

Attempting to locate and mediate Heirs
Property in Rural Georgia

Heirs to the Rural Landscape: Solutions and Suggestions

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March 27th, 2024

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[Introduction](#)

Possible Indicators

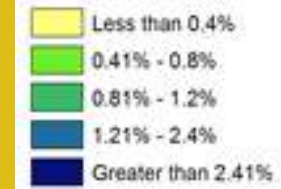
Our Work in Madison

Preventative Measures

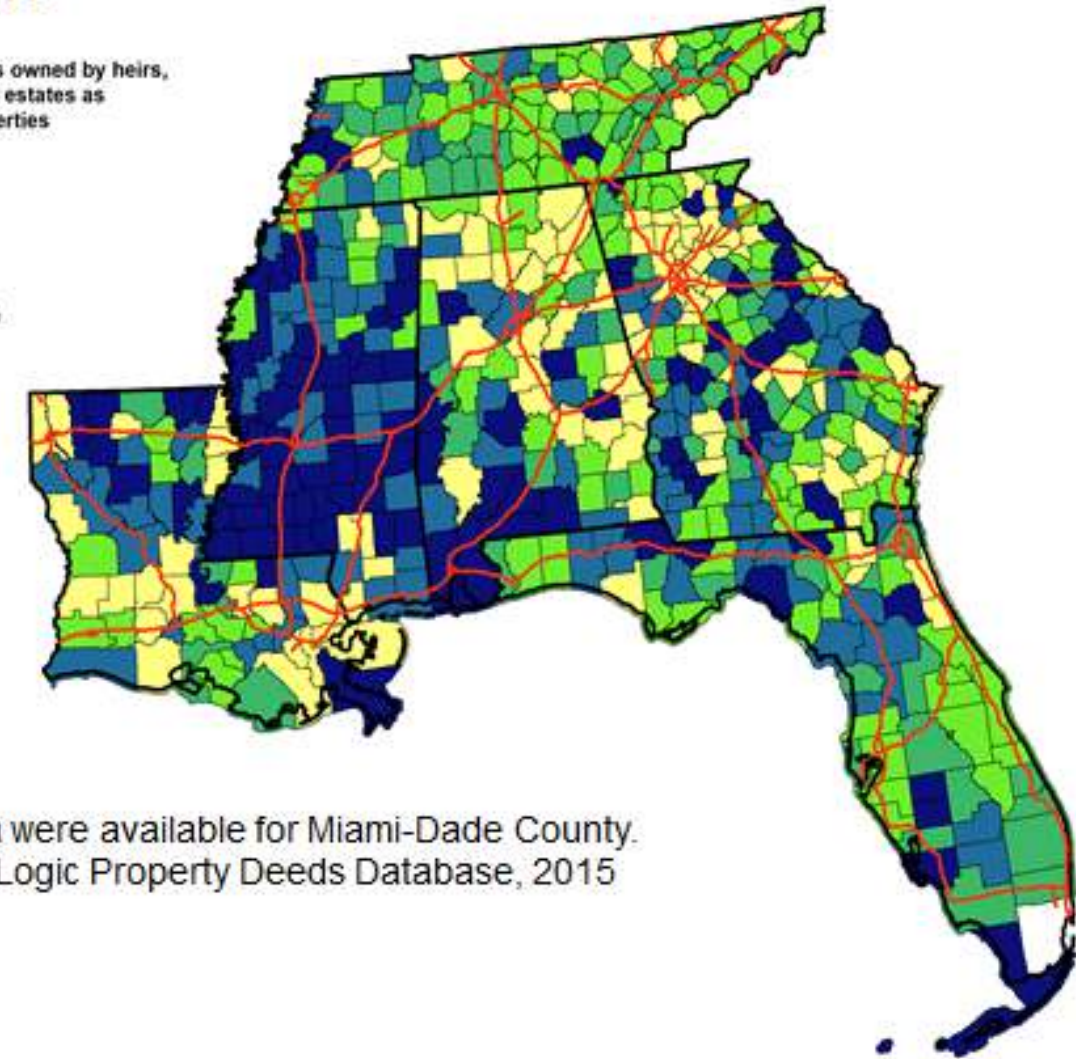
Resources for Residents

Percentage of Residential Heirs' Properties by County in the Southeast

Percentage of properties owned by heirs, tenants in common, and estates as a percentage of all properties



