

# **All Land is not Creating Equal: Unleashing Family and Community Wealth through Land Ownership**

**An event hosted by the Center for Heirs' Property Preservation  
and the Aspen Institute Community Strategies Group  
Event Date: November 18<sup>th</sup>, 2020**

## **Frequently Asked Questions**

This document contains almost all the questions asked via the chat box during the *All Land is not Creating Equal* event – which encompassed an overview session, five breakouts, and a closing session over the course of six hours. The questions and answers below are organized chronologically by session, so if you watch the [event recordings](#) you can follow along with the answers to these questions by scrolling down this document. Visiting the link above will also allow you to download the agenda and learn more about the event speakers. If you are looking for a specific topic or answer to a specific question, we recommend searching this document (Ctrl-F) based on the keyword of your choice. If you need more information, contact Brett Wadford at [bwadford@heirsproperty.org](mailto:bwadford@heirsproperty.org).

### **Overview Session – answered by Center staff and overview speakers**

**We are seven heirs to twenty acres of farmland in northern Louisiana. We have been told that we could not do anything that would generate enough revenue to maintain the property. Any insight?**

**Answer:** The first question would be who told you that you could not generate enough income/revenue to “maintain the property” AND what do you mean by “maintain?” It is true that not all acreage is ideally situated for a use that would lead to substantive income to the level of creating true generational wealth. At some point the question may be is the property’s historical and emotional worth sufficient to the seven heirs to pay the taxes and utilize the 20 acres in the most productive way even though such use may not generate the money you want. I don’t know whether you have explored agricultural leasing or leasing in general or other avenues that might present themselves based on the location, best use, and topography of the 20 acres but consulting with your local Ag state and/or private agencies might prove informative.

**My father, a Korean War Vet, died in May 2018 without a will. He told me that I would inherit his land in Georgetown-Liberty Hill in Williamson County, Texas. I have tried off and on to learn the particulars and at a complete loss of where to start/turn. Any recommendations?**

**Answer:** The first step would be a contact the county office that houses the deeds and land records. In SC this would be the RMC (Register of Mense Conveyances) Office or the “deeds office.” Records should be on file indicating who received (bought or was given) land in that particular county. Searching your father’s name on the grantee indices should reveal a deed whereby he acquired his interest. You may also want to search his name in the real property tax rolls for that county.

**How can we stress upon landowners to execute a will to address the root cause? Is there another tool other than a will to facilitate the disposition of land?**

**Answer:** Yes, there generally are and such are lifetime transfer and not testamentary documents. You would want to speak to an attorney within your state to discuss the advantages and drawbacks to these non-Will options for disposing and passing along interests in land.

**That low fraction for standing for partition can be changed by legislation. Has it been unsuccessful?**

**Answer:** I’m unaware of a particular state’s legislation that has increased the required fractional interest to bring a partition for sale. In SC, if you have any fractional interest you have standing. SC has adopted the Uniform Heirs’ Property Act so it would not be beneficial for an heir (or anyone else) to bring a *partition for sale action* with such a small interest as the buyout provisions might prove problematic for eventually forcing a sale and divest the Plaintiff of his/her/their small interest.

**Passing the Act is terrific but identifying and educating potential clients and acquiring expertise to litigate cases is critical. Can nonprofits like the Center be scaled up in other parts of the country?**

**Answer:** This event is a great start in providing awareness and education about heirs’ property. This question is a topic for further discussion as providing educational and additional resources for families is critical in addressing heirs’ property and in helping them keep and protect their land.

