with land comes in more forms than just dollar signs. It is through use of the land, Zabawa (41) argues, that owners gain independence and a sense of power. Landownership provides a level of independence and security difficult to achieve otherwise. Black landowners are more inclined toward political and civic actions. In the civil rights movement of the 1950s and 1960s, landowners often emerged as local contacts and leaders of grassroots movements. They were often the first to register to vote and were active in civil rights organizations and protests (15). Landowners could offer their land as a refuge to weary civil rights workers. This form of hospitality, state Gilbert and Eli (8), was as important a factor in the civil rights movement's success as more proactive activities, such as marches and sit-ins.

Studies provide insight to other ways in which landownership contributes to rural life: paying property taxes and shopping at local businesses contribute to the lo-

cal economy; landownership instills stronger feelings of value and self-worth among farmers; it helps to develop a political power base and leads to a stronger sense of community and shared values (9). In their article, Gilbert et al. state that landownership is important “because it is a form of wealth, not just income. As such, it can provide a spur to economic development and broader investment, including the education of children” (9:5). Widespread ownership of land also ensures a more equal distribution of power and wealth. Nelson (14) discusses the importance of landownership in a society where property is power. In a capitalistic society, ownership of land is necessary for economic development. If the land is used correctly, Nelson states, it can become a significant tool in the political empowerment of a black community. Lack of such a valuable resource, however, can cripple political mobilization efforts of African Americans.

Much of the land loss literature focuses specifically on the loss of African American owned farms, perhaps because of the vital role they play in their communities. Zabawa (41) states that family farmland can serve as the initial source of on-the-job training for children. Family land allows farmers to get an earlier start, and an early entry into farming, along with ownership of family land, increase potential for success. Brown and Christy (4) examine the importance small farms and farmers play in community stability. Small farms, they say, meet consumers’ needs by providing competitive local market niches against which product quality and prices of commercial producers can be compared. The authors found that small farmers are more supportive of community growth than large-scale farmers and their farms may serve as a stable source of labor and can attract new businesses to rural areas.

The significance of black landownership, and the security it provides, remains strong in a time when many rural African Americans remain at the mercy of local elites. Heir property, and associated benefits of collective landownership, may be one adaptive mechanism individuals use to gain independence and to strengthen familial relations, create community, and provide a home. But the consequences of keeping land under heir ownership—substandard housing, lack of a timber market, and vulnerability to land loss—cannot be ignored.

CULTURAL VALUE OF LAND

Too often, discussions of landownership and capital strictly refer to economic capital and fail to consider that those who own land may have a relationship with it that excludes monetary considerations. After all, land is not a piece of paper; it is the ground one builds a home on, the soil one tills, or the grass one’s children play ball on. Relationships are formed not only with the land, but between individuals regarding the land. Environmental, social, familial, and cultural values are formed, instilled, and cultivated through the land. Different forms of capital—social, human, cultural—may be nurtured by land and the activities that take place upon it. Values, norms, and goals manifest themselves through individuals’ land-use decisions. In discussing something as personal and defining as land, it would be an injustice to ignore the cultural aspects of ownership. The works of Batteau, Falk, and Stack provide insight into such aspects and help readers understand that for those with little else, land can mean so much.

Allen Batteau (1,2) explores how value placed on land is closely related to class and status within society. The cultural anthropologist's research focuses on Appalachia—another region noted for persistent poverty and a high rate of welfare dependency. Like many in the rural South, people's lives in Appalachia are often ruled by industries reliant on (and often destructive of) natural resources. This pattern of dependence goes beyond commercial relationships, often influencing and controlling all areas of life (2). Through this manipulation, "superiors" gain economic, political, and social clout at the expense of subordinates. One way to escape dependency, Batteau explains, is through landownership. Batteau (1) stresses that land is not just an economic commodity to the people of Appalachia. The amount of land one owns is less important than the personal relationships associated with that land: "The conflict over land in Appalachia is not simply an economic dispute; it is a conflict over the values and integrity of groups and communities" (1:463). Conceptions of locality and different values assigned to land represent a systematic arrangement of the class status and struggles of those involved.

Control over land has been a main issue in the struggle between the mountain people and more powerful groups in society. Part of the struggle, Batteau says, is over the very definition of the value of land. Unlike real estate speculators or developers, the people of Appalachia view land as integral in maintaining familial ties and passing on values to succeeding generations. While there is so much to struggle against when living in poverty, a monetary value cannot be placed on family relations, reputation, and stability. Oftentimes land is the glue that holds these together. Batteau states: "In Appalachia, the socially valued good is land.... land is *not* a commodity. It takes on other meanings—as a status resource, a tie between neighbors, and a homeplace. In this patrimonialization of land, in redefining it as 'family land,' one sees an effort to secure it against market competition and use it in the mobilization of political and status resources" (1:463).

William W. Falk (6) tells the story of an extended family that has lived in the Georgia-South Carolina Lowcountry for generations. He seeks to understand why African Americans in this Black Belt community would chose to stay in a place afflicted by racism and economic disadvantage. What he finds is a connection between race and place. Through familial and social ties, as well as their personal histories, residents form deep cultural roots with land, which becomes part of their identity and they a part of its identity. Through homeplace, families stay connected, construct a sense of place, and perpetuate a shared family history.

Falk talks about how many of the local black people in the area felt their land had been "stolen" by white developers. For white developers, he says, land transfer is simply a way to make money. But, "For local black folk ... the issue is not dollars and cents but rather a cultural identity tied to the land" (6:131). Falk believes that rural people of all ethnic backgrounds experience connections to their homeplaces, but there is an especially unique connection between land and identity for African Americans. They were the only ethnic group to be bought and sold in the United States. Working and owning the land, Falk says, was a form of self-determination. The land serves as a reflection of who they are and what they endured to get where they are. It

can also serve as a reminder of how far they still must go. The land connects African Americans to family, identity, their past, and their future.

Social-cultural networks, kinship circles, sharing sparse resources, and struggling against racial barriers are common themes in Carol Stack's *Call to Home* (17). Stack tells the story of a reverse exodus—African Americans returning to the South, many hoping to make profound changes in their poverty-stricken communities. In one chapter, titled “Unlovable Land,” Stack discusses the importance of landownership and the harsh realities that accompany ownership. Many of the subjects of Stack's chronicle were children and grandchildren of sharecroppers. For many of these people, preserving family land was of utmost importance. Some went to drastic measures (such as leaving a spouse, and even suicide) to secure land for their loved ones. Stack's subjects demonstrate how people are bound to their land. They wanted to keep land in the family not out of pecuniary concerns, but because of the comfort it provided and the ties it formed. “The land tied them all together. It gave focus and purpose to family relationships—the land itself was a family relationship” (17:31). And without this relationship, says one of Stack's subjects, “a person is at the mercy of the white community” (17:32).

The works of Batteau, Falk, and Stack all illustrate the importance of landownership for rural Americans living in poverty. While cultural values of these groups may differ, commonalities exist between marginalized landowners fighting against elites who control local policies and economies.

LEGAL ISSUES RELATED TO HEIR PROPERTY

The most well-documented aspects of heir property are the legal ramifications—namely tax and partition sales. These sales are the most damaging effects because they lead to land loss among an already vulnerable population. However, interviews with those in the legal community reveal a need for more insight into how these problems arise in the first place. There is little consensus about how extensive a problem heir property is, how to fix it, why it persists, or how significant of an impact it has on community development and land loss trends. However, all agree that no matter the extent of heir property, it is a problem that needs to be addressed and public awareness is the first step.