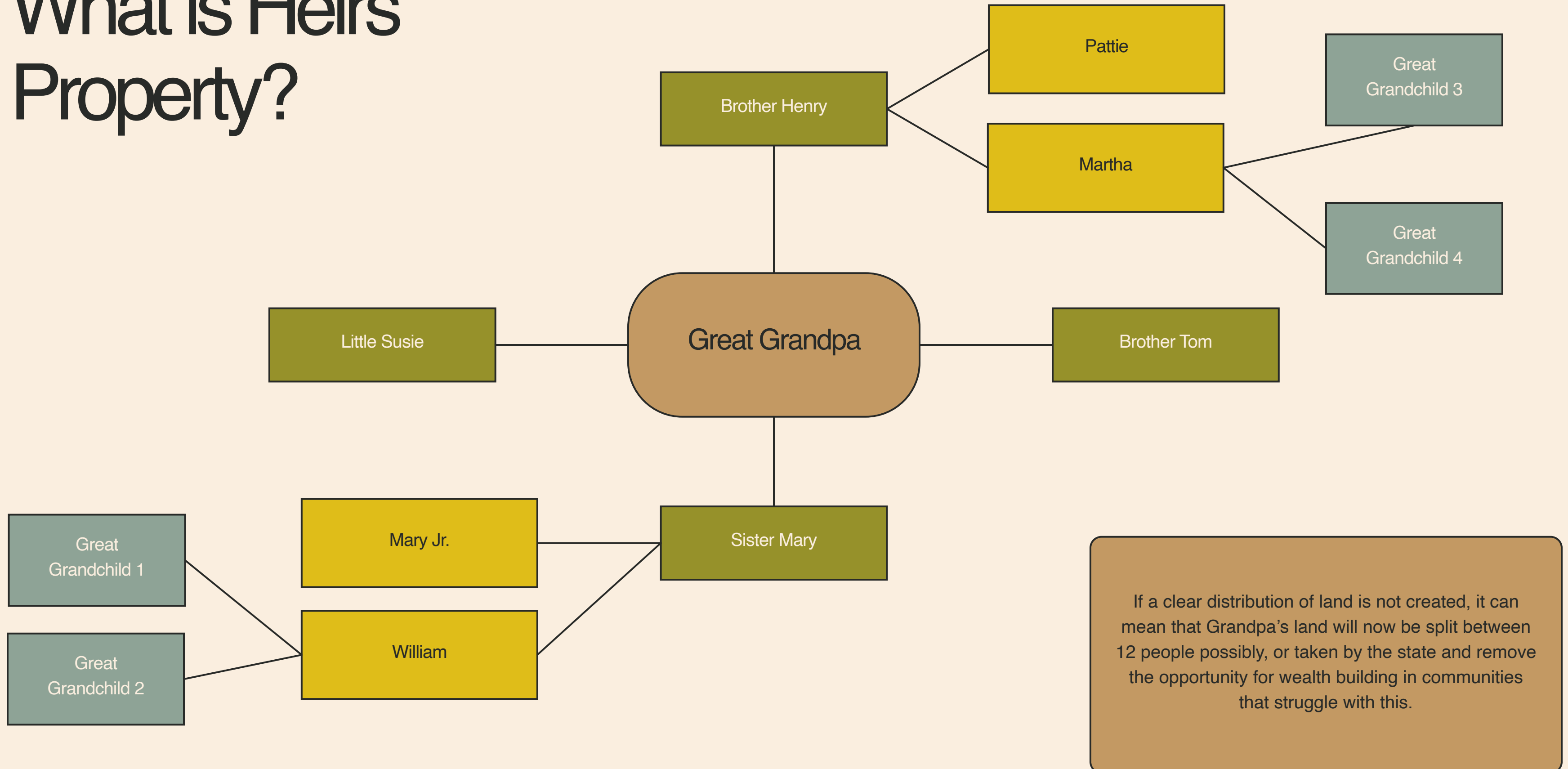
Interstates
States



Note: No data were available for Miami-Dade County.
Source: CoreLogic Property Deeds Database, 2015

What is Heirs Property?