**I am a lawyer. My client wants to find out all the land that her mother had an interest in. How can I do that?**

**Answer:** I'm answering from a SC perspective so this may or may not be helpful and I'm assuming your client can at least narrow the search to a particular county. I'm also assuming this is not a scenario where her mother was an owner of record (via a deed or other recorded document of transfer) otherwise, you could find via a grantee search in the deed's office or by a search of the tax rolls. So, we are talking about a scenario where your client believes her mother owned an interest in property by way of intestate inheritance that is not of record with the probate court (by way of a property administered estate). This can be the proverbial needle in a haystack since most of my clients come in with some idea of who their mother would have inherited from and where the property is located. It would almost prove impossible without some additional information from your clients as her mother could be the 2<sup>nd</sup>, 3<sup>rd</sup>, or 4<sup>th</sup> generational intestate heir and unless you know that original decedent owner's name you could not begin to search. Additionally, the full family tree would need to be fleshed out linking your client's mother to the original decedent owner and a title search would need to be conducted (once a full family tree with all heirs confirmed is completed). The title search would involve searching all heirs' names to determine if any intervening transactions divested her mother of her interest and what liens or encumbrances by way of judgements etc., exist of record against those heirs and/or the property. It sounds like your client needs to provide some additional information.

**Is there any resource that helps me know the location, history and current status of heirs' property in Florida? Particularly, I'm interested in Alachua County where I'm starting to do anthropological Ph.D. project.**

**Answer:** Unfortunately, not to my knowledge. You may want to search for any state-wide organizations that are advocating for heirs' property which could lead to grassroots or smaller orgs on the ground in Alachua county. I have no idea if this group might assist, but they helped pass the uniform heirs' property partition act and have some mapping available. They are the Defenders of Wildlife. See <https://defenders.org/blog/2020/06/defenders-helps-florida-pass-uniform-partition-of-heirs-property-act>

**What's the best way to navigate local court system to access vital records and permits during this COVID epidemic? Seems the shutdown is creating more challenges to navigate this process.**

**Answer:** That is a question-and-answer that is unique to the state and county with which you are dealing. Most clerks of court have websites where you can search the docket as well as search for cases by parties, case number, etc. As far as permits, you are going to be limited to the processes your county/state/local municipalities have created and implemented as far as securing a permit. Most have websites as well as employees working phone lines to answer questions (at least in SC) so you may need to go that route first.

**Does anyone know of organizations involved in heirs' ownership issues in New York State- particularly upstate?**

**Answer:** You may want to search for any state-wide organizations that are advocating for heirs' property which could lead to grassroots or smaller orgs on the ground in New York. Also, you may also refer to the Uniform Law Commission <https://www.uniformlaws.org/committees/community-home?CommunityKey=50724584-e808-4255-bc5d-8ea4e588371d>

**My family owns land property in Berkeley County in South Carolina. How can I get started with an attorney that will have our family's interest?**

**Answer:** If it's heirs' property, you can make an appointment with the Center to speak with an attorney for free to discuss the particulars of your family's situation. You would need the tax map number for the property and the name of the original heir owner. If it's not heirs' property and you're looking for representation on another land related matter, I would ask your friends about any attorneys they have used and with whom they felt comfortable. If that's not an option, you could contact the SC Bar referral line or look for an attorney online who specializes in real property (the type of attorney depends on what you are trying to do) and see if you can get a consultation and gauge how you feel after the consult.

**How does this apply to Oregon?**

**Answer:** You may want to search for any state-wide organizations that are advocating for heirs' property which could lead to grassroots or smaller orgs on the ground in Oregon. Also, you may also refer to the Uniform Law Commission <https://www.uniformlaws.org/committees/community-home?CommunityKey=50724584-e808-4255-bc5d-8ea4e588371d>

**I would be grateful to know which organization in Texas are working on these heirs' property issues & in NM landowner Forestry.**

**Answer:** For state specific information, check out the Uniform Partition of Heirs Property Act information, found at the Uniform Laws Commission website - <https://www.uniformlaws.org/committees/community->

[home/librarydocuments?communitykey=50724584-e808-4255-bc5d-8ea4e588371d&tab=librarydocuments](https://www.uniformlaws.org/committees/community-home?CommunityKey=50724584-e808-4255-bc5d-8ea4e588371d&tab=librarydocuments). There you will find endorsements from national organizations, state by state bill status, and contact information for the ULC. Also, you may want to search for any state-wide organizations that are advocating for heirs' property which could lead to grassroots or smaller orgs on the ground.