A cartographer in Bullock County's Revenue Commissioner's office, an African American man, has seen what can happen when co-owners do not communicate with each other or take proper care of the property. He says the two biggest problems contributing to heir property are a lack of education among landowners and the absence of heirs. Often, original landowners' children will move away, leaving remaining relatives to watch after the land, but those relatives do not have sole interest or control over the land. He says that the older ones are not told what to do and that the younger ones don't have time to deal with it. He also suspects that younger folks don't appreciate and understand the value of land; all they're interested in is money and they are willing to sell land at a fraction of its value.

There is a lot of confusion about deeds and ownership rights. Deliberate efforts to keep land under heir title often stem from misunderstanding about the law. One

attorney frequently sees people who want to write a will in such a way that the land can never be sold. They do not understand laws regarding distribution and ownership of land, he says, and they get frustrated. Laws prevent property owners from keeping assets tied up for too long by limiting the amount of time that can pass before a will becomes void. So some heir property owners allow the land to remain under clouded title as a way to keep it tied up. While it is true that the higher the number of interests climbs, the less likely a lawyer will accept it as a suit for partition (the amount of work would not be worth her cut of the final sale price), any heir may force a sale of the entire parcel, no matter how divided the land gets.

A former paralegal and housing counselor says another common misconception about heir property is that the land is physically divided up among heirs. Many don't realize that the interest they hold is communal, that they own a fractional portion of the value of the estate. Because land varies geographically throughout a parcel, it cannot be assumed that each acre is equal in value. Heir property also often leads to vacant land. Empty lots and abandoned buildings are often indicators that the land is heir property. Areas where vacant land is common are vulnerable to disinvestment and often become dumping sites for trash.

A problem one county archivist sees often in her records office is people trying to take legal matters into their own hands. People purchase Quit Claim deeds, which relinquish ownership of interest, at a local office supply store and bring them in filled out incorrectly. The clerks are not allowed to correct them or give advice. There is no one educating the public about legal issues, she says, and because many cannot afford lawyers or do not trust the legal system, they are left trying to handle things on their own.

Heir landowners are not just vulnerable to tax and partition sales, but also to underhanded dealings involving property rights as well. The cartographer says it is not developers who take advantage of heir property and other land as much as it is adjoining landowners. If an adjoining landowner can show he has possession of a portion of land—by enclosing it in a fence or building a structure on it—he will likely gain ownership of it through adverse possession. Adjacent landowners are also the ones who frequently purchase land through partition sales. Those owning land in rural areas that isn't frequently maintained or observed are especially vulnerable. The cartographer, as well as the Federation of Southern Cooperatives, encourages all landowners to have their property surveyed and periodically checked.

Wills

While addressing a group of senior citizens during Older Americans Month, an attorney acknowledged that there is a lot of discomfort about discussing elder law and, especially, wills. He says many people are superstitious or that they don't want to cause family conflict. There's also a misconception that estate planning is only for rich people with lots of land. "If you have five dollars to your name," he says, "you should be doing estate planning." When asked why many people don't have wills, several landowners interviewed mirrored his statement that people don't think they have enough wealth to leave a will.

Gwen recently returned to the South to look after her elderly mother, who suffers from Alzheimer's. She says that her sister is planning to help their mother, who holds an interest in a 105-acre tract, write a will, but, Gwen says, her mother "don't really have anything to will that I can see." Another man, Samuel, responded similarly: "Most the folks I know didn't have anything anyhow. There's no need for a will." Samuel suspects that most people who don't have wills don't make them because they lack education, not intelligence.

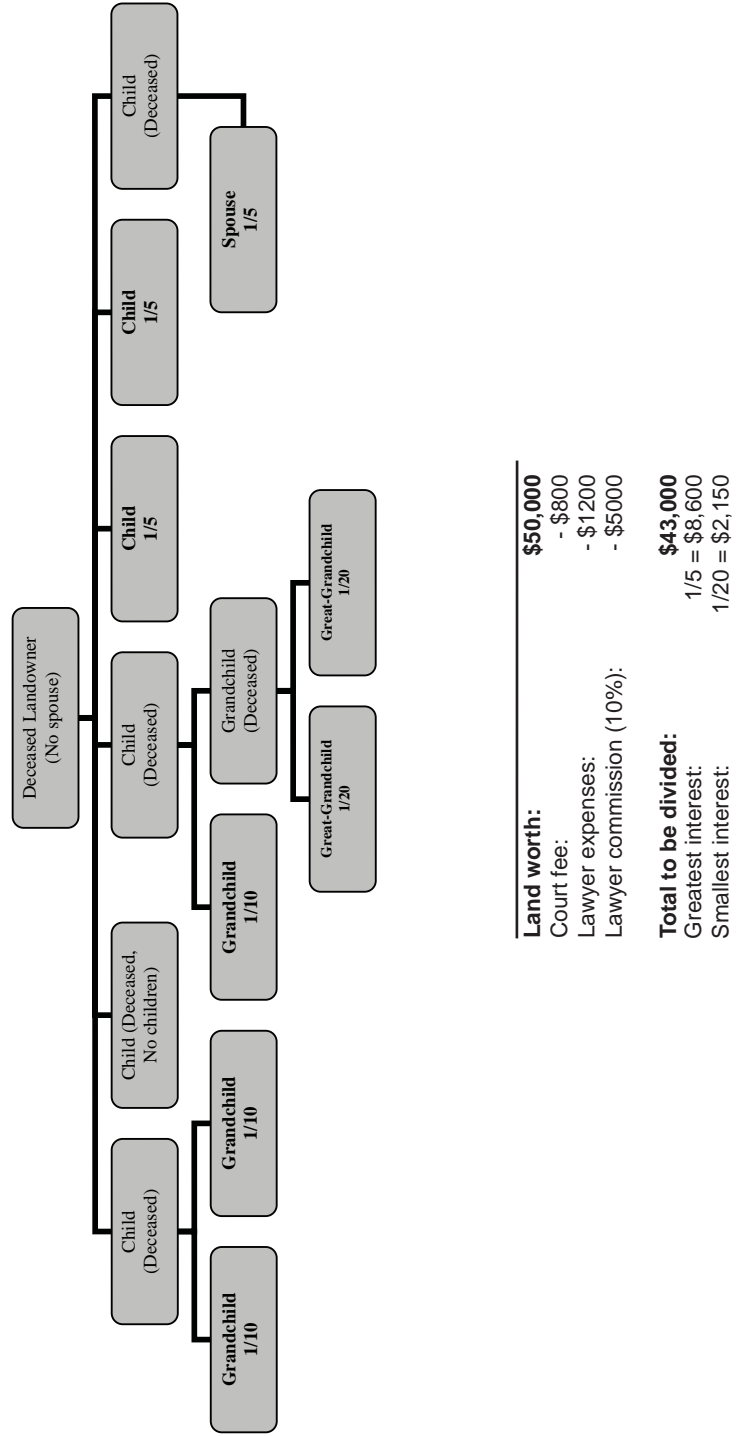
The cartographer says that African Americans are hesitant to sign anything. He says they are often afraid that someone is trying to take something away from them. But, he warns, the lack of a will can be more costly in the long run and frequency of family communication may affect those costs. An attorney and university professor says that heir property owners must realize that because the deed to their land is not clear does not mean a will is unnecessary. Even if a title to property is not clear, heir landowners can still leave interests to future generations through wills and prevent further fractionation. If someone in the future decides to file a suit for partition or clear the title, the title search should eventually reach the individual who left a probated will.

Partition Sales

One way to clear the deed to the land is to force a sale for division. Such sales are not always pursued by family members. Sometimes an outsider has bought a co-owner's interest and forced the sale. Also, during a partition in kind (a physical division of the land among co-owners) if land cannot be divided equitably, the probate judge can order a sale of the land. If an heir property owner has decided to file for a sale for division, the chain of ownership must be researched and any remaining title issues, such as outstanding liens, must be cleared up. Everyone entitled to a share of the land is notified of the lawsuit and the court orders an appraisal of the land. Once the suit is filed, there is a time limit within which family members may buy the whole tract of land at fair market value before it becomes available to public buyers. If a family member cannot be reached when a suit for partition is filed, the court will appoint a guardian *ad litem* to act in the interest of the missing relative.

