

## **ABSTRACT**

OWENS, CLARISSE. Engaging Heirs' Property Owners to Address Land Retention in North Carolina. (Under the direction of Dr. Kurt Smith).

Heirs' property relates to limited land succession planning and can lead to involuntary land loss. North Carolina has a significant amount of heirs' property and has high rates of land development that adds pressure to heirs' property owners. This paper includes a literature review and two studies that engage with heirs' property owners. The first is a quantitative study covering a workshop project conducted by North Carolina Cooperative Extension and regional partners. Survey data from the workshops show positive impacts on participant knowledge and inform three additional ways to support heirs' property owners in North Carolina. The first are programs related to forestry and agriculture. Next are resources to address family unity and the related nuance of heirs' property. Third are legal resources and services that support heirs' property owners' intentions with succession planning. Demographic characteristics suggest these resources should engage and build trust with older, female, or African American populations of landowners. The second study is an interview study that focuses on the experiences, perceptions, and non-economic values of heirs' property owners. Qualitative analysis shows three salient themes that relate to land loss and non-economic values associated with the land. The themes indicate that land loss is a significant threat felt by landowners, and that reduced barriers to succession planning could promote land and value retention. The integration of these findings into land retention strategies can have a positive influence on intergenerational land retention in North Carolina.

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Engaging Heirs' Property Owners to Address Land Retention in North Carolina

by  
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## **AUTHORSHIP STATEMENT**

This work contains only original contributions from the author, with the exception of Figure 2 and Figure 3, which were prepared by research collaborators at North Carolina Agricultural and Technical State University.

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## CHAPTER 1

### Introducing Heirs' Property

#### INTRODUCTION

Heirs' property creates involuntary land loss in the United States. There are significant impacts that heirs' property and loss of land ownership have on the cultural and economic wellbeing of communities. This introductory chapter highlights the key components of heirs' property and points to gaps in the literature that can be the focus of future research. It also explains why heirs' property is relevant to land management and retention.

Heirs' property is a type of communal land ownership that's created when owners pass land on to heirs' without a will. Recent studies by Rebecca Dobbs and Cassandra Johnson Gaither (2023) and Ryan Thompson and Conner Bailey (2023) have compiled county land records to estimate the national quantity and economic value of heirs' property after decades of uncertainty. Heirs' property is most prevalent in the U.S. South, and North Carolina has a significant amount of heirs' property compared to other states with 420,000 acres and 64,000 parcels (Dobbs and Johnson Gaither 2023; Thomson and Bailey 2023). Heirs' property represents historical and cultural significance related to communal ownership, and are most often, though not exclusively, owned by African American families. Much of the literature has focused on the economic disparities related to heirs' property because of how it relates to community wellbeing, land management, and trends for land loss. State and federal level policy responses have been passed to provide support for heirs' property owners in property sales and farming operations.

There is limited literature focused on the prevention and remediation of heirs' property, deeper social impacts of land loss, and case studies specific to North Carolina. The following chapters of this work discuss quantitative and qualitative studies that address some of these literature gaps. This work contributes to heirs' property efforts in the South and builds on literature that engages on the topic of heirs' property.

## **LITERATURE REVIEW**

### ***What Is Heirs' Property***

#### *Legal Overview*

Heirs' property, also known as family owned land or tenancy in common, has been a component of early literature discussing rural African American farmers (Zabawa 1991; Zabawa and Warren 1998) and the "deconstruction" or decline of African American landownership since the Reconstruction Era (McGee and Boone 1977; Mitchell 2001). Heirs' property is land collectively owned by related heirs that informally inherited the land without the use of a will or other estate and succession planning practices. Heirs' property often becomes transferred informally over the course of multiple generations, compounding the number of owners over time (Thompson 2017; Johnson Gaither et al. 2019). This makes it difficult for owners to prove clear title to the land. Terms like "clouded" or "tangled" titles indicate heirs' property (Mitchell 2006; Deaton 2012). Because of unclear title, heirs' property is a vulnerable structure of ownership within the formal property system because they limit the economic value the owner can receive (Thompson 2017; Dyer, Bailey, and Tran 2019). The formal property system in the U.S. uses information and records of ownership to assure the accountability of landowners and protect the economic potential of their property (De

Soto 2001; Thompson 2017). Aspects of the formal property system, such as partition sales, tax foreclosures, and lack of wills, are associated with losses of heirs property land that relate to trends in African American land loss and rural poverty (McGee and Boone 1979; Deaton 2012; Dyer and Bailey 2008; Bopp Stark and Williamson 2023; Miller 2024; Woods and Zabawa 2024).