**We are heirs' property descendants and as stated earlier in the discussion, we are trying to find a way to hold on to it. Our property is substantial, and we are under attack from many entities wanting our land. Where do we start?**

**Answer:** If it's heir's property in SC, you can make an appointment with the Center to speak with an attorney (for free) to discuss the particulars of your family's situation. You would need the tax map number for the property and the name of the original heir owner. If you are not in SC, I would suggest trying to find an attorney or legal aid agency who might provide a consult. In the meantime, you would want all heirs to stay informed and be sure the taxes are up to date and that no heir signs *anything with having an attorney look at it* or transfers their interest to someone outside the family.

**I am starting the process to get the piece of heirs' property land on which I have had my mobile home on for over twenty years put into my name. Is this recommended or should I keep the property whole, by whole I mean remaining in the heirs' name?**

**Answer:** The answer to this question can be very complex based on your individual circumstances, the legal history of the property, the number of current owners/heirs involved and the status of their agreement (if any), the costs of partition and the likelihood for success, etc. If it's heir's property in SC, you can make an appointment with the Center to speak with an attorney (for free) to discuss the particulars of your situation. You would need the tax map number for the property and the name of the original heir owner. If you are not in SC, the laws of your state would dictate the answer to your question so you would need to seek the assistance of an attorney or legal aid agency in your home state.

**Any UPHA work groups in Louisiana?**

**Answer:** You may want to search for any state-wide organizations that are advocating for heirs' property which could lead to grassroots or smaller orgs on the ground in Louisiana. Also, you may also refer to the Uniform Law Commission.

<https://www.uniformlaws.org/committees/community-home?CommunityKey=50724584-e808-4255-bc5d-8ea4e588371d>

## **Breakout Session 1: Legal and Policy Approaches to Resolving Heirs' Property – Answered by breakout session speakers**

**Given how much the Court has deprived governments of the ability to implement explicitly race-based solutions (Richmond v. Croson, Parents Involved, etc.), what tools do we have available that don't just stem the tide of future property loss but also counteract the damage that's already been done?**

**Answer:** In the arena of potential reparation legislation tied to African American land loss, I am unaware of any pending or proposed legislation at this moment. That is not to suggest that none exists. I would think such would be the most direct and effective way to address the damage that has already been done to the decedents of those who involuntarily lost land.

**What are the primary barriers to getting the legislation adopted in different parts of the country? How do you address those?**

**Answer:** I believe one of the primary barriers is the lack of understanding of the history of heirs' property and the cumulative economic effects on families/landowners, as well as the impact on the state and its citizenry. An important component in SC was the Center's CEO and Director of Legal Services testifying before a legislative subcommittee as to the history of heirs' property, the associated limitations and vulnerability for families, as well as the legal processes needed to resolve title issues. Additionally, we encountered a general reluctance to change the law and processes for partition when it comes to the rights under tenancy in common. As a result, you will certainly need the input and support of the collective Bar and/or certain members who have some measure of influence. The passing of the Uniform Heirs' Property Partition Act invariably involved a coalition, and the concerted efforts of Thomas Mitchell, the Uniform Law Commission, national organizations such as the Heir's Property Retention Coalition (HPRC), and local grassroots, advocacy, and service delivery organizations particular to, each state. In SC, the local contingent was made up of the Center for Heirs' Property Preservation and SC Appleseed, as well as various individual attorneys who supported the Act. The allocation of doing the leg work in the legislature would be dependent on the circumstances within each state. I would think any efforts to get the Uniform Act passed in additional states would begin with identifying local partners on the ground and then engaging the regional/national partners to determine who and how to approach state legislatures.

**Have you spoken to people in states who have enacted the uniform law principally to help Native Americans? Does trust status preclude application of the solutions of the act?**

**Answer:** The answer to your question would depend largely on how a specific state's law is written. The best way to gauge this would be to contact an attorney/legal aid agency in the state in question. The Uniform Law Commission's website has a full list of states that have enacted the law and states where bills have been introduced. The list may be the best place to start and determine which state's act may have been introduced with Native Americans primarily in mind. That being said, a bill has been introduced in Oklahoma, so perhaps engaging a legal aid organization in Oklahoma and/or reading the Oklahoma bill may lead to an answer to your question. Another suggestion is to also reach out to the Native American Agricultural Fund Organization <https://nativeamericanagriculturefund.org/>

