



APPLESEED STATEMENT IN SUPPORT OF ADOPTION OF THE UNIFORM PARTITION OF HEIRS PROPERTY ACT

April 1, 2021

Appleseed strongly supports adoption of the Uniform Partition of Heirs Property Act (UPHPA). Alabama Appleseed, Georgia Appleseed, Louisiana Appleseed, South Carolina Appleseed, and Texas Appleseed have extensive experience on issues of heirs' property and the prolific loss of land from African American Communities in their respective states. We have seen firsthand the harm caused by unresolved issues of heirs' property, as well as the benefits of the UPHPA in jurisdictions that have adopted the Uniform Act.

Heirs' property is real property that has been passed down from generation to generation intestate resulting in dozens or even hundreds of tenant-in-common owners. This is primarily due to the lack of trust or access black landowners had for the legal community, therefore not availing themselves of using a will to pass their property to their family. The owners of heirs' property cannot access the value of the property and have lost thousands of acres of land due to questionable development deals and tax sales. Since Hurricane Katrina we saw the additional problem of property owners who were frequently denied disaster recovery assistance, thus putting the owners at risk of losing the property through forced sales actions. This creates significant economic harm to owners of heirs' property and to their communities.

The UPHPA may protect these families by providing due-process protections to families. The UPHPA provides three key due-process protections to prevent forced partition sales of heirs' property:

- Under the UPHPA, co-owners have the right to buy out, at the full appraised value, the co-owner who asks a court for a partition sale.
- The UPHPA establishes a strong preference for partition-in-kind whenever feasible.



- When no owner exercises the buyout right and when a partition-in-kind is not feasible, the UHPA requires the property be listed on the open market at the appraised value, rather than sold at a courthouse auction on short notice at a price often far below the appraised value.

Partition law abuse related to heirs' property is both a rural and urban problem, and the UHPA is one of several legal tools families can use to resolve legal ownership and in turn obtain access to government programs for farming, housing, and natural disaster recovery.

The UHPA has so far been enacted in 17 states from every region of the country, sponsored equally by Republican and Democratic state legislators, and receiving overwhelming support, passing unanimously in about half of the states that have passed the Uniform Act to date.

Sincerely,

Carla Crowder
Executive Director
Alabama Appleseed

Sue Berkowitz
Executive Director
South Carolina Appleseed

Michael Waller
Executive Director
Georgia Appleseed

Deborah Fowler
Executive Director
Texas Appleseed

Adrienne Wheeler
Executive Director
Louisiana Appleseed

Benet Magnuson
Executive Director
Appleseed Foundation