Once the land is sold to the highest bidder, state law determines how the money is split up. The Code of Alabama specifies how property is to be dispersed if someone dies intestate. Figure 1 displays how proceeds of a partition sale may be divided among heirs of different generations. An attorney says that often one or two co-owners who want to opt out of ownership and get paid for their shares will come to him. Heirs also seek his services when they can't get anyone to help them pay the property taxes or because they are trying to get a mortgage, but are unable to because the title is clouded. The first step in the legal process is to identify all of the heirs and their relations to the deceased landowner. Attorneys will use obituaries, testaments of individuals outside the family, funeral programs, and even private investigators, to identify heirs. But when there are many people involved with a small parcel of land, the amount of work involved to identify all the heirs and the percentage of each share is not worth what little the land may be valued at. When a partition sale is held, the

Figure 1. Example of a family tree and division of proceeds from a partition sale.



attorney receives a percentage of the sale, like a real estate agent. So, like a real estate agent, attorneys work to get the most money out of a sale.

Another attorney explains that there usually has to be some sort of catalyst before people seek sales for division. A county probate judge says that it's usually because there is a conflict in the family. "If you've got unscrupulous kin, they can mess you up," warns a county trailer-home inspector, "If people want money, they don't care anything about the sentimental value [of land]." But even if someone decides to pursue a sale, it doesn't always go through. An attorney explains that many people, once they begin the process of determining who the heirs are and how to get in contact with them, just give up trying to construct the family tree. They become overwhelmed and choose not to clear the title. The process to construct the family tree and get relatives' contact information can be expensive and time consuming, the lawyer explains, so "they say 'to heck with it, my kids are going to get it [the share of property] anyway.'"

The former paralegal and housing counselor says that she has seen families destroyed over sales for division. Many heir property owners, she says, are under the impression that no one in their family would seek a partition sale. Oftentimes, heirs located in other parts of the country have different ideas about the value of land. "Ten acres in California is worth half a million [dollars]," she says, "Ten acres in Hale County is worth \$40,000 at best." People elsewhere think they're going to get a lot of money if they force a sale, unaware that with the court costs, lawyer fees, and low property values, they will actually end up with very little. Another housing counselor agrees, saying that often people who have moved away think the land is worth more than it actually is so they don't want to sign over their shares to those who reside on it. But not all people have such misguided notions about land value. The former paralegal says many people don't think it is worth it to have a sale for division, which she understands since she has seen cases in which people have been paid \$2.70 for their miniscule interest in the land. Sometimes it costs more to perform a Quiet Title action (a court proceeding to identify heirs and "quiet" any claims or challenges to the title) than heirs would end up receiving once proceeds from the sale are distributed.

Timberland

Any decisions regarding the use of the land must be agreed upon by all co-owners, regardless of the size of their share or whether they help pay the taxes. This also includes decisions that may reap financial benefits for the owners. If timber is harvested from the property and sold, then each heir must receive payment. However, that is not always what happens. While most timber companies won't accept timber from land that does not have a clear deed, some less scrupulous companies will.

If a company purchases timber from an heir landowner without paying all owners entitled to the property, the other heirs may sue the timber company. It is the responsibility of the timber company to conduct a title search before purchasing timber from privately owned land. Many heirs are unaware of their rights and do not seek compensation they're due. Gwen, the heir property owner who returned home to look after her ailing mother, has experienced the frustration of being shortchanged:

“I heard my grandma [whose name is on the deed] say if anyone ever get into need” the timber is there. But, Gwen says, when she and her sister needed some financial help, their brother refused to harvest the timber. Later, when he needed some money, he sold some timber, but didn’t share the money with the rest of the heirs.

An Extension specialist in urban and community forestry used to work for a consulting firm in Opelika, Alabama. While there the firm was contacted by an individual who wanted to sell timber off his 40-acre tract. The company evaluated the land and prepared a sale of the timber, but had not done a title check on the land. Whenever people contacted the consulting firm about selling timber on land they claimed was theirs, the firm usually took them at their word. When a timber buyer performed a search of this man’s land, however, the company realized the land was heir property. The man was told that in order to sell the timber, he had to acquire signatures from his co-owners, of which there were about 13. The forestry specialist believes the man was the only family member left in the area and wanted to manage the land, but didn’t know that his actions had to be approved by all his co-owners. Because the family was spread out across the country, he wasn’t able to get those signatures and the sale fell through. After that situation, the Extension specialist says, the firm was more careful about checking titles.

Timber buyers, who generally work for or with mills, typically have someone who goes to courthouses and performs title searches for the company. If they don’t confirm the land is under clear title, they could find themselves in a legal mess. Smaller or untrustworthy companies may disregard their legal duties, he says, but larger, reputable buyers avoid heir property. Because of the legal contingencies involved, many heir property owners who have timber are left without a market. Also, the tracts tend to be smaller, and, depending on the number of heirs, the profits from the sale may be divided up among many people.

Housing

Census Bureau (20) statistics for Bullock and Hale counties provide some insight to housing conditions found in Alabama’s Black Belt (Table 4). Much of the Black Belt falls in West Alabama—an area prone to hurricane-related damage. Storms can be especially destructive in the region because of the prevalence of substandard housing and mobile homes. In Hale County 35.6 percent of the housing units are mobile homes. About one-third (33.6 percent) of owner-occupied homes in the county are valued at less than \$50,000 (the national median is \$119,600). Bullock County, which is smaller and has fewer housing programs, reflects similar conditions: 32.8 percent of housing units are mobile homes and 42.8 percent of owner-occupied homes are valued at less than \$50,000.

In his fieldwork for the completion of his Master’s thesis (11), Patrick Kennealy, now the coordinator of the National Healthy Homes program for the Alabama Cooperative Extension System, discovered a high occurrence of heir property in Greene, Hale, and Sumter counties. Land held in such title has significant implications for housing in Alabama’s Black Belt (11). More than half of his respondents were residents of heir property and were unable to secure Rural Housing Services Section

502 home loans because they lacked clear titles. Yet respondents in Kennealy's work maintained a "neutral attitude about heir land and described it quite nonchalantly" (11:86). While respondents he spoke to said they had no problems with heir property, housing service providers felt quite differently about the subject, viewing it more as a detriment to economic development in the Black Belt.

In her position as director of Hale County Housing Resource Center, a HUD-certified counselor and her coworkers encounter heir titles on a daily basis. The nonprofit organization helps low-income residents of the community by providing information to about 500 families each year about home repair, home ownership, and rental assistance. It also acts as the local Habitat for Humanity chapter. Landowners without a clear deed cannot access federal or state funding for housing. Because of this, the director says, heir property is one of the contributing factors to the prevalence of substandard housing in Hale County. "Normally in a town you build wealth through homeownership," she says, but with heir title, property owners do not have access to the financial capital needed to build that wealth. She meets people on a daily basis seeking help through housing programs, many living in dilapidated homes beyond repair. When she explains that without a clear title to their land they are not eligible for funding, many lose interest and choose to buy trailer homes with inflated interest rates and decreasing equity. Aside from not being required to have clear title to the land, amenities, such as a washer and dryer, are big selling points for trailers. Another housing counselor says people don't realize the financial downside to trailers and that lack of education about personal finances and interest rates is a big problem.