**The UPHPA provides great procedural safeguards for heirs' property owners and the Tenancy in Common workgroup is working on changing the rules so that less than 100% of the family could agree in a course of action, but neither of those deal with the issue of getting good title to the land. Do you think there's any way to change policy to make that easier for heirs' property owners?**

**Answer:** The difficulty lies in the tenancy-in-common form of ownership. The reason heirs' property can be so intractable (when trying to resolve the title issues) is due to the inherent protections afforded to each member as far as individual rights to their respective percentages of ownership. It gets a little dicey when trying to re-define those rights (via legislation) to make clearing title easier for heir's property owners. The UPHPA does certainly provide procedural safeguards as well as providing Judges with the ability to weigh factors that may have historically been irrelevant under the prior law, but the basics of the tenancy in common law remain the same. I would imagine the Tenancy in Common workgroup will run into more opposition on a state level based on those individual rights mentioned previously. I know the Center for Heirs' Property fully supported the UPHPA (100%) but has some concern with proposals that might potentially discount an heir's individual tenancy in common rights as we believe such could be used to circumvent or compromise the protections afforded by the UPHPA.

**Can that final step, clear title, be accomplished through deeds without going to court (from a SC perspective)?**

**Answer:** From a SC law perspective, assuming is unclear due to the land being heirs' property....No. While heirs' interests might possibly be consolidated by way of quitclaim deeds, if title is unclear and the property is legally heirs' property, you will need court action to resolve the title. The considerations surrounding the answer to this question are many and I would STRONGLY recommend seeing an attorney before doing anything.

**Most of today's conversation has focused on rural/agricultural land. I see DC has introduced the Uniform partition act, can you speak to how the act applies to an urbanized environment like Washington, DC?**

**Answer:** Heirs' property is both an urban and rural issue. For more, check out information about the Uniform Partition of Heirs Property Act can be found at the Uniform Laws Commission website - <https://www.uniformlaws.org/committees/community-home/librarydocuments?communitykey=50724584-e808-4255-bc5d-8ea4e588371d&tab=librarydocuments>. There you will find endorsements from national organizations, state by state bill status, and contact information for the ULC.

**Can heirs sell land based on deeds only?**

**Answer:** From a SC law perspective, assuming title is unclear due to the land being heirs' property, heirs can sell or convey their fractional ownership interest in the land. The person or persons purchasing will have the seller's fractional interest but does not have clear title. The considerations surrounding the answer to this question are many and I would STRONGLY recommend seeing an attorney before doing anything.

**What is the primary opposition raised by the BAR/Lawyers?**

**Answer:** This is a state by state question. In SC, we had no real heavy push back from the SC Bar. As to individual lawyers who practice in this area, I heard concerns over the new buyout provisions (believed to be unnecessarily complicated), the requirement for an appraisal up-front and the additional costs to litigants that flowed necessarily from the procedural requirements of the Act.

**What can/should I do about my late father's property in Williamson County, Texas? First logical step to find my late father's property in Williamson County Texas & then what?**

**Answer:** Once you can confirm/identify the land (i.e. a county tax id number, etc.), I would assemble/collect the following documentation before approaching an attorney for assistance. This will save you money and time as these are the things I need when handling a case here in SC. Obviously, some of this could change depending on the laws in TX but, generally, (on a basic level) the attorney will need the following to get started:

1. Your father's death certificate & obituary. Name and address for his wife and all of his living children. If his wife or any children are deceased, you would want to have their dates of death confirmed and the state if at all possible.
2. Copy of the deed to the property you have confirmed. Once you identify the property, you should be able to contact the land records and/or the tax offices in the county where the land is located and get a copy of the deed). Additionally, the deed may refer to a survey or a plat (of the land) and you would also want to secure a copy of that as well. Again, this is not everything your attorney will eventually need but I know I would be turning back flips if some came in with this information as it saves a ton of time AND will save you money on visits.

**Is there anything local governments can implement through zoning and/or subdivision regulations to support the preservation of heirs' property?**

**Answer:** In my experience, zoning allowances for small family compounds that allow relief from certain requirements associated with subdivisions. Also, in instances of settlement communities, historic district designations/overlays can potentially serve as some measure of protection as it can deter development in a particular area with its associated limitations and restrictions.