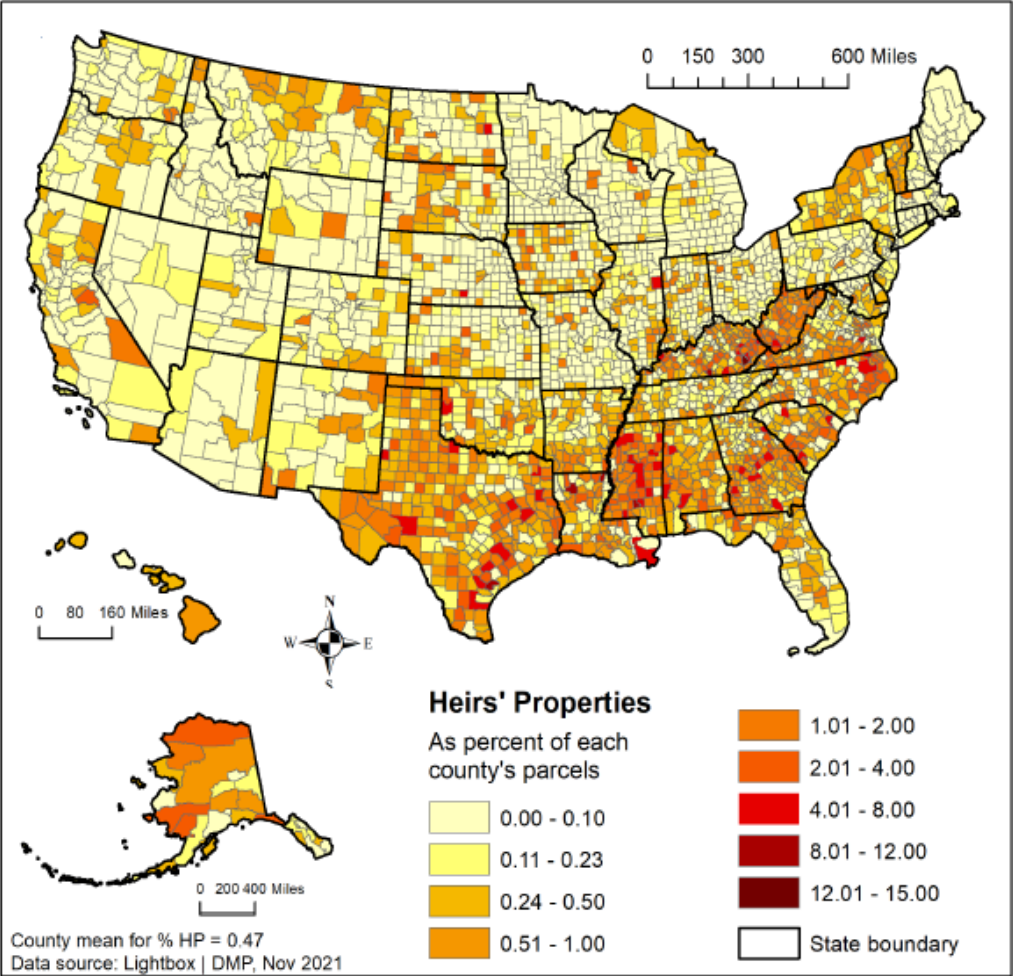
### *Quantification*

A nuance in how the formal property system classifies and records heirs' property makes it difficult to quantify how many exist. County governments manage property records and there is no uniform nomenclature to classify land that is heirs' property, even within the same state (Thomson and Bailey 2023). Terminology used to identify heirs' property in county records can include, *heir*, *estate* (or *est.*), *et al* (or *etal*), and others depending on county records (Welborn and Kelly 2024). This creates a variety of nomenclature used to classify parcels of land that are heirs' property and creates difficulty in locating or quantifying them on a broad scale.

Studies from the late 1970s and 80s estimated the amount of heirs' property owned by African American landowners in parts of Alabama, Georgia, Kentucky, North and South Carolina to be 30 to 40 percent of all African American owned land (Graber 1978; Emergency Land Fund 1980; Dobbs and Johnson Gaither 2023). These were general estimates extrapolated to the whole region and did not include White, Native American, Latinx, or other heirs' property owners. The specific quantity of heirs' property by city, county, or state was needed to build legislative and other solutions for heirs' property. Recent studies have used expanded data accessibility and remote geospatial techniques to aggregate and map county-level ownership data to identify heirs property

across all U.S. counties (Figure 1; Dobbs and Johnson Gaither 2023; Thomson and Bailey 2023).

Figure 1: Percent of heirs' properties in U.S. counties.



(Dobbs and Gaither Johnson 2023).

Figure 1 (above) illustrates that the majority of heirs' property are concentrated in the U.S. South; the "South" referring to states within the U.S. Forest Services' Southern Region (Alabama, Florida, Georgia, Louisiana, Mississippi, North and South Carolina, Tennessee, Texas, Virginia, and West Virginia). Table 1 shows the average number of parcels and acres of heirs' property (Dobbs and Johnson Gaither 2023; Thomson and

Bailey 2023). North Carolina has the largest average number of parcels (63,700) and the third largest number of acres (419,500; excludes Texas because of its significantly larger total area of land; Table 1).

Table 1: Average estimated heirs' property parcels and acres by state.

<b>State</b>	<b>Average Parcels (x1,000)</b>	<b>Average Acres (x1,000)</b>
Alabama	30	410
Florida	45	149
Georgia	31	426
Louisiana	29	419
Mississippi	38	464
North Carolina	64	420
South Carolina	29	289
Tennessee	25	340
Texas*	78	2678
Virginia	35	358
West Virginia	21	354
<b>Total</b>	<b>423</b>	<b>6306</b>

\*Only included in Dobbs and Johnson Gaither (2023).

### *Cultural Significance*

The cultural significance of heirs' property in the South relates to historical contexts of African American landownership, communal landownership, and related implications of poverty. First, heirs' property represents African American families that have withstood hardship and injustices, some of whom own land that was originally held by freed slaves. The dark history of slavery, sharecropping during the Reconstruction Era, and ongoing racial exclusion are broad experiences that have shaped African American culture (Quisumbing King et al. 2018). The infamous "forty acres and a mule" was an early promise of land made to African Americans after the Civil War. It would

have redistributed plantation land in Georgia and South Carolina to freed slaves; however, it was not upheld after President Lincoln's assassination and Confederate political backlash (Fernandez Campbell 2024). As a means for survival, many freed slaves became sharecroppers for southern plantation owners whose land was returned to them. Sharecroppers worked a rented share of plantation land and gave portions of their harvest to the landowner (Onion et al. 2010). There were often exploitative practices imposed on sharecroppers and threats of violence that resulted in debt or forced poverty. However, some sharecroppers were able to generate enough income to acquire the land they worked, establishing African American landholdings (Duke Sandford World Food Policy Center n.d.; Onion et al. 2010).

These experiences have created ties to agricultural land and a rural way of life that became symbols of freedom, belonging, and legacy related to communal ownership (Zabawa, Siaway, and Baharanyi 1990; Dyer and Bailey 2008; Johnson Gaither 2016; Quisumbing King et al. 2018). These symbols became aspects of ownership and land management that provided positive benefits to landowners, such as a tangible space for familial bond or refuge (Dyer and Bailey 2008; Johnson Gaither 2016; Baba, Zabawa, and Zekeri 2018). Studies reveal cultural aspects of heirs' property in North Carolina, South Carolina, and Alabama that impact internal family dynamics and their interactions with external legal resources (Hitchner, Schelhas, and Johnson Gaither 2017).