What is Heirs Property?



Intestate Succession in Georgia⁴

The following chart describes some of the many possibilities under Georgia intestate succession laws. If there are multiple generations involved, it is likely going to be important to work with an attorney to successfully identify all the current owners.⁵

If a person dies with:	Here's who inherits:
children but no spouse	the children inherit everything
a spouse but no children	the spouse inherits everything
a spouse and children	the spouse and children equally share the intestate property, unless there are 3 or more children; in this case the spouse gets one-third and the children split two-thirds between them
parents but no spouse or children	the parents inherit everything
siblings but no spouse, children or parents	the siblings inherit everything
children born outside of marriage	If the father was not married to the children's mother when she gave birth to them, then they do not automatically have a right to inherit the father's property. A child born outside of a marriage is considered "illegitimate" under state law. The criteria to determine whether an illegitimate child may inherit from his or her father is determined by the law that was in place at the time of the father's death. For example, the current law provides that an illegitimate child may receive a share of the father's estate if (1) a court establishes the father's paternity, (2) the father has acknowledged his paternity in writing, (3) the father signed the child's birth certificate, or (4) there is other clear and convincing evidence of the father's paternity. However, the burden is often on the child to prove that they are entitled to inherit from the father.

"Heirs property refers to a home or land that passes from generation to generation without a legally designated owner resulting in ownership divided among all living descendants in a family. This unstable form of ownership limits a family's ability to build generational wealth and hampers the efforts of nonprofits and cities to revitalize neighborhoods." - Georgia Heirs Property Law Center

Creates an issue where the occupiers of the home cannot get federal resources without clear title.

“As a consequence, heirs’ property has consistently been found to limit the generation and transmission of intergenerational wealth and to be a contributing factor to persistent rural poverty”

Possible Indicators

High Number of Code Violations	<ul style="list-style-type: none">• Junk violations, Tenant complaints, multiple cars• In our study area, 24 out of the 89 homes had a code violation in the summer-fall of 2023 (28%)
911 Calls	<ul style="list-style-type: none">• Welfare checks, falls, family disputes• 5 of the 86 homes had calls to 911 related to violence, welfare, and neighborly disputes.
Age of Home and Owners	<ul style="list-style-type: none">• Homes built in the 80s, residents in their 70s-80s• Length of time since last sale (over 25 years? Might be a sign)• 63 homes in our study area have had the same owner since purchase
Vacant Homes	<ul style="list-style-type: none">• Who's maintaining the home?
Utility Taps	<ul style="list-style-type: none">• Who pays the water bill? Is it the same name as the owner?• Double check tax assessor records against what you have.• 25 homes in the study area are renter occupied/have different names (allegedly)

ACS22_5yr.B25128. Tenure By Age Of Householder By Year Householder Moved Into Unit

	Estimate		Std. Error
Total:	7,587		149.09
Owner Occupied:	5,640	74.3%	189.70
Householder 15 To 34 Years:	492	6.5%	69.70
Moved In 2021 Or Later	103	1.4%	46.06
Moved In 2018 To 2020	77	1.0%	26.06
Moved In 2010 To 2017	285	3.8%	59.39
Moved In 2000 To 2009	27	0.4%	21.82
Moved In 1990 To 1999	0	0%	16.36
Moved In 1989 Or Earlier	0	0%	16.36
Householder 35 To 64 Years:	3,023	39.8%	160.61
Moved In 2021 Or Later	146	1.9%	44.85
Moved In 2018 To 2020	279	3.7%	61.82
Moved In 2010 To 2017	793	10.5%	118.79
Moved In 2000 To 2009	1,135	15.0%	166.67
Moved In 1990 To 1999	475	6.3%	93.94
Moved In 1989 Or Earlier	195	2.6%	61.21
Householder 65 Years And Over:	2,125	28.0%	101.82
Moved In 2021 Or Later	8	0.1%	9.09
Moved In 2018 To 2020	174	2.3%	46.67
Moved In 2010 To 2017	170	2.2%	40.00
Moved In 2000 To 2009	547	7.2%	83.64
Moved In 1990 To 1999	428	5.6%	76.97
Moved In 1989 Or Earlier	798	10.5%	85.45