**Are there any entities in Virginia?**

**Answer:** If you are looking for legal-aid entities or an heirs' property resource, maybe start with the Black Family Land Trust, who serve VA, or the local VA Bar Association.

**Why can't someone with heirs' property just get a quit claim deed? If someone lays claim to some insignificant portion of the property, won't they have to prove ownership?**

**Answer:** This is a state-specific question. Generally, anyone can get a quitclaim deed but that does not clear the title. The more substantive answer to that question (and why it's not as simple as that) would depend on the law of each state.

**My state (AR) has passed an Heirs' Properties Act. What remedies are available to heirs' who financially maintain the property when non-financially active heirs wish to claim their share?**

**Answer:** This is a state-specific question. The answer to that question would depend on the procedural and substantive law of each state governing partition actions.

**Why can't an heir bid on his property if it goes up for auction and get the same clear title as any other bidder?**

**Answer:** This is a state-specific question. The answer to that question would depend on the procedural and substantive law of each state.

**Wouldn't the quit claim allow the owner to get a building permit?**

**Answer:** This is generally a county/municipality-specific question. The requirements for a building permit would be dictated by the local governing body's check list. For instance, in SC such can vary from county to county and even from city to city in some circumstances.

**Property laws are so arcane, why can't we streamline the law?**

**Answer:** In an heirs' property context, I believe most state laws seek to strike a balance between the protection of a citizen's right in property (i.e., intestate inheritance laws and the default tenancy in common laws) and protecting the freedom of a landowner to do what they want with their land (ability to sell their individual fractional interest). While I'm sure every state has areas of possible improvement or reform, it is difficult balance as there are competing interests and very often bad facts make for some very bad outcomes in what might otherwise seem a very sensible law or legislative approach to a particular issue. Obviously, the overlay of the racial and socioeconomic component to these considerations, and the history of predatory development, only serve to further complicate things. The lack of access to a trusted attorney is of no small consequence as well. The Uniform Partition Act addresses some of the latter considerations but prevention is a major part of the solution in the form of education and affordable direct legal services.

**In a forced sale, how are the owners identified?**

**Answer:** This is a state-specific question. The requirements would depend on the procedural and substantive law of each state.

**What would be on a 2023 Farm Bill wish list for Heirs' Property/Land Retention?**

**Answer:** A well developed and practical mechanism for the delivery of funds to heirs' property owners to allow for grants to assist in deferring the expensive process of clearing title.

**Have there been successful/any attempts of public finance measures (ballot initiatives, etc.) to support the intersection of land conservation and land retention?**

**Answer:** The Center has worked with the SC Conservation Bank on projects and there seems to be more awareness in the conservation world of the importance of heir's property issues and land retention. That being said, as far as public finance measures in SC, I am unaware of any attempts.

## **Breakout Session 2: The Opportunity for the Conservation Sector: Engaging People of Color and Their Land - Answered by breakout session speakers**

**It seems phenomenal that a movement so keen and scientifically educated about diversity in the natural world struggles on a social level historically and in the present. How do you all feel diversity will look in the future for the conservation movement?**

- **Dale Threatt-Taylor:** If we are all intentional in our efforts to encourage STEM programs across all demographics, the future will be bright for all of us in environmental work.
- **Tom Martin:** It is an irony isn't it. I see many sincere attempts to diversity the conservation world now, but their future is uncertain. I suspect that when conservation organizations find that a commitment to diversity makes them more successful, then the gains will endure.

**How do you think COVID is impacting conservation efforts? What do you think about the role of young Black activist in conservation efforts?**

- **Dale Threatt-Taylor:** We already know the answer to this...COVID, across all expanses, has had a heightened increase of negative impact on people of color. Young activists (any color, any cause) will (and always have) make a positive difference.
- **Tom Martin:** COVID isn't good news for conservation. Conservation efforts on private land depend on trust and it's hard to build trust when you can't meet people in person. So, that has had an impact and as hot spots have popped up on the groundwork, is often delayed. COVID has reduced funding for conservation as well. Finally, I think we will find that some landowners had to sell land or the forests on them to meet financial needs caused by the economic disruption tied to COVID. I see an increasing number of young Black Activist involved in conservation. Communities of color are often impacted by negative environmental stresses tied to economic inequity and that has attracted welcome attention. The conservation is community is also trying, however slowly, to be more welcoming.