For these reasons, heirs' property is recognized as a means of cultural preservation. One explicit example of heirs' property as cultural preservation is found within the Gullah Geechee Cultural Heritage Corridor, an area federally established in 2006. Its purpose is to support, celebrate, and preserve a unique reservoir of African

culture that stretches from Pender County, North Carolina to St. John's County, Florida (GGCHCC 2012; Boley and Johnson Gaither 2015). Pockets of the corridor remain owned by Gullah Geechee families that still practice traditional African customs, though encroachment from coastal development has introduced hardship (Reidl 2021).

Other cultural considerations for heirs' property in southern states include how owners use and manage their land. Studies show that agriculture (crops or livestock) remain a common use for heirs' property, in addition to forestry, conservation, or hunting leases to generate income from the land (Baba et al. 2018; Schelhas, Hitchner, and McGregor 2019). Programs related to forest management with southern heirs' property owners have been a successful avenue to support land retention by financially empowering landowners (Schelhas et al. 2019). A recent study on wider land use patterns on heirs' property finds that though they are managed for agriculture and forestry, they also contribute to a significant portion of unmanaged rural land in the South (Winters-Michaud et al. 2024).

Heirs' property is relevant to White, Native American, and Latinx landowners, but there is limited research on the nuances of these various groups. In the rural Appalachian Mountains, notorious levels of poverty have elicited investigations of the relationship between poverty and many White-owned heirs' properties in this area (Dobbs and Johnson Gaither 2023; Miller 2024). Native American land holdings are also effectively heirs' property because they are held in a land trust. This means the land is owned by all living descendants of the original trusted Native Americans (Johnson Gaither et al. 2019). The cultural significance of these lands deserves more attention in literature to better understand land loss, collective ownership, and social justice.

Overall, land provides much more than economic value and generational wealth and is not always seen as a commodity to be sold. The prevalence of heirs' property within African American communities points to why much of the literature is concentrated on this population, though heirs' property is not exclusive to one racial group. The cultural value of heirs' property is significant to many landowners for various historical, geographical, generational, and other reasons.

### ***Economic Impacts***

#### *Constraints for Landowners*

Heirs' property owners have limited access to capital compared to other landowners and this impacts economic wellbeing in communities with heirs' property. Unclear title restricts property improvement and management because all owners of the property must approve decisions with external parties that provide capital. This includes contractors, bank loan providers, and government agencies. Construction contractors for general maintenance (i.e. roofing, plumbing) or banks won't provide services or capital for owners to invest in their property without clear proof of ownership. For similar reasons, heirs' property owners are unable to secure external funding for property management from government agencies, such as the US Department of Agriculture (USDA) or the Federal Emergency Management Agency (FEMA; Branan 2024). Investments in the property are limited to what owners can pay for in cash or personal loans.

This restriction in property investment, improvement, and management has led to a concentration of literature on the economic impact of heirs' property. The terms "dead

capital” or “abandoned capital” are commonly used to describe heirs’ property (De Soto 2001; Deaton 2012; Johnson Gaither 2016; Dobbs and Johnson Gaither 2023; Branam 2024). One solution heirs’ property owners have used to adapt to these constraints are manufactured (mobile) homes (Dyer and Bailey 2008; Johnson Gaither et al. 2019). Mobile homes can be purchased for an affordable up-front cost and placed on a property without approval from co-owners (Johnson Gaither et al. 2019). This freedom to establish a homeplace has led to a concentration of mobile homes on many heirs’ properties. Unfortunately, this does not resolve other management constraints that impact investments to permanent structures (i.e. houses or outbuildings) or owners’ ability to generate income off their land. The general depreciation of property related to management constraints remains a significant concern with heirs’ property that contributes to cyclical poverty in Black, rural communities (Mitchell 2006; Dyer et al. 2008; Dobbs and Johnson Gaither 2023).

Heirs’ property ownership in rural Appalachia is also suspected to have a relationship with cyclical poverty. Cassandra Johnson Gaither (2019) conducted one of the of the only studies on heirs’ property in Appalachia, where heirs’ property owners are primarily White, to compare their experiences with poverty and land predation to those of African American heirs’ property owners elsewhere (Johnson Gaither 2016; Johnson Gaither et al. 2019). The study focused on the Appalachian Mountains of eastern Kentucky where industry decline and abandonment and other indicators of poverty are pervasive. Johnson Gaither suggested that these indicators are similar to those found in the Black Belt, and that the prevalence of heirs’ property in both areas could be used to better understand patterns across the region. Though the study was

inconclusive, no other studies have been published to investigate relationships across regions. Despite the significance of these economic restraints, select studies emphasize the need to recognize the positive cultural and social aspects of heirs' property (Dyer and Bailey 2008; Johnson Gaither 2016; Hitchner et al. 2017).

### *Land Loss*

Economic disparity for families and communities with heirs' property is made worse by involuntary land loss. Loss of heirs' property land can be attributed to two major factors: tax foreclosures and forced partition sales (Wellborne and Kelly 2024; Woods and Zabawa 2024). Tax foreclosures are a result of property owners neglect to pay property taxes (Bopp Stark and Williamson 2023) and a leading cause of involuntary land sales across all landowners (Welborn and Kelly 2024). In North Carolina, one year of unpaid property taxes can be recovered by the county through a forced property sale at auction (Miller 2024). Absentee ownership or intestate ownership (inheriting a home without a will) are both associated with loss to tax foreclosure and heirs' property ownership (Mitchell 2006; Bopp Stark and Williams 2023). It is not uncommon for heirs to be absent from the property while a small number or single heir contributes to paying property taxes (Thomspon 2017; Johnson Gaither et al. 2019; Winters-Michaud et al. 2024).

