



A Few Facts about
THE UNIFORM PARTITION OF HEIRS PROPERTY ACT

PURPOSE:

The Uniform Partition of Heirs Property Act (UPHPA) helps preserve family wealth passed to the next generation in the form of real property. If a landowner dies intestate, real estate passes to the landowner’s heirs as tenants-in-common under state law. Tenants-in-common are vulnerable because any individual tenant can force a partition. Too often, real estate speculators acquire a share of heirs’ property in order to file a partition action and force a sale. Using this tactic, an investor can acquire the entire parcel for a price well below its fair market value and deplete a family’s inherited wealth in the process. The UPHPA provides a series of simple due process protections: notice, appraisal, right of first refusal, and if the other co-tenants choose not to exercise their right and a sale is required, a commercially reasonable sale supervised by the court to ensure all parties receive their fair share of the proceeds. In 2018, the U.S. Congress passed a law giving preference for certain federal farm loans to applicants from states that enact the UPHPA.

ORIGIN:

Completed by the Uniform Law Commission in 2010.

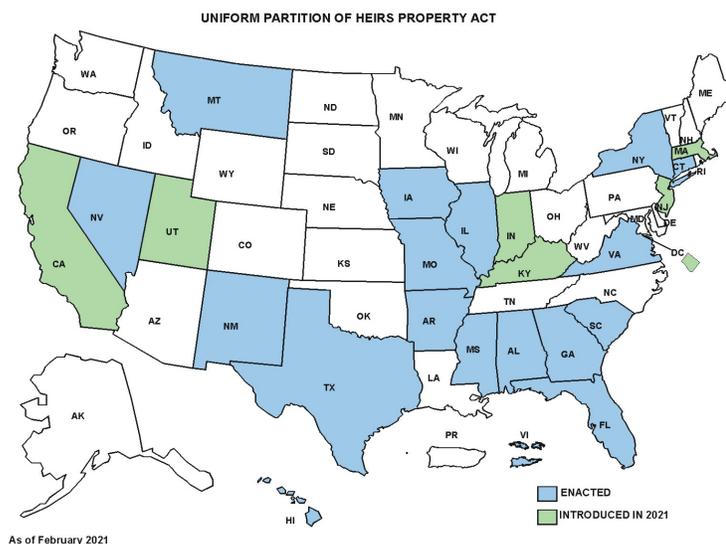
ENDORSED BY:

ABA – Real Property, Trusts, and Estates Section; ABA – State and Local Government Section; American College of Real Estate Lawyers; Council of State Governments; National Bar Association; National Black Caucus of State Legislators; Center for Heirs Property Preservation; Black Family Land Trust; Federation of Southern Cooperatives; Heirs Property Retention Coalition; Lawyers Committee for Civil Rights; Southern Poverty Law Center; American Planning Association, NAACP, Applesed, Concerned Citizens of Tillery, Southern Coalition for Social Justice, American Land Title Association.

APPROVED BY:

American Bar Association; Council of State Governments as Shared State Legislation.

ENACTED BY:



For more information about the Uniform Partition of Heirs Property Act, please contact ULC Chief Counsel Benjamin Orzeske at (312) 450-6621 or borzeske@uniformlaws.org.

The ULC is a nonprofit formed in 1892 to create nonpartisan state legislation. Over 350 volunteer commissioners—lawyers, judges, law professors, legislative staff, and others—work together to draft laws ranging from the Uniform Commercial Code to acts on property, trusts and estates, family law, criminal law and other areas where uniformity of state law is desirable.