**What are the conservation initiatives that are available, private & government sponsored?**

- **Dale Threatt-Taylor:** Depends on the focus area.
- **Tom Martin:** Too many to name. Need a more targeted question to be able to give a useful answer.

**Expand on how to assess or evaluate the credibility/authenticity of new funders who are newly interested in this issue.**

- **Tom Martin:** By asking questions. How long have they been engaged in this work? Why have they gotten into it? How does this work fit within their mission? How diverse is the staff and/or Board of the funder? What do they expect in return for their funding? Are there ways beyond funding that they would like to participate in your work?

## **Breakout Session 3: Building a Movement of Landowner Advocates - Answered by breakout session speakers**

**All this information is so new to me. Where do I begin to find out what the situation is here in Florida?**

- **Karama Neal:** I am not familiar with the exact situation in Florida, but one option is to contact Senator Bracy, the sponsor of SB 580, the Uniform Partition of Heirs Property Act passed earlier this year.  
<https://www.uniformlaws.org/committees/community-home?communitykey=50724584-e808-4255-bc5d-8ea4e588371d&tab=groupdetails>

**A state legislative session begins in early January in Kentucky. Who can send me the model legislation to begin the process of securing sponsorship and developing grassroots support?**

- **Karama Neal:** The Uniform Partition of Heirs Property Act can be found at the Uniform Laws Commission website - <https://www.uniformlaws.org/committees/community-home/librarydocuments?communitykey=50724584-e808-4255-bc5d-8ea4e588371d&tab=librarydocuments>. There you will find endorsements from national organizations, state by state bill status, and contact information for the ULC. They can be helpful in connecting you with the Kentucky Uniform Law

Commissioners. Finally, consider if the Arkansas work is a useful model. Visit <http://heirsofarkansas.wordpress.com/> to learn more.

**In Carteret County, North Carolina, the land has been taken from both White and Black families in our area. We still have a Torrens Act, very confusing to many, and there is fear among activists about getting involved with the issue for fear of retribution. Is there access to community educational materials for us to begin with?**

- **Karma Neal:** There is an effort to get the UHPA passed in North Carolina. Learn more at the Uniform Laws Commission and consult with an attorney to see if/how the act might align with existing NC law, including the Torrens Act. <https://www.uniformlaws.org/committees/community-home/librarydocuments?communitykey=50724584-e808-4255-bc5d-8ea4e588371d&tab=librarydocuments&LibraryFolderKey=&DefaultView=>
- **Faith Rivers James:** For general information, please view the Center for Heirs' Property Community Legal Education video on the topic. <https://vimeo.com/427730660> . This was broadcast on SCETV and should provide background on the issue. The Land Loss Prevention Project is another great resource in North Carolina. You can reach them here: <https://www.landloss.org/>.

**Many younger folks seem less connected to land and place. Are you seeing younger generations of heirs' owners less interested in returning to visit family land and/or keeping it for future generations? Does education about building generational wealth affect this?**

- **Karama Neal:** Yes! A key driver is discussing and planning the economic and other benefits for the future of the property. A tool we used in Arkansas is – Potential Development Strategies for Heirs Property in Arkansas - <https://drive.google.com/file/d/16U4YIEDyFzQSm63v6XqErnO7DxyUJ5EW/view>.

**An appraisal is a primary source for determining fair market value under the Uniform Partition of Heirs' Property Act. Therefore, appraisers play a major role in the sale price of heirs' property or the use of heirs' property as collateral once the title has been cleared. How do landowners find an appraiser that is not influenced by the fact that the property is heirs' property and, therefore, values the property at a lower value than if it was owned without the heirs' property designation owned by an African American? Does the panelist maintain a list of appraisers who can be trusted to give an unbiased opinion of the value of heirs' property?**

- **Karama Neal:** This is one place where word of mouth and local recommendations can really come in handy. If there is an heirs' property service organization in your area (like the Center for Heirs' Property Preservation in SC!), they would be an excellent place to start. Also, local legal aid organizations may be able to help.
- **Faith Rivers James:** You might consider on-line real estate tools that provide recent sales information for tracts of similar size or use near your land. These applications will provide a general ballpark of the market value of your tract. With this information, you can make an informed selection of an appraiser to provide the valuation. Under the UHPA, the sale price would consider the value of the full parcel – regardless of the status as “tenants in common” heirs' property.