Partition sales are a second mechanism that can lead to the involuntary loss of heirs' property. Though heir owners are able to sell their "share" of the property, many scholars and legal practitioners warn that real estate speculators target heirs' property owners to prompt partition sales for their benefit (Mitchell 2006; Thompson 2017; Johnson Gaither et al. 2019; Breland 2021; Branan 2024). Real estate speculators or

developers can approach heirs' property owners that are absentee or face financial burdens with intent to buy their interest in the property and become a co-owner. As a co-owner, speculators can file a partition sale and force a court ordered auction of the entire property (Mitchell 2006; Johnson Gaither et al. 2019). This tactic enables purchases of the whole property for a price well below market value and minimizes the financial gains families receive when their property is sold. It results in the loss of generational wealth and other non-economic benefits of property ownership (Thompson 2017; Johnson Gaither et al. 2019; Miller 2024). Real estate interest in land in North Carolina imposes added risk to heirs properties (Dobbs and Johnson Gaither 2023), especially given that North Carolina is one of the only Southern states without legislation that provides protection to families from partition sales (Uniform Law Commission 2025).

### **Policy Responses**

The Uniform Partition of Heirs' Property Act (UPHPA) is the primary piece of legislation that provides some protection to heirs' property owners in the event of a partition sale. The UPHPA was originally proposed in 2010 by the National Conference of Commissioners on Uniform State Law (Mitchell 2016; Johnson Gaither 2016). UPHPA or substantially similar bills have been enacted in 26 states, including 7 of 11 Southern states. North Carolina has attempted to introduce UPHPA to the state legislature in the past without success (Uniform Law Commission 2025).

There are three key components that the UPHPA provides to heirs' property owners in partition sales. First is the priority it gives family members to purchase

property interest above non-family members in partition sales. Second, it ensures that if the property is sold, it is done on an open market for a fair value that gives the family advance notice of the sale. Third, it requires the court to weigh economic and noneconomic factors when determining if the property should be sold or equally split amongst owners. Noneconomic factors include sentiment, attachment, and history of the property (Johnson Gaither 2016; Wellborn and Kelly 2024).

A second important improvement to policy for heirs' property was an addition to the 2018 Farm Bill. The addition enabled the USDA Farm Service Agency (FSA) to authorize alternative documentation from heirs' property owners that would qualify as a farm operator and obtain a farm number. A farm number enables farm operators to access services and resources provided by the FSA, including farm loans, disaster assistance, and conservation programs (Branan 2024; Tellatin 2025). Alternative documentation included proof of operating the land for farm or ranch purposes or other legal agreements made between the majority of the owners (USDA-FSA 2022).

## **CONCLUSION**

Heirs' property presents complex legal, cultural, and economic challenges. While it is concentrated in the Southern U.S., particularly in regions with large African American populations, its cultural significance stems from its ties to family history and heritage. Economically, heirs' property is vulnerable to land loss through tax foreclosure and partition sales. Recent federal and state legislative efforts have made some progress in addressing issues like partition sales and access to USDA resources, though these solutions do not cover all the problems faced by heirs' property owners.

This literature review identifies two key gaps that inform subsequent studies. First, is the gap in knowledge concerning heirs' property specifically within North Carolina. This gap is significant because the state has a large number of heirs' property, faces strong real estate development pressure, and lacks effective legislation to protect families from partition sales. Second, there are far fewer qualitative studies on the non-economic importance of heirs' property than there are quantitative studies on its economic impact. Existing qualitative ethnographic studies of heirs' property owners are limited to heirs' property owners with unique attributes, such as a geographic location or cultural customs, like the Gullah Geechee. Broader application of qualitative methods is needed to understand interests and values of heirs' property owners, which would contribute to how practitioners, organizations, and families address issues and celebrate solutions.

It is crucial to fill existing knowledge gaps to preserve the significance of heirs' property and address owner constraints. To build on existing work, this paper will present two studies that use a combination of quantitative and qualitative methods. The overarching goal of this paper is to enhance the understanding of heirs' property and prevent involuntary land loss.

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## CHAPTER 2

### Understanding Heirs' Property in North Carolina

#### ABSTRACT

Heirs' property is a type of land ownership that can lead to involuntary land loss and is common within African American communities. It relates to limited succession and estate planning amongst landowners. Efforts to address heirs' property in the South have historically included programs and network building offered by nongovernmental organizations. This study discusses recent community workshops held by North Carolina Cooperative Extension and regional partners to address heirs' property through integrated topics related to succession planning. Workshop survey shows positive engagement with the workshop's educational framework and informs areas for resource development. Demographic characteristics, land management interests, perceived challenges, and intended actions of participants are practical areas that can support heirs' property owners in North Carolina. These insights contribute to how community engagement regarding heirs' property can inform practitioners and communities capacity to promote land retention.

#### INTRODUCTION

Heirs' property, land typically owned by multiple family members, is a leading cause of involuntary land loss that relates to low engagement with formal succession and estate planning. The Extension System arm of land-grant universities have contributed to land succession programming and tools to help landowners securely pass their land on to the next generation. However, succession planning efforts with heirs' property owners (HPOs) have not been historically addressed by the North

Carolina Cooperative Extension, despite socioeconomic pressure on HPOs in the state.

This study discusses workshop programming held by North Carolina Cooperative Extension to educate communities on heirs' property prevention and remediation using a framework developed by the Southern Rural Development Center and Alcorn State University. A survey tool measured participants at seven workshop locations in North Carolina to understand how engagement with communities can inform future programming with heirs' property. Survey findings demonstrate the positive impact of the educational framework on heirs' property prevention and resolution. They also inform practical areas for resource development to support HPOs in North Carolina, such as production-based land management, challenges with family unity, and planned actions related to succession planning. Overall, this study shows how community engagement can inform knowledge and practical capacity to address heirs' property and enhance land retention in North Carolina.