Because she believes people need to have a vested interest in their homes, the director encourages them to consider the options for homeownership available to them if only they spend a little bit of money first to clear up their title. But most still decide not to pursue the matter further. She thinks that efforts to keep land under heir title are not due to laziness or financial restrictions, but that heir property owners "don't think of it [the land] spatially.... It's so much more cultural." They want to preserve that emotional meaning for their families. They do not realize that they are vulnerable living on heir property, she says. People will forgo housing program options because

TABLE 4. HOUSING PROFILE OF TWO STUDY COUNTIES COMPARED TO ALABAMA AND THE UNITED STATES, 2000

Variable	Bullock County	Hale County	Alabama	United States
Median value	\$56,600	\$66,300	\$85,100	\$119,600
Owner-occupied homes valued < \$50,000 (%)	42.8	33.6	19.2	9.9
Mobile homes as total housing units	32.8	35.6	16.3	7.6
Lacking complete plumbing facilities (%)	0.7	3.0	0.6	0.6

Source: U.S. Bureau of the Census (2000)

they don't want to clear up titles or move away from their family land. As distant relatives retire and move back home, they are able to set up trailers on the land next to family members. "That innate poverty ... really dictates choice," she says.

CASE STUDIES: CONFLICT AND COHESION

While the legal and bureaucratic challenges of heir property have been well-documented, the cultural dimensions have been largely ignored. Below are several case studies that demonstrate how heir property can be a source of conflict (like in Jo Ellen's case), a form of cohesion (like in Ronnie's), or a combination of both (like in Gwen's). These cases were selected to demonstrate that few commonalities exist among all heir property owners; income, education levels, types of homes, and landowner objectives vary from person to person. However, those heir landowners interviewed who experienced difficulties all shared an initial disbelief that such conflict could arise among their family members. Sometimes disputes elevate to lawsuits. In other cases, disagreements arise among siblings about what to do with the land, but instead of escalating to a point where someone forces a sale or takes others to court, the issue just gets dropped. Family members often resist change, especially regarding something as valuable and crucial to family identity as land. It's clear that some would rather forgo the freedoms of clear title in favor of what they see as the security of an undivided deed.

The county trailer-home inspector says he's seen up to seven or eight families living on one piece of heir property: "They don't know who is entitled to what. They just know it's a place for them to live." In some places, such as Taylor's Hollow, there are communities on heir property as well as communities of heir property. People will live on one another's tracts of property, unsure of where one family's land ends and another's begins. A housing counselor and former paralegal has seen the negative effects of heir property: substandard housing, land loss, and families torn apart over suits for partition. However, "if there's a bright side to heir property," she says, it's that heirs "have a place to live." They can put a trailer on the property or build a "shack" or "shanty." For many, they do not have any other options. "No matter how small that interest," she states, "they have just as much right to it as anybody else."

These heir property owners are left out of a property rights system that ignores their needs and their preferred way of life. This population has adapted, finding a way for family members to support one another and provide a constant homeplace. The soil holds more than the foundations to their homes; it holds the foundations to their identities. Heir property owners pointed out the places where they picked cotton or grew okra as children growing up on their families' land. Keeping the land in heir title is a way to hold on to these memories and to create new ones as relatives who left for the industrialized cities decades ago return. This form of adaptation is not conducive to building equity or establishing credit. What it builds instead is something less tangible—relationships, values, social ties, and identities. However, as long as heir property remains on the outskirts of the property rights system, these things may eventually come at a cost.

Jo Ellen

Jo Ellen's family owned 80 acres of land first acquired by her great-grandparents. When her great-grandparents passed away, the land was passed on to her grandmother

and great-uncles. Jo Ellen says the four siblings were close-knit and didn't divide the land. When her grandmother died, Jo Ellen and her relatives inherited the land as well as another 13-acre tract that included the grandmother's house, jointly. Jo Ellen, who is in her mid-50s, laments that the original bond that existed among her grandmother and her great-uncles did not get passed on to the grandchildren as well. "They lived in a different era so they would have never even imagined ... that their land was ever in danger," she says.

Several years ago Jo Ellen's brother decided that he wanted to sell his interest in the property. She offered her estranged brother \$15,000, which he turned down, stating he wanted \$70,000. Jo Ellen couldn't pay that amount, so her brother filed a suit for partition. When the auction of the 80 acres was held (which Jo Ellen missed because her husband had just died), her family believed that the 13-acre parcel, the one with her grandmother's house, was going to be auctioned that same day. They decided the latter tract was their priority so they didn't bid on the 80 acres. It wasn't until after the 80 acres was sold that the family learned the other property wasn't going to be auctioned off. Jo Ellen says the lawyer handling the case withheld that information from the family.

The 80-acre tract sold for \$8,100 to the father of another lawyer at that firm. Jo Ellen's brother, who initially turned down \$15,000, settled for his share, which totaled \$800. She was "mystified" that the judge allowed the land to be sold for such a miniscule amount. She says that type of land (which has never been farmed or lived on) is usually worth between \$2,000 and \$3,000 per acre. The market value for her family's land was somewhere between \$160,000 and \$240,000. In most cases, lawyers get 10 percent of the sale price and therefore have an interest in getting the best price possible, but her brother's lawyer made no such effort.

A few months later, the buyer filed a Quit Claim deed that gave the property to Jo Ellen's brother's lawyer. Jo Ellen now understands why the lawyer did not seek a fair price for her family's land. "He should have objected to the sale on behalf of his client, [but] his mind was on acquiring it [the land]. He was getting a deal," she says, "His interests completely defeated those of his client." Only by chance did Jo Ellen discover that the lawyer had acquired the land. When she went to the courthouse to pay taxes on a separate piece of property, she decided to look up the 80 acres by parcel number to make sure that the owner was paying taxes on it. She got a major shock when she found out who owned the land. The property was recorded under a slightly misspelled version of the lawyer's name, she says, "which effectively separated it from all of his other property." Jo Ellen believes that his name was not entered that way as a mistake. If she had done a search under the lawyer's (properly spelled) name, it never would have come up. "Do you see how incredible that find was?" she asks. "It was concealed well.... Nobody knew that this lawyer owned this land."

Jo Ellen's frustration and anger prompted her to do some research to learn more about her own family's case as well as those experienced by others. She stumbled across the Associated Press series "Torn from the Land," which documents how generations of black families have had their land taken through deceitful and unlawful means. "That was the beacon of light; that told me everything," she says. "This has been going on for years and years and years. This is part of a pattern."

Jo Ellen began writing e-mails, contacting organizations and narrating her story through an online blog, with a mission in mind: "To make him [the lawyer] regret the day he acquired those 80 acres." But she knew taking legal action would be an uphill battle. "I had a hell of a time trying to get a lawyer that was actually going to represent me fairly. They all know each other," she says of the local lawyers. "I had to go outside of that network." The Federation of Southern Cooperatives referred her to a lawyer. Jo Ellen knew she had a tough battle ahead of her and feared her chances were slim. She also knew that small-town politics were a barrier as well. "It can be really stacked against you," she says. "Unless you have the funds and the know-how to get out of that system, you'll have to pay ... to get out of the reach of local politics."

Jo Ellen says that there is no record of the proceedings from the day of the auction. When she went to court with her lawyer, there was no court reporter; her lawyer had to demand one. The court, she says, only does the bare minimum, never going beyond that. "Everybody is a part of all of this," she says, "and these guys [the judges] are their [the lawyers'] buddies. ... It's a system the black families aren't a part of." Jo Ellen's lawyer was able to get the sale of the land set aside and the case moved to the appellate court in Montgomery. In the meantime, she continues her research on the topic of black land loss and partition sales. She wants to do anything she can to help others avoid going through what her family has. "It requires a lot to first figure out what the hell just happened here and to find the help you need and often the help you need comes too late. The damage has been done," she says. She knows she is lucky in some ways—that she found out about what had happened to the land and that, because she has a computer and Internet service, she has access to information that many don't.