Our Work in Madison



Heirs Property Surveying & Probate



HOUSING SURVEY

PLEASE FILL OUT THIS SURVEY TO ASSIST THE HOUSING AND OPPORTUNITY COMMISSION OF MADISON LEARN MORE ABOUT WHAT IS AFFECTING YOUR NEIGHBORHOOD!

SCAN THE QR CODE, OR GO TO WWW.MADISONGA.COM/610/HOUSING-OPPORTUNITY

WHY DO THIS SURVEY?

THE HOC IS AIMING TO ASSIST ALL NEIGHBORHOODS IN MADISON BY GETTING A FULL GRASP OF EACH OF THE UNIQUE ISSUES AFFECTING EACH NEIGHBORHOOD. PERSONAL DATA WILL NOT BE COLLECTED OF THE PARTICIPANTS. PARTICIPATION IS OPTIONAL, BUT HIGHLY APPRECIATED.

PLEASE DIRECT ANY QUESTIONS OR CONCERNS TO AHARRIS@MADISONGA.COM

Home Investment

Neighborhood Revitalization

Growing Housing Options

Senior Housing

Affordable Housing Resources for Residents

Heirs Property Resources

Home > Government > Boards & Commissions > Housing Opportunity > Heirs Property Resources

HEIRS PROPERTY RESOURCES

"Heirs property refers to a home or land that passes from generation to generation without a legally designated owner resulting in ownership divided among all living descendants in a family. This unstable form of ownership limits a family's ability to build generational wealth and hampers the efforts of nonprofits and cities to revitalize neighborhoods." - Georgia Heirs Property Law Center

Intestate - A person dies "intestate" when they die without a valid will.

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    graph TD
      MOM((MOM)) --- DAD((DAD))
      MOM --- FRANK((FRANK))
      DAD --- AMY((AMY))
      DAD --- BRAD((BRAD))
      DAD --- CALVIN((CALVIN))
      DAD --- DONALD((DONALD))
      DAD --- ERICA((ERICA))
      AMY --- AMANDA((AMANDA))
      AMY --- ALEX((ALEX))
      AMY --- ALVIN((ALVIN))
      FRANK --- FRED((FRED))
      FRANK --- FELICIA((FELICIA))
      FRANK --- FELICITY((FELICITY))
  
```

Madison Lawyers to Contact for Heirs Property ProBono

	A	B	C	D	E	F
1	Name	Number	Email	Did you reach them?	Positive Response?	Follow-Up Needed
2	Mr. Example 1	111-222-3333	example@lbp.com	Yes	Yes	No

Preventive Measures



Local Solutions

Will Writing Workshops
Permit Process Updates
Housing Surveys/Assessment Inventory

State

Keeping an eye on legislation affecting
Property Rights

Resources for Residents



Federal	State	Local
<p data-bbox="1502 795 2032 906">USDA The Heirs' Property Relending Program (HPRP)</p> <p data-bbox="1479 1056 2055 1225">Federation of Southern Cooperatives/Land Assistance Fund</p>	<p data-bbox="2155 864 2678 968">Georgia Heirs Property Law Center</p> <p data-bbox="2229 1058 2602 1168">Georgia Agricultural Mediation Program</p> <p data-bbox="2189 1253 2642 1296">Homestead Exemptions</p>	<p data-bbox="2818 832 3235 870">Senior Resource Fairs</p> <p data-bbox="2768 962 3285 1073">Regional Councils on Aging (SGRC-AAA)</p> <p data-bbox="2802 1155 3258 1328">Working with your public servants (Police, Utility, Medical)</p>



Thanks!

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706-342-1215

Special Thanks to Monica Callahan, The City of Madison Planning and Zoning Department, The Housing Opportunity Commission of Madison, and the residents of Madison, GA.