## **BACKGROUND**

### ***Heirs' Property***

Land is an asset that helps build generational wealth by enabling an individual to use the land for production, such as agriculture or forestry, and to keep the asset whole (Deaton 2012; Thompson 2017; Branan 2024a). Families that do not securely transfer land to the next generation, lose the ability to build wealth over time (Thomson 2017; Bailey et al. 2019). There is a trend to consolidate farm and forestland from small, fragmented parcels into fewer larger parcels for commercial production (Napton et al. 2010); this has impacted the distribution of wealth amongst landowners in the

southeastern U.S. (Smith and Cubbage 2024). For example, African American landowners have experienced a 90% loss of land in the last century, while at the same time there has been an increase in white owned farmland (Reznickova 2023; Winters-Michaud et al. 2023). The loss of land and ability to generate income is a major contributor to cyclical poverty in African American and other rural settings.

Heirs' property, also known as tenancy in common, is created when land is passed on without a will and becomes an undivided interest among all the heirs of the property (Federal Register 2007; Mitchell 2016). Lack of formal succession and estate planning practices are associated with heirs' property. This is a product of historical barriers to accessing legal services and other resources for succession and estate planning (Mitchell 2006; Thompson 2017; Woods and Zabawa 2024). Most heirs' property is located in the Black Belt, a geopolitical region in the U.S. South characterized by a large population of African Americans, rural life, and a history of plantation agriculture (Dobbs and Johnson Gaither 2023; Thomson and Bailey 2023). A significant portion of heirs' properties are currently unmanaged or abandoned due to owners' restraints with accessing capital and institutional resources (Deaton 2012; Dyer et al. 2019; Branan 2024).

Heirs' properties are a form of insecure ownership within the formal U.S. property system because the title to the land is unclear to a court of law (Mitchell 2006; Thompson 2017). Real estate tactics, such as a forced partition sale, often cause families to lose ownership of the property, resulting in the loss of generational wealth and other benefits associated with land ownership (Thompson 2017; Johnson Gaither et al. 2019; Miller 2024). Increasing urban development and real estate pressure in North

Carolina (Hunter et al. 2022; Xie et al. 2023) imposes added risk to heirs' properties, especially considering that North Carolina is one of the only Southern states without the Uniform Partition of Heirs' Property Act to help protect families from partition sales ("Partition of Heirs' Property Act" 2025).

### ***Addressing Heirs' Property in the South***

Nongovernmental organizations (NGO) and Extension have made efforts to address gaps identified by academic research on heirs' property. Extension Systems (ES) connected to land grant universities have involvement with programs and partners to address succession planning with landowners. Land succession planning and estate planning have become a formal program offered by Extension. Land succession planning is an intentional effort to ensure that land and assets are passed on to heirs' or other beneficiaries to mitigate land fragmentation, loss, or mismanagement (Robinson, Sisock, and Watkins 2012; Johnson and Carlson 2020). Extension resources on succession planning engage landowners with tools to organize their assets and other aspects of their estate in preparation of passing them on (Peterson and Cushing 2022, Smith and Cushing 2024). Most succession plans are crafted to suit landowners objectives to ensure their goals have been captured in legal documents.

Efforts to educate landowners and mitigate land loss in the South have had positive impact to assist heirs property owners (Johnson Gaither et al. 2019; Schelhas, Hitchner, and McGregor 2019). Studies on clusters of heirs' property in the Black Belt of South Carolina, Alabama, Georgia, and Mississippi have used qualitative and

quantitative case study methods to classify and connect the experiences of heirs' property to wider solutions for land retention.

Collaborations and network building throughout the South have established awareness and programming for heirs' property communities. The Sustainable Forestry and African American Land Retention Network (SFLRN) is among the most well-known landowner engagement programs in the South and has been deeply successful in its goals. A study of the SFLRN's pilot shares the program's ability to address land management and resource gaps experienced by HPOs. The study included landowners from Alabama, North Carolina, and South Carolina, 30 percent of whom were HPOs (Schelhas et al. 2019). The pilot catalyzed institutional efforts to address heirs' property and established nonprofit organizations in Alabama, Arkansas, Georgia, Mississippi, Texas, North Carolina, South Carolina, and Virginia. Each organization facilitates regional outreach, education, and technical support for families navigating heirs' property ownership. Their work elicits natural resource management, income generation, and the preservation of cultural values (Schelhas et al. 2019; Dobbs and Johnson Gaither 2023).

Heirs' property in North Carolina remains relatively unique compared to other states, given its large number of heirs' property, real estate development pressure, and lack of legislation to protect families from partition sales. To emphasize this point, North Carolina has approximately 420,000 acres of heirs' property, which is greater than most other southern states (Dobbs and Gaither Johnson 2023; Thomson and Bailey 2023). North Carolina is also one of the most rapidly developing states, with 1.2 million acres of farmland projected to be lost to development by 2040, according to The American

Farmland Trust's Farms Under Threat 2040 Report (utilizes USDA Census of Agriculture 2017 data; Hunter et al. 2022; Xie et al. 2023).

Using an educational framework and curriculum developed by the National Policy Research Center at Alcorn State University, the Southern Extension Risk Management Education Center, and the Southern Rural Development Center (SRDC n.d.; Green 2023), researchers from North Carolina Agricultural and Technical State University (NCAT) and North Carolina State University (NCSU) conducted educational workshops on heirs' property prevention and resolution in the state (Branan 2024b). The workshop integrates topics of heirs' property prevention and remediation and uses a survey tool to better understand heirs' property communities. This chapter uses survey data to better understand *how engagement with communities helps address heirs' property prevention and resolution in North Carolina*. The objectives of this chapter are to 1) measure the workshop's impact on participant knowledge of heirs' property and succession planning and 2) identify areas for resource development to support HPOs in North Carolina. This paper synthesizes data to understand workshop effectiveness and make recommendations for heirs' property and land succession practitioners in North Carolina.