Jo Ellen says that families in rural areas are especially vulnerable to and unaware of this pattern of land loss. She considers the actions taken by unscrupulous developers, real estate speculators, and lawyers as criminal: "It's taking advantage of a group of people who don't have the resources and have no idea what they're up against." Measures are often taken to conceal these situations and ties between local people and politics take center stage. Land loss through partition sales, Jo Ellen says, destroys communities. "I'm still stunned that this is actually happening and that there isn't a greater outcry about it," she says, "It is a process of deceit. This isn't legitimate ethical business, [and] it is supported by the legal system and the judicial system."

Samuel

Samuel holds various civic and political positions in his community. He is a co-owner of heir property in Florida, but because it is so divided up and such a small parcel, he isn't concerned with it. It is land left to him and his siblings through a probated will that gives him a lot of grief. Samuel's father had several hundred acres of property when he died. In an effort to keep the land in the family, he bequeathed the property as an undivided interest to his nine children in his will.

There are disputes over the land because the siblings cannot agree on what it is to be used for. All but one wanted to rent farmland out to generate income. Samuel fears that because the siblings cannot settle their dispute, they are going to have to sell the property to someone outside the family. Samuel's father, who endured difficult times while trying to keep the land for the family, took the proper steps by writing a will.

But in effect, he made it easier for the children to sell the land than if there had been no will at all.

Lawyers warn of the danger in leaving land in a will in such a way that it would be passed down in the same manner as if the landowner had died intestate—as an undivided interest. While Samuel’s father protected the land to some extent and the children hold clear title to the land, it remains vulnerable in some of the same ways had it been left as heir property. Consensus is a necessity when managing collectively owned property and any deviant expectations or actions can lead to legal problems.

While Samuel knows it is important to have a will, and is researching options concerning changes to his own, he can’t help but be pessimistic about the benefits of having a will. As he saw with his father’s will, complications can still arise and property can still be lost. “What purpose does the will serve?” he asks, if the expectations and plans of the deceased are not fulfilled. Samuel has reservations concerning leaving property to his children in his own will: “What are they going to do with it? Are they going to sell it? Shoot, I can sell it now!” Despite his own frustrations concerning wills, he says he would encourage people to make wills.

“I know for a fact,” Samuel says, “Daddy didn’t want us to sell his property.” But Samuel cannot afford to buy the land from his siblings at several thousand dollars an acre. So Samuel is trying instead to figure out what to do with his share of the money once they sell the property. He says he’s not going to spend it on just anything. He’s considering investing in some more land, since that’s what his dad had left for him in the first place.

Gloria

After living in Detroit for a while, Gloria moved back to the place she grew up to look after her mother. Before her mother died, Gloria says, she told Gloria: “I’m going to take you uptown and get you your deed to your land.” But Gloria didn’t want to upset the other siblings and have them think she forced their mother to give her a deed to her portion, so she didn’t push the issue. Her mother died less than six months later. Looking back, Gloria wishes she had taken up her mother’s offer.

Gloria has seen what can happen to heir property as co-owners die off and interests split further. She has interest in heir property in two different locations in Hale County. One tract was left by her grandparents. There are too many co-owners of that land to count and some of the folks living on the property aren’t even legitimate family members. “Once it gets into that third generation,” she says, “it’s almost impossible to divide it up.” The other land, which is 48 acres held in two parcels, she shares with her siblings, all of whom are still alive. Her family grew cotton, potatoes, watermelons, okra, and corn on the property. She says that although her dad stipulated in the will that the land be divided six ways and distributed on a first-come, first-serve basis, the will was never probated, the land was never divided, and the property fell under heir title. She says her older sister convinced the siblings not to divide the land up. They agreed, she says, because at that time “ain’t nobody thinking about getting 70 years old” and that their situations—and expenses—may change.

Gloria is the only one who lives on the property and wants to get a clear deed to the portion of the tract her home sits on. “We’ve got to cut it off now,” she says, “before

it gets out of control.” She lives in a manufactured home that is in good condition. With a clear deed, she could refinance her home and save money by reducing her loan from 30 years to 15. She pays the taxes for the 25-acre tract she lives on (her brother pays the taxes for the 23-acre tract), and has paid someone to survey the land surrounding her home. She had a lawyer draw up a deed giving her 3.57 acres out of the tract. Two of her siblings have signed, but the other three refuse to sign. “I can’t go up there and get *my* deed to *my* land if everybody doesn’t sign it,” she says. She suspects that her siblings are reluctant to sign over the land because it was important to their father, who they believed would have wanted it to remain in the family.

Gloria is worried about what will happen if the deed isn’t cleared up. She has five children, 11 grandchildren, and three great-grandchildren. “Can you imagine if one of them comes down here 20 years from now what a mess it will be?” Gloria doesn’t see “the problem” of heir property going away any time soon. She says there is a lot of it in Hale County and “if they [the residents] keep the mind set they have, it will all be heir property. ... One more generation and they will lose control of it.”

Alexis and Bobby

While most of the land in Taylor’s Hollow is heir property, the tract that Alexis and Bobby live on is one exception. Before he died, Alexis’s dad deeded one tract of his land to her and her husband. Alexis’s father didn’t want the land sold, Bobby says, so he gave her the land “because she wouldn’t go out there and be easily talked into selling anything.” Bobby says her father probably also worried that the other children would have let others live on the land. The rest of the land Alexis’s dad owned was never deeded to anyone and when he died, it became heir property. Several of Alexis’s family members live on the land in trailers and homes built by Auburn University School of Architecture’s Rural Studio. Alexis, who is also a co-owner of that property, says she wishes her father had deeded the land to someone, but she thinks he was worried that they would sell it. “I thank God that he did do it [draft a deed] for me,” she says. Alexis thinks it bothered her siblings that she got the land while no one else was given a deed. Alexis says she shared a close bond with her father. Even though she is not the oldest, she was the first of her siblings to buy a car and a home. “I always tried to work and have something.... That’s something he instilled in me,” she says. Alexis and Bobby also believe that her father deeded the land as a way to protect her. “He didn’t want me to go through that,” Alexis says of heir property.

Alexis and Bobby worry that because the deed to the rest of the land is not clear, there is likely to be conflict among the siblings that live on the land. For a while, there was a dispute between her brother and sister because he didn’t want her to build a house out by “his area.” “When we was younger, we each picked out a spot,” Alexis says, “We always had our little spot, our little ground to build a house.”

Even though they have a clear deed to their land, Alexis and Bobby have still faced challenges. Someone wanted to put a trailer on their land. They have given up trying to clear the weeds away on the land up by the road because they’re afraid people will keep trying to put a trailer there. So they just let the property get overgrown. Alexis and Bobby say they would like to see the land and their house stay in the family. While they have not drafted a will yet, they plan to leave their house to their oldest daughter, who

is a “little more mature” than the other children. But the couple has no plans to ever sell the land to someone outside the family.

Gwen

Gwen left Michigan to look after her mother, who suffers from Alzheimer’s. She lives next door with her two children and their significant others in her mother’s old trailer on land left as heir property by her grandparents. At one time her father farmed the land, growing cotton, peas, corn, and okra. Now the land serves as home to seven family members. Her brother, mother, and niece all have gardens. Along the side of the road leading to her home there is a cemetery where her father and sister are buried. “The land is never to be sold,” she says, “because my grandparents fixed it so it can never be sold.”

Gwen wishes she could improve the home she shares with her children. She is frustrated that because she lives on heir property, she is not eligible for federal funding for housing. She insists that there would be no problem with her co-owners if she were to build a house. But she does admit that there has been some conflict among her family members, including that over the sale of timber. While most of her family members keep to themselves and all pitch in to pay the taxes, she says, her brothers “want to be the boss.” When her father passed away, he put her uncles in charge to handle the taxes, but then they passed away, leaving that responsibility to her brother.