#### **Breakout Session 4: Heir's Property Across Race and Place - Answered by breakout session speakers**

**Is there an estimate of the aggregate wealth that is inaccessible?**

- **Answer:** I don't believe this is known. You might check with Conner Bailey at Auburn University for some estimates for Alabama.

**Has joint tenancy with right of survivorship been tried as a work around not speaking of death?**

- **Answer:** Yes, in our work here in SC, a joint tenancy with right of survivorship is utilized in circumstances when creating such would be the best way to accomplish a client's intent to transfer their interest while avoiding the probate process, particularly to a spouse. Additionally, a deed retaining a life estate while transferring the remainder is another tool also used to effectuate an intent that might normally be accomplished via a Will and subsequent estate administration. Obviously, the distinct facts of a particular case and the client's long-term desires dictate when or if these mechanisms are appropriate.

#### **Breakout Session 5: Forestry and Wealth Creation in the American Black Belt - Answered by breakout session speakers**

**Is there a minimum number of acreages required for a landowner to be a member of the program?**

- **Mavis Gragg:** Depends on the site. Some have a minimum and some don't.
- **Henry English, PhD:** There is not a minimum number of acreages required to be in the program.

- **Alton Perry:** Each SFLR site sets its minimum acreage. Roanoke’s minimum is 8 contiguous acres of woodland.

**What is one of your most successful examples of how your work has benefitted a landowner or a family?**

- **Mavis Gragg:** I will say many of the landowners in the program has not had the kind of support they get from the SFLR sites before. Many landowners had not been actively engaged in forestry in a way that is centered around their needs and goals. Now they are empowered to do so and seek the same for their family and neighbors by spreading the word about SFLR. Landowners in the program are keeping their land. They are making income. Many successes! One story I’ve heard was a family that was able to get 4x as much as what had originally offered them for their timber because they were able to get a plan and counsel from a forester looking out for their interests.
- **Henry English, PhD:** Kenneth Carswell was a new forest landowner from Florida who met a UAPB Extension associate who informed him and assisted him in taking advantage of the EQIP Conservation practices for his forestland. MR. Carswell who originally had no idea of what could be done clear cut his land and replanted trees with NRCS EQIP funding. He was also assisted in obtaining a NRCS High Tunnel for his vegetables along with an irrigation well with black plastic mulch and drip tape. He has been provided with vegetable production education and marketing of fresh vegetables. Mr. Carswell contributes his success in his farm operation to UAPB for the assistance and guidance provided to him.
- **Alton Perry:** Please visit our webpage to view success stories: <https://www.roanokeelectric.com/roanoke-sustainable-forestry/our-projects/>

**There is more to forestry than just trees. Is there other income generating opportunities like hunting leases, plant/flora harvesting, etc.? How are they incorporated into MGMT plans?**

- **Mavis Gragg:** Absolutely! Land can do so much! You can get income and cost sharing for implementing various practices on your land – even simply replanting trees. You can get paid to keep your land in its natural state, for a term of years or forever. You can license and lease your land or aspects of it. You can also consider ways to save money such as getting approved for present use value assessment which will lower your property taxes.
- **Henry English, PhD:** Forestry improvement is always first, however, information on the use of the land for wildlife and recreation is also provided. If the landowner has other enterprises, he or she is helped with these enterprises also.
- **Alton Perry:** Yes, forestry is more than just trees. Forest provides an array of environmental and economic benefits. These benefits are addressed through landowner objectives whether objectives are example hunting leases, recreation, wildlife habitat, and timber. The resource professional will address these in the written plan. It is so important that the landowner discuss their national resource goals and objectives with the resource professionals.