## **METHODS**

### ***Educational Workshops***

Seven duplicate educational workshops, called "Understanding Heirs' Property at the Community Level" were conducted by North Carolina Cooperative Extension (NCCE) to address heirs' property in NC (Branan 2024b). North Carolina Cooperative

Extension is a partnership between the state's two land-grant universities, NCAT and NCSU. The workshop framework was developed by the Policy Research Center at Alcorn State University, the Southern Extension Risk Management Education Center, and the Southern Rural Development Center that's housed at Mississippi State University (SERA49 n.d.; Green 2023). The framework was established to train Extension professionals on how to educate, prevent, and remediate heirs' property. With funding from the U.S. Department of Agriculture's Risk Management Agency, the organizations that developed the framework granted funding to eligible historically black land grant universities to conduct programming on heirs' property using the framework (Southern Region Heirs' Property Initiative n.d.). NCAT, the historically black university, along with NCSU, were funded to conduct workshops with NCCE using the framework.

Researchers from NCAT and NCSU used the framework and adapted it to North Carolina communities (Branan 2024b). Workshops were held in seven counties with high concentrations of heirs' property in acreage and parcel number (Thomson and Bailey 2023). Workshops were free of cost to participants and conducted at NCCE county offices to increase community access. Many of the selected workshop locations were in counties with elevated levels of rural poverty and historically underserved populations of African Americans (Dobbs and Johnson Gaither 2023).

### ***Workshop Survey***

A survey was administered at each of the seven duplicate workshops to measure the workshop's impact on participant knowledge (objective 1) and identify resources needed to further support heirs' property prevention and resolution (objective 2). A

paper copy of the survey was administered to participants at the end of each workshop; all responses were voluntary and anonymous. The survey included 19 total questions approved by Mississippi State University's Institutional Review Board (IRB; 23285); 4 of the 19 questions were written by researchers at NCSU and approved by NCSU's IRB (26711) to address challenges and land management interests of HPOs (Appendix A). Appendix A features all of the workshop questions. Table 2 (below) shows the framework used to select survey questions that address the research objectives.

Table 2: Framework for survey analysis.

Research Objective	Survey Question
<b>1. Measure how the workshop impacted participant knowledge of heirs' property</b>	<b>Q5: What I know about heirs' property has changed...</b> - Before this workshop, how would you rate how much you knew about heirs' property? - After this workshop, how would you rate how much you know about heirs' property?
	<b>Q6: Because of this workshop, I learned about...</b> - <i>Identifying heirs' property</i> - <i>Why heirs' property exists</i> - <i>Impacts of heirs' property</i> - <i>How tax sales and partition sales can lead to land loss</i> - <i>Laws, policies, and programs related to heirs' property</i> - <i>Basics of estate and succession planning</i> - <i>Preventing heirs' property when establishing a will</i> - <i>Figuring out who owns a particular parcel of land</i> - <i>Legal structures that can hold land owned at heirs' property</i> - <i>The importance of working with other family members</i> - <i>Steps families can take to address heirs' property</i> - <i>Preparing to work with an attorney</i>
<b>2. Identify areas for resource development to support heirs' property owners</b>	<b>Q16a: What is your connection to heirs' property (select all that apply)?</b> - <i>My family is currently dealing with an heirs' property situation</i> - <i>I am trying to help my family avoid heirs' property issues in the future</i> - <i>I am generally interested in heirs' property issues to help my family and community</i>

Table 2 (continued).

Research Objective	Survey Question
	<p><b>Q16b: What is your age?</b></p> <p>- 18 to 24      - 25 to 34      - 35 to 44  - 45 to 54      - 55 to 64      - 65 or older</p> <p><b>Q16c: How would you describe your sex?</b></p> <p>- Female      - Male      - Not listed: _____</p> <p><b>Q16d: What is your race or ethnicity (select all that apply)?</b></p> <p>- American Indian or Alaska Native  - Hispanic, Latino, or Spanish Origin  - Asian  - White or Caucasian  - Black or African American  - Native Hawaiian or Other Pacific Islander  - Not listed, please specify: _____</p>
	<p><b>Q9. What do you view as your biggest challenge in remediating your heirs' property (select all that apply)?</b></p> <p>- Family unity  - Lack of funds  - Locating all the heirs  - Unsure of next steps  - Other: _____</p>
	<p><b>Q12: I would like to learn more about how to implement one or more of the following on my heirs' property (select all that apply).</b></p> <p>- Agri-tourism  - Agriculture  - Conservation easements  - Cost share programs  - Forestry  - Horticulture  - Present use valuation  - Sell and develop  - Unique or niche markets</p>

Table 2 (continued).

Research Objective	Survey Question
	<p><b>Q8: As a result of participating in this workshop, I will...</b></p> <ul style="list-style-type: none"> <li>- <i>Look into county land records to see if my family has heirs' property</i></li> <li>- <i>Create a family tree</i></li> <li>- <i>Identify co-heirs of my family's land/farm</i></li> <li>- <i>Discuss heirs' property with family members</i></li> <li>- <i>Develop a list of local resources to help with heirs' property issues</i></li> <li>- <i>Put together documents needed to visit a professional (such as an attorney or estate planner) about heirs' property issues</i></li> <li>- <i>Seek advice from a professional (such as an attorney or estate planner) about heirs' property issues</i></li> <li>- <i>Develop an heirs' property plan with family members and land/farm stakeholders</i></li> <li>- <i>Take steps to ensure that I have a will that prevents heirs' property problems in the future</i></li> </ul>

### **Analysis**

Initial survey results were manually entered into Qualtrics for data management and exported to Excel for quantitative analysis. The survey included multiple choice, multiple select, and Likert-scale questions. Basic statistical calculations (means, counts, and percentages) and visualizations were made for select survey questions (Table 2 above).

To measure the workshop's impact on participant knowledge (objective 1), mean of participant's knowledge before and after the workshop; and participant level of knowledge on specific workshop topics were calculated. Participant knowledge was self-reported through a retrospective question. This means survey respondents were asked to reflect on their change in knowledge at the end of the workshop; this approach provides valid evidence of changes in understanding (Kowalski 2023). Ordinal responses, or data categories with meaningful order, were converted into a 4-point

scale ranging from 0-3 where 0 *None*, 1 represented *A little*, 2 represented *Some*, and 3 represented *A lot* (Table 3.1). This enabled assignment of a numerical value to responses for Questions 5 and 6 and was used to give participants a learning score.