Gwen says that at one point her niece wanted to build a fence around her home, but Gwen’s brother told her she couldn’t. Gwen says she told her niece that it was her home and could do anything she wanted to. Although Gwen believes that everyone should be able to decide for themselves what to do with their homes, she admits that one disadvantage to heir property is that “it’s got to be everybody’s say so.” But despite such potential for conflict, Gwen believes heir property still offers a level of flexibility few other property systems can.

Della

Della lives on land that was deeded to her mother in 1958. Her father originally owned the property, and when he died her mother paid off the lien on the land, securing ownership. Della now shares the property, which consists of about 20 acres, with her children, living siblings, and the children of those who have passed on. Because her mother had nine daughters and three sons, there are a large number of heirs entitled to the property (one of her brothers had 12 children and a sister had 10). Della grew up in a house on the land that later burned down. When she was a child, Della, along with her siblings, helped her father grow corn and cotton. She now lives with her youngest son in a house that her uncle built for her and her mother. The house sits on a road that shares her family name; it was given her father’s last name when 911 addresses were issued in the area. Those that live on the land all pitch in to pay taxes.

Della’s home was damaged by multiple hurricanes in recent years and is in need of repairs. She has been waiting three years to get a grant from Rural Development for repairs. She says as time goes by, the damage to her home gets worse and the costs required to fix it continue to rise. She has been unable to get a grant because the home was built on heir property. She has considered trying to clear up the title to the land, but

when she asked her sisters about dividing the land, they couldn't all agree, "so I just didn't worry about it." Della says that if all the siblings would consent to clearing the title, it would be no trouble to do so. But she knows her sisters won't agree to it: "They just wanted to leave it like momma and daddy; they just didn't want to divide it up."

Della has a clearer understanding than most about how heir property works. But one thing she doesn't understand is how her sister, who lives next door on the same property, was able to get a \$7,500 grant from Rural Development for repairs to her home. A title search revealed that in 2005, a Quit Claim deed was filed by one of Della's sisters, who was entering a nursing home and didn't want her interest taken when she died. Perhaps when Rural Development performed a title search, this deed was mistaken as the only one necessary for Della's sister to have clear title.

Della, whose daughter lives in a mobile home on the land, likes having family members so close by and the flexibility heir property offers them: "If any one of them wants to put a house on the land, they can, as long as there is enough room!" Della understands the challenge of finding suitable housing and the role heir property plays. "The only catch to that [heir property] is most companies want you to have a clear title to a tract where you can build a house." Della says, "With a mobile home, they'll just put it on the property." While she would prefer the family's deed to the land be clear, she acknowledges that having the land under heir title can eliminate at least some of the burden for family members trying to find somewhere to live. "The advantage of it [heir property]," she states, "is that whoever wants to put a home here can; they don't have to look for property anywhere else."

Ronnie

Ronnie, an heir property owner, lives in Taylor's Hollow with his wife and young children on a piece of heir property he says his dad gave to him. Ronnie built his family's house himself: "Me coming up with my dad—anything we lived in, he built." Ronnie's father passed those skills on to his children. "Everything he did, you had to learn." Ronnie and his wife manage a small, fenced-in garden alongside the house. There they grow greens, tomatoes, peppers, squash, and cucumbers. Ronnie says his father used to farm the land, but now it primarily serves as a place for Ronnie and his relatives to live. According to a housing counselor, Ronnie will occasionally come to the Housing Resource Center to get materials to repair his house. She says that sometimes there are leftover materials from Auburn University's Rural Studio, so the housing organization will give them to Ronnie and his family because they "are so dedicated to doing their work."

Ronnie says the family members who live on the land—he estimates about nine do so—all pitch in and give his sister money to pay the property taxes. While he doesn't know the exact size of the property, he estimates that there are about three acres. When asked if having an heir title has caused any conflicts with family members, he says "No problem with me ... as long as they leave me a place."

Shortly after Ronnie and his wife were interviewed, they went to the Housing Resource Center seeking money for repairs on their house. Because of their good credit and monthly income, they were eligible for a new house, provided they had a clear deed to land. The program's director says she made a "hard sell" but that they were not interested. She says that staying in the small, close-knit community on heir property was

more important to them than having a house that would build equity. A housing counselor for the organization says that they were also uncomfortable with the idea of making a monthly payment on a home, even though their budget allowed for it. Instead, Ronnie and his wife chose to accept a used trailer home from a Birmingham-based organization, Friends of Hale County. They have attached the trailer to the back of their house.

INSTITUTIONAL ALTERNATIVES TO HEIR PROPERTY

The potential for change can come in several forms. The first is legislative: policymakers can make a difference by examining what laws are in place that may encourage unscrupulous behavior. Residents in Alabama have at least one thing working in their favor. The state is one of few with a “first right of refusal” law. This law grants families a right of first refusal if a co-owner forces a sale. In other words, the law requires that if an heir decides to force a partition sale of the whole parcel, he must first offer his individual share of the property to family members. Family members are given 10 days before the date of the partition sale to notify the court of their intention to buy out the family member. If a price agreement cannot be reached, the court will order an appraisal. Family members then have 30 days to pay the amount, plus court fees (including the appraisal). The heir who wants to sell his or her land can refuse to sell it if he or she does not think the price is fair. At that point the court may force the sale if the land has been appraised and the family members are willing to pay the appraised amount. Without this law, family members are left on the courthouse steps bidding against developers who may later pocket millions from the land.

Partition in Kind

There are different ways to handle clearing the title that avoid having the property sold to or acquired by someone outside the family. While these ways may be less divisive than partition sales, they are complicated, requiring that family trees and ownership histories be established and claims against titles “quieted.” Through a partition in kind, land is physically divided up among co-owners based on fractional interests. After the land is surveyed, property lines are drawn for each person. Each co-owner then receives an administrator’s deed for his or her portion of the land. Partitions in kind are performed under a written agreement that is signed by all of the co-owners and is filed and recorded in the local courthouse. In the agreement, each subdivided parcel is described. Partitions in kind may be done by court order if an heir petitions the court to divide the property. Individuals can also petition the court to have his or her undivided interest “carved out” of the whole parcel (19).

Many view partitions in kind as the best option for heir property owners who don’t want to lose their land or who want to do something (like secure a mortgage) that requires clear title. The county trailer-home inspector believes that the only advantage to heir property lies in its potential: “If you have it divided up and one person wanted to sell it,... [having it divided] keeps you from losing the whole darn thing.”

Legal Services Alabama

Carl Sallé is the Community Economic Development Advocacy Director for Legal Services Alabama, a statewide nonprofit organization that provides free legal

assistance in civil cases to qualified low-income residents. In 2005, LSA began its Community Economic Development practice to help people obtain and retain assets. The program also helps in forming nonprofit corporations that address systemic economic problems that lead to poverty, help entrepreneurs start up micro-enterprises, develop sources of financing as alternatives to predatory loans, and engage in land loss prevention.

Most of the land loss prevention work performed by Legal Services Alabama and its predecessors (in 2003 three legal aid programs in the state were consolidated into LSA) has been done through the organization's office in Selma to assist clients throughout the Black Belt. LSA is in the process of making land loss prevention a core issue for advocates to pursue throughout the state. One challenge in expanding the practice, Sallé says, is lack of staff. Land loss prevention work requires title searches, which are time consuming, even when performed by trained, experienced staff members. Heir property cases often require searches on titles that extend several generations. Sallé and LSA's Resource Development Director have been trying to get funding necessary to fully implement the land loss prevention practice. This practice, Sallé says, would include teams made up of an attorney, a paralegal, and an administrative assistant. LSA hopes to get funding for four such teams.