**My family has a tough time with finding a vendor because we’re small. Is there an effort to build up more forestry pros or incentives for them to work with small landowners?**

- **Mavis Gragg:** Some sites are working to unlock this issue for small landowners by clustering the work. Basically, they identify landowners who have similar work that needs to be done and their land is near one another. The SFLR site then coordinates with the landowners and vendors to get the work done. It’s been a boost to our landowners.
- **Henry English, PhD:** I believed that all the SFLR Projects are using clustering in an attempt to try to help small acreage landowners find vendors.
- **Alton Perry:** This is an issue across the forest industry throughout the south. The sites assist landowners with small acreages by clustering them together. That is to say that several landowners in the same area for a specific practice are pooled together for a contractor which is an incentive so they can perform more work on additional acres.

Anyone with additional questions can reach out to an SFLR site for the state in which they live or own property.

**Special Event: America’s Forests with Chuck Leavell (video followed by Q and A) - Answered by Center staff**

**Are there resources for families that own smaller tracts, under 5 acres?**

- **Answer:** Yes. In SC, first, we would recommend that you still call the Center and talk to a forester. We will help you in any way that we can and will connect you to other agencies and organizations that can provide technical and financial assistance such as the NRCS, South Carolina Forestry Commission, Clemson Cooperative Extension, the Longleaf Alliance, etc. The use of private forest consultants is always preferred, but it may be difficult to find a consultant willing to work on small tracts. Although the SC Forestry Commission considers 10 acres to be the minimum size of a “working” forest, the NRCS does not have a minimum size for their programs. We encourage landowners with tracts



under 10 acres to participate in our educational programs. If they want to get their small tracts harvested, we recommend that they try to connect with adjacent landowners who also want to their timber (an approach we call “clustering”) as this will attract more interested timber buyers and better pricing.

**How do the landowners get knowledge about the timber market, which I understand to be pretty cut-throat and volatile?**

- **Answer:** We recommend that landowners use private forest consultants familiar with local markets whenever feasible. Of course, calling the Center forestry staff is always a good idea. The SC Forestry Commission posts on their website timber prices from Timber Mart-South, a private timber price reporting service. The posted prices are from the previous quarter, but generally provide a reasonable estimate of prices. If you are going to sell your timber without using professional help, we recommend that you get estimate from at least three timber buyers.

**What is the minimal amount of land needed for a sustainable and profitable tree farm?**

- **Answer:** The South Carolina Forestry Commission states that 10 acres is the minimum size of a working forest.

**I’m wanting to plant bamboo on 12 acres in Arkansas. Any ideas?**

- **Answer:** A good place to start would be the University of Arkansas Cooperative Extension Service. They are generally familiar with local growers. Local NRCS field offices and the District Conservationists are also excellent sources of information.

**It seems there’s a lot of emphasis on two specific pines in this episode. Are there any benefits or incentives for more biodiverse planting? Or is it more advantageous to plant stands of one or two species?**

- **Answer:** In coastal South Carolina where this episode was filmed, loblolly pine is the main commercial tree species. It is well adapted to a wide range of site conditions and has benefitted from substantial genetic improvement to improve disease resistance, form, and fast growth. It is typically grown in pure stands of trees artificially planted in the same year (even-aged stand) providing operational efficiencies. There are certainly opportunities for forests of hardwood and other pine species that provide both economic and ecological benefits.

**I’m from Georgia. Can you steer me in the right direction to speak to someone?**

- **Answer:** A resource is to contact SFLR network partner in Georgia, McIntosh Sustainable Environment and Economic Development (S.E.E.D.), <https://mcintoshseed.org/>.

**Are there other ways to determine a late relative’s property? For example, if there was an LLC? How does that work?**

- **Answer:** We would need additional information regarding your family’s situation. If you live in SC, a suggestion is to contact the Center and schedule a time to speak with an attorney. If you do not live in SC, you may want to contact an attorney or legal aid agency who might provide a consult.

**How can a landowner get involved in tree farming if they do not own the necessary equipment?**

- **Answer:** Most of our landowners do not own any forestry equipment. Their forest management work is accomplished using contractors who typically have years of experience implementing practices. Center foresters will be glad to help you find suitable contractors.