Table 3.1: Numerical value assigned to ordinal knowledge level.

<b>Ordinal Knowledge Level</b>	<b>Learning Score</b>
None	0
A little	1
Some	2
A lot	3

The learning score was then used to calculate the change in participant knowledge by finding the difference between a participant's learning score before and after the workshop for Question 5. Participants were categorized into three groups: improved (change greater than 0), no change (change equal to 0), or decreased (change less than 0; (Table 3.2). For example, if a participant responded that their knowledge level was *a little* (1 point) before the workshop and *a lot* (3 points) after the workshop, then they received a knowledge change score of +2 and were included in the "improved" category. For analysis of Question 6, mean learning scores (Table 3.1) and standard deviations were calculated for each workshop topic (Appendix A).

Table 3.2: Participant knowledge change score.

Knowledge Change Score	Participant Category
-1	Decreased
0	No change
+1	Improved
+2	Improved

To identify areas for resource development to support HPOs (objective 2) Question 16a was used to identify which participants were HPOs. Responses from HPOs were segmented from the larger sample and were separately analyzed for select questions (Table 2). Counts of HPOs responses were used to calculate the percentage of nominal responses to Questions 9, 12, 16b, 16c, and 16d; nominal responses are data categories without meaningful order. Question 8 pertained to participants' intended action as a result of the workshop in regard to nine steps towards heirs' property prevention and resolution. HPOs that responded *yes* to Question 8 were counted as having intention to take the step after the workshop.

## RESULTS

There were a total of 178 individuals that completed a survey at the workshop, and the number of these survey participants from each county is in Table 4. 71 (39.8 percent) identified as HPOs. Results from selected survey questions are separated into two sections to address the research objectives. The first section provides a summary of the workshop's impact on knowledge (objective 1); this includes responses from all survey participants (n=178). The second section provides results from the segmented

responses from HPOs ( $n_{HP}=71$ ) to identify areas for resource development for HPOs (objective 2). This section focuses on demographics, challenges with heirs' property, land management interests, and intended actions as a result of the workshop.

Table 4: Survey participants from each county workshop.

Workshop County	Number of Survey Participants
Caswell	26
Guilford	27
Halifax	48
Robeson	24
Stokes	5
Union	16
Vance	32

### ***Workshop Impacts on Knowledge***

Overall, survey participants reported a mean knowledge score of 1.62 points out of 3 before the workshop and 2.60 points out of 3 after the workshop. Before the workshop, most participants reported having only *A little* knowledge (48.3 percent,  $n=73$  participants) or *Some* knowledge (41.7 percent,  $n=63$ ; Fig. 2). Only a small proportion of participants reported having *A lot* of knowledge (9.9%,  $n=15$ ; Fig. 2). This was just the opposite post-workshop (Fig. 2) where most participants reported having *A lot* of knowledge (61.6 percent,  $n=93$ ). The remaining participants reported having *Some* knowledge (37.1 percent,  $n=56$ ) or *A little* knowledge.

Figure 3 shows the trend for overall improved knowledge change before and after the workshop. Most participants reported improved knowledge (78.8 percent,

n=119) represented by blue dots above the red dotted line. This was followed by participants with no change in knowledge (18.5 percent, n=28) and participants with a decrease in knowledge (2.6 percent, n=4).

Figure 2: Distribution of participant knowledge before and after the workshop (n=151).