One legal means LSA uses to help families that want to protect their property as an undivided interest is the formation of family land trusts. Through a family land trust, a donor or donors (those whose names are on the deed) form a trust. A trustee (who may or may not be a family member) is designated and makes decisions regarding the property on behalf of and for the benefit of the beneficiaries (the remaining family members). Since the trust holds title to the land and it is not divided among heirs, the title remains clear, and the land is less likely to be lost through neglect or suits for division than were it left as heir property. Although the beneficiaries might change as families expand or heirs die, the land remains the property of one grantee—the trust—and there is no confusion about who pays the taxes and is responsible for maintenance. These responsibilities are stipulated in the trust agreement. The trust agreement also specifies how any income generated by the land is to be disbursed.

Forming a family land trust, Sallé says, "can preserve that piece of property a lot longer" than having the land partitioned off. Sallé understands that people are not comfortable having the land divided up or sold outside of the family: "One thing that I see is that 'homeplace' mindset." People don't want to lose a place where family members can come and go as their needs warrant. But Sallé warns that a family land trust "should not be considered ... a one-size-fits-all solution, but it is one of many vehicles that can be used by families in an attempt to keep real property from being encumbered with title issues created as a result of no prior planning."

Center for Heirs' Property Preservation

In March of 2005 a new nonprofit organization formed in South Carolina to provide educational and legal assistance to heir property owners. The Center for Heirs' Property Preservation (CHPP), located in North Charleston, began three years earlier as a public awareness project. The Center's director, Jennie Stephens, says that it "started out as a conversation with the community." Several years ago, the Coastal Community Foundation of South Carolina (CCF) was awarded Ford Foundation grants to address

rural economic development. Focus groups conducted in the area revealed that heir property and barriers to its development were key concerns. A report was prepared by the local Urban League and used to aid a committee in developing a project that would address the issues that affect heir property owners from a holistic perspective.

In 2002 the Heirs' Property Preservation Project was created. Through this project, the CCF staff partnered with several other organizations in the area. After much debate, it was decided the primary goal of the project would remain on educating the public, with providing legal services being secondary. The project brought significant local, state, and national attention to the work that was being done by one lawyer and one paralegal, who were receiving support from an advisory committee. According to Stephens, they had a lot of cases, but they were not moving very quickly.

Due to upper level management changes within the agency that housed the project, the advisory committee decided to create a separate entity. Initially funded by several foundations and government organizations, the Center, after its inception, raised additional money, allowing its staff to increase to five: two attorneys, a paralegal, an administrative assistant, and Stephens serving as executive director. The Center serves five counties in South Carolina (Beaufort, Berkeley, Charleston, Dorchester, and Georgetown) and works with local leaders on planning and development efforts, promoting equitable growth throughout the region (5). Along with serving the community at large, the Center provides educational and legal services to heir property owners, nonprofit organizations, attorneys serving heirs, as well as judges hearing heir property cases.

The Center's goal is to make sure low-income heir property owners who are at risk of losing their land are aware of and exercise their full rights as property owners. The organization informs heirs of alternative ways to clear titles to their land; it even provides representation through attorneys from other organizations or private firms. The staff members conduct educational seminars, draft legal documents (such as pleadings, complaints, wills, and deeds), and help clients research titles and genealogy. Stephens estimates that about 40 percent of the staff's efforts go toward educational services. She guesses about another 35 percent goes toward legal services, 10 percent toward what she calls community education or organization, and the remainder toward administrative duties. However, since the Center hired its second attorney in August of 2006, Stephens expects the amount of time devoted to legal services to increase.

Even though they have expanded their legal capacity, education has always been and will remain the organization's major focus. Educational tools used by the Center include a booklet written at an eighth-grade level that presents the facts about heir property while dispelling the myths. The Center also produced a 19-minute video to provide information to those who cannot read. Attorneys will go into the community to do two-hour seminars. The organization also gives presentations at local festivals. Much of their advertising is by word of mouth, Stephens says. People will approach the Center, requesting that someone do a seminar in their community. Through public presentations, the Center tries to inform people of their options. However, Stephens stresses that "preservation" is part of the Center's name: "Because we don't charge for our legal services, we don't accept clients who tell us they are going to sell their property." But beyond that restriction, the Center does not apply a cookie-cutter solution to every heir property case.

One thing the Center and its managing attorney have encouraged some families to consider is forming limited liability companies. “Why should you sell your land when you can develop it yourself?” Stephens asks. Existing family members form such companies. The family owns the company, which owns the land. Family members can sell their interests, but only to the company or other family members. The LLC can then develop the property any way it wants, even build condominiums that could generate ongoing revenue for the family. The requirements to create limited liability companies are less complicated than those placed on corporations. They are not required to keep formal minutes, conduct annual meetings of shareholders, record resolutions, or draft bylaws. Because the company is limited liability, members cannot be held personally liable for debts incurred by the company. Members may even deduct losses of the company on their individual tax returns. Limited liability companies can choose varying forms of profit distribution and also have the luxury of deciding how they are to be treated for federal and state income tax purposes. However, some states, including Alabama, levy a franchise or capital values tax on limited liability companies—a fee paid for the benefit of limited liability. This is also a more complex and less-understood form of business, so finding investors willing to put up capital for it may be difficult. Although they encourage families to consider forming LLCs, the Center’s lawyers do not handle such cases, but refer people to private firms.

Not all cases go smoothly, Stephens admits. She says that in some legal cases where families are trying to clear the title to their land, they have encountered people who resisted. It’s usually “the little old lady who has always had the land in that capacity, not wanting to change it,” she says, “It’s what they have always known and are comfortable with.” There are also cases where distant relatives have no interest in doing anything with the land and refuse to cooperate. Stephens says the organization puts an emphasis on mediation: “We want the family to have a discussion before it is required to go to court.” Stephens says the response to the Center has been positive. She has also received phone calls from people outside South Carolina who would like to “transplant” the organization to their states. “We will grow,” she says, “The extent to which we grow and when is yet to be decided.”

Houses on the Move

One organization that has taken notice of heir property and made efforts to counter some of its negative effects on housing is the Houses on the Move program (10). This program was implemented by the United Methodist Relief Center. The UMRC provides homes to rural, low-income residents of Charleston, Berkeley, and Dorchester counties of South Carolina—three of the counties served by the Center for Heirs’ Property Preservation. The housing conditions of these counties mirror those found in Alabama’s Black Belt—lack of basic necessities and serious health threats caused by insects or inadequate waste disposal systems. About half of the program’s applicants live on heir property. Through the Houses on the Move program, the UMRC is able to side-step many of the legal problems caused by heir property, as well as the issues surrounding manufactured homes (decreasing equity and expensive repairs). Homes are donated to the UMRC, which moves and rehabilitates those homes, while the donors receive tax deductions. If a house is too large for a family to afford utilities

and maintenance, it is sold to generate funds for the program. In its first three years, with no advertising, the Housing on the Move program received 32 donated homes.

While this program is a cost effective way to provide single family housing for those who could not afford it otherwise, it has its limitations. First, there must be enough suitable houses in the area. This model is appropriate for places, like the South Carolina Lowcountry, with rapid suburban growth into rural areas. Rural tourism destinations are ideal because of the development and rebuilding that takes place and the number of older homes being replaced

CONCLUSION

In order for heir property to work and because of its communal nature, informal rules guiding management of the land must be followed by all those entitled to it. Even if just one family member plays by different rules, conflict can arise that may be costly and time-consuming. Many living in the rural South abide by rules that can't be found in books. Verbal assurances are treated as valid, contractual agreements. But America's 21st-century society does not operate by the same set of standards. Bureaucratic processes and red tape often prevent those who cannot afford lawyers, lack access to information or technical assistance, or are illiterate from exercising their rights as property owners.

It is clear that land held under heir ownership has economic consequences. Substandard housing and abandoned lots are proof of this. Yet the high numbers of people who live on heir property and chose to remain there suggest that there are still individuals in the 21st century who prefer this communal arrangement. Raising their children in a close-knit community where their ancestors once labored may provide a more real sense of security than any amount of money could give them. It would be wrong to assume that heir property persists simply because of ignorance or indifference. While few respondents were fully aware of all the ramifications of holding land in this capacity, most understood that there were consequences and that they were sacrificing certain opportunities by keeping their land under heir title.

The majority of the commentary found in these pages is critical of heir property. Many view this institution as a problem that needs to be addressed or even eliminated. The legal and economic ramifications of property held in this form are clear; lawyers, housing services coordinators, community program directors, and even heir property owners testify to this. However, heir property residents—those who live on the land and share a common space with their loved ones—demonstrate how this is a form of communal property that is supportive of certain cultural values held by some of the state's poorest citizens. This collectively owned property system meets the needs of a sub-set of the rural population in ways that formal, individualist-centered property regimes cannot.

Many of the respondents working in the legal sector and with housing services said that trouble often starts when someone who has moved away decides to do something regarding the land they no longer live on. Family members are scattered about and many live in urban areas, far from rural life. It is these co-owners, who have become part of the modern society, that appear more likely to force partition sales. These heirs are living lives among capitalists and see property differently from those

who still reside at their homeplace. As African Americans are brought into mainstream and oriented around merit and capitalism, their fidelity to collective responsibilities are bound to lessen. They live in opposition to rural traditionalism and see property as an asset that, well-defined, can be transformed into something they can use more readily in their daily lives—cash.

It appears that to most of the respondents in this study who do not own heir property, any property that falls outside the capitalistic, individualist-oriented, formal system of the United States is considered worthless. If land cannot be treated as a commodity, it has no value, at least not the kind of value the respondents think heir landowners would benefit from the most. But why shouldn't existing laws guiding property systems evolve to serve those on the fringes of society who need such protections? While most communally owned property systems are considered outdated and inconsistent with modern socioeconomic organizations, they may be the most viable form of land and resource management for particular groups. Heir property serves as a source of stability—a home for those who may have nowhere else to go. Batteau, Falk, and Stack all demonstrate why land must be considered as more than an economic entity. In order to fully understand the persistence of heir property, a balanced understanding must be sought, one that considers cultural value.

The United States property rights system does not recognize heir property as a legitimate form of ownership deserving of the protections other forms enjoy. Getting this existing system to change to reflect the needs of heir property owners is not a likely outcome. If heir property owners employ strategies, like forming family land trusts, to work within the existing system, they may have a better shot at preserving this communal lifestyle.

Rather than presenting only alternatives to heir property, organizations need to tailor their roles as educators, providing information about vulnerabilities and property ownership rights and options. Facilitating resolutions and providing legal assistance should be secondary goals. As landowners, community services, and policymakers become more aware of the effects of heir property and what options are available, alliances can begin to form. Individually oriented property ownership laws and policies should also be examined to determine how they neglect the needs of this vulnerable population. If African Americans hope to achieve a more equitable distribution of assets, they must first take the step of ensuring the future of those they already have. After all, heir property owners are just that—owners—and they need to maintain control over the future of their land and their lives.

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APPENDIX

Glossary

Administrator's deed: Deed drawn up by an administrator (appointed by the probate judge) for land left by someone who has died intestate.

Adverse possession: Process through which someone acquires property without paying for it, usually by occupying it exclusively, openly, and continuously.

Clouded title: An encumbered land title, or one with an outstanding claim.

Family land trust: Agreement where a trustee holds ownership of land for the benefit of the family members; specifies how land is to be used and maintained.

Guardian Ad Litum: Someone appointed to make decisions on behalf of a minor, an incompetent person, or an absent party.

Heir: One who is entitled to inherit the estate of someone who has died with or without a valid will.

Intestate: To die without a valid will.

Partition in kind: Division of property held communally by more than one owner; each owner receives a deed to his or her interest.

Partition sale: Forced sale of property held communally by more than one owner; each owner receives a portion of the money collected by the sale, based on his or her interest.

Probate: Court process through which a will is proven valid and the estate is administered according to the terms of the will.

Quiet title action: Court proceeding involving property issues to identify heirs and "quiet" any claims or challenges to the title.

Quit claim deed: Deed that relinquishes whatever interest the seller has in the property.

Tax deed: Deed issued by the court transferring title to someone who has purchased land at a tax sale.

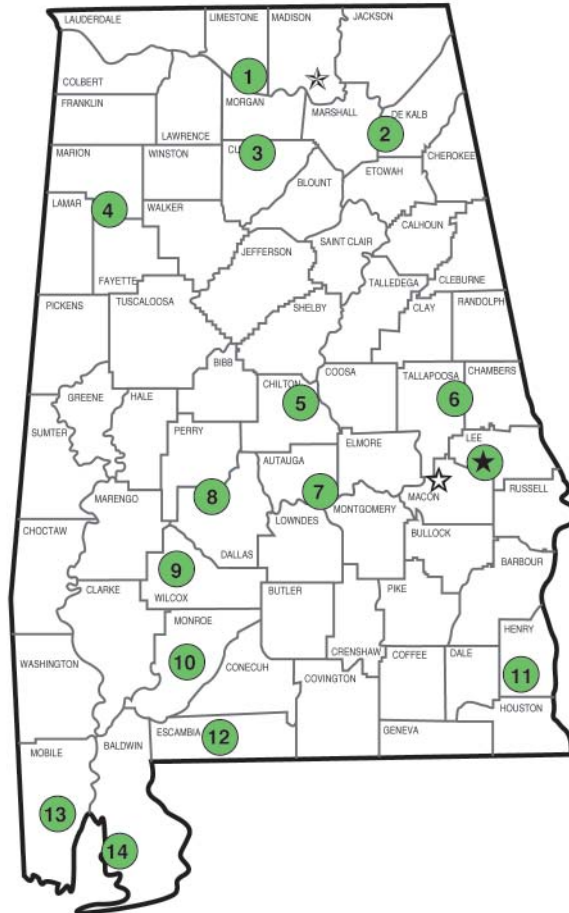
Tax sale: Court-ordered sale of land to recoup unpaid taxes on the property.

Title: Legal evidence of a right to property.

Warranty deed: Deed that transfers full ownership and assures clear title to the property.

Alabama's Agricultural Experiment Station AUBURN UNIVERSITY

With an agricultural research unit in every major soil area, Auburn University serves the needs of field crop, livestock, forestry, and horticultural producers in each region in Alabama. Every citizen of the state has a stake in this research program, since any advantage from new and more economical ways of producing and handling farm products directly benefits the consuming public.



Research Unit Identification

- ★ Main Agricultural Experiment Station, Auburn.
- ☆ Alabama A&M University.
- ☆ E. V. Smith Research Center, Shorter.

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| <ul style="list-style-type: none"> 1. Tennessee Valley Research and Extension Center, Belle Mina. 2. Sand Mountain Research and Extension Center, Crossville. 3. North Alabama Horticulture Research Center, Cullman. 4. Upper Coastal Plain Agricultural Research Center, Winfield. 5. Chilton Research and Extension Center, Clanton. 6. Piedmont Substation, Camp Hill. 7. Prattville Agricultural Research Unit, Prattville. | <ul style="list-style-type: none"> 8. Black Belt Research and Extension Center, Marion Junction. 9. Lower Coastal Plain Substation, Camden. 10. Monroeville Agricultural Research Unit, Monroeville. 11. Wiregrass Research and Extension Center, Headland. 12. Brewton Agricultural Research Unit, Brewton. 13. Ornamental Horticulture Research Center, Spring Hill. 14. Gulf Coast Research and Extension Center, Fairhope. |
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