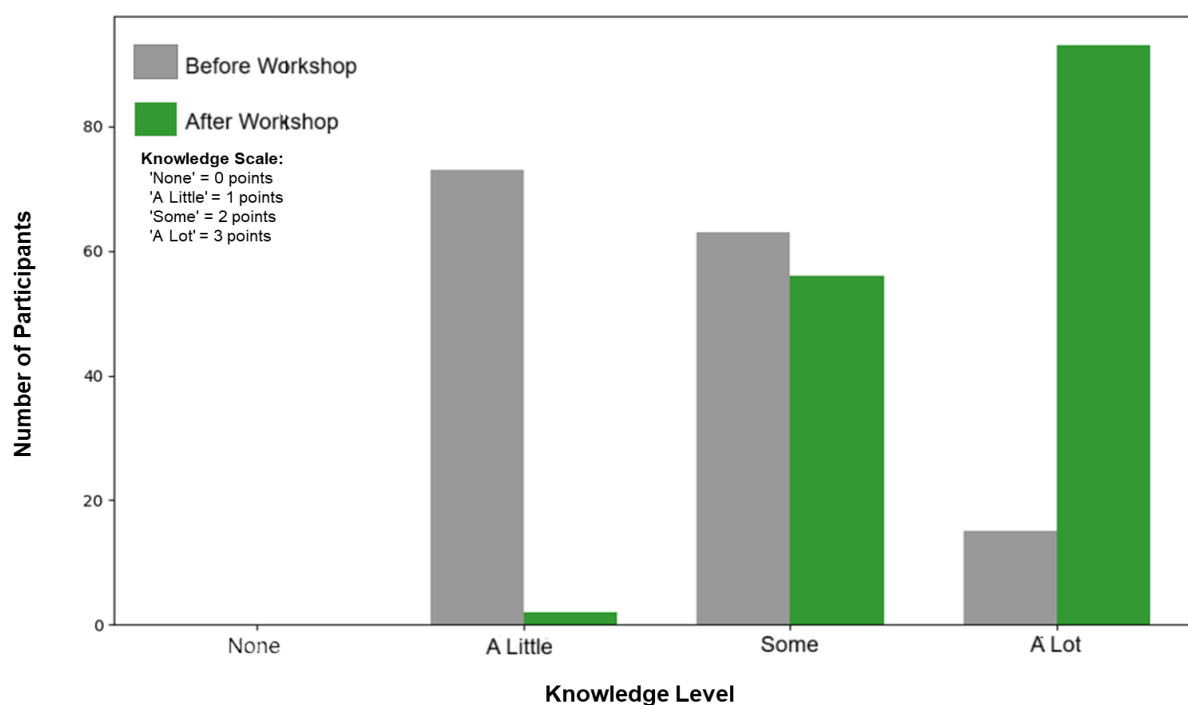
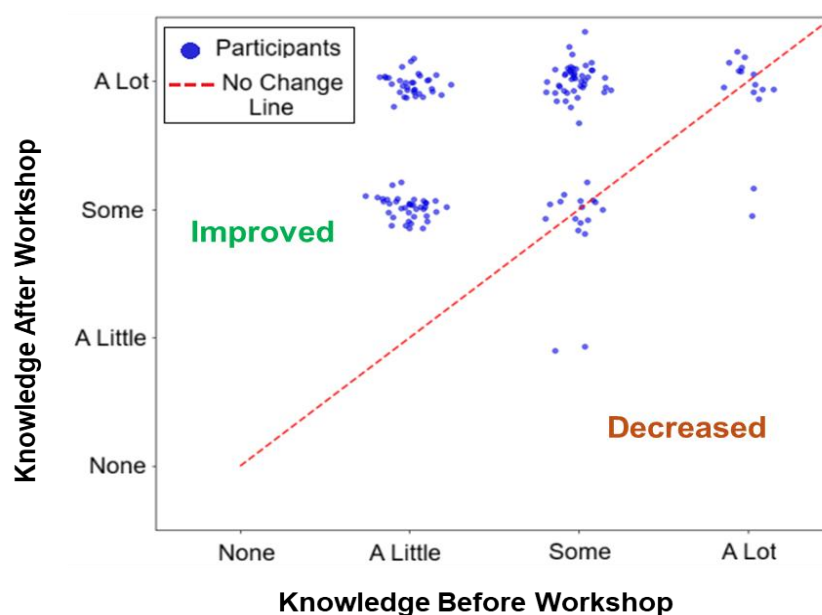
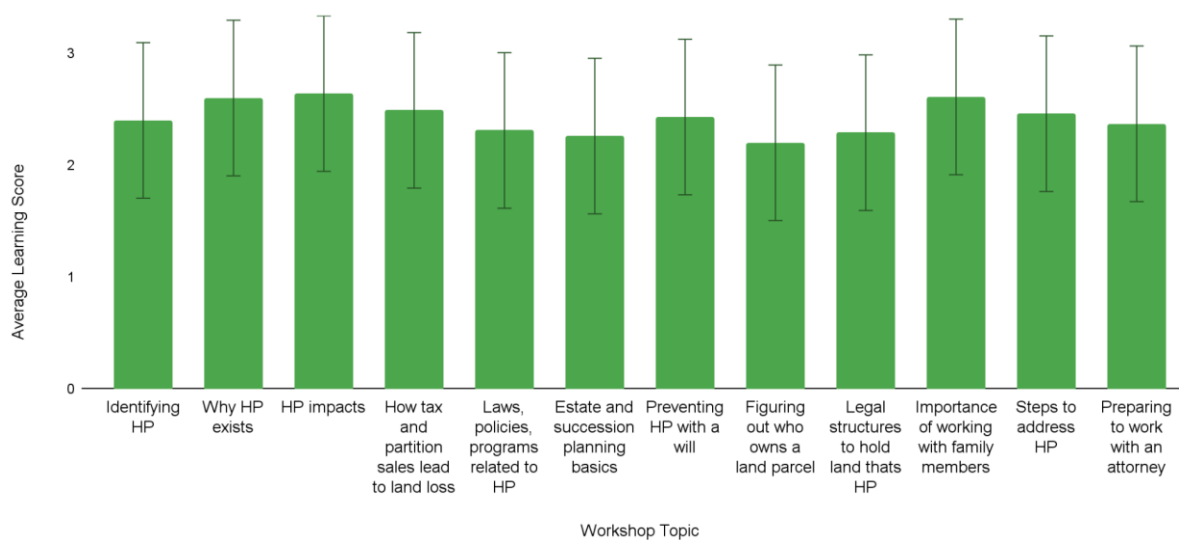


Figure 3: Relationship between participant knowledge level before and after workshop.



Participants' mean learning score for the twelve workshop topics combined was 2.42 out of 3. Figure 4 displays participants' average learning score for each workshop topic and a standard error bar with the mean standard deviation (0.695). The difference in learning between workshop topics was not statistically significant for any topic. Nonetheless, the workshop topic with the highest average learning rate was the “impacts of heirs’ property” (2.64). This was followed by “the importance of working with family members” (2.61), “why heirs’ property exists” (2.6), “how tax and partition sales can lead to land loss” (2.49), “steps families can take to prevent heirs’ property” (2.46), “preventing heirs’ property when establishing a will” (2.43, 90.8 percent), “identifying heirs’ property (2.4), preparing to work with an attorney” (2.37), “laws, policies, and programs related to heirs’ property” (2.31), “legal structures that can hold land owners as heirs’ property” (2.29), “basics of estate and succession planning” (2.26), and “figuring out who owns a particular parcel of land” (2.2)

Figure 4: Average participant learning score across workshop topics (n=173).



## Segment of Heirs' Property Owners

### Participant Demographics

Table 5 (below) summarizes the demographic characteristics of workshop participants that are HPOs and other workshop participants. HPOs were more likely to be women (73 percent) than men (27 percent). Most HPOs were African American (86 percent), and 65 or older (37 percent). This was followed by white (10 percent), Native Hawaiian or Pacific islander (4 percent) and Native American participants (3%). Most HPOs were 65 years of age or older (37 percent). This was followed by ages 55-64 (24 percent), 35-44 (23 percent), 45-54 (14 percent), and 25-34 (3 percent).

Table 5: Heirs' Property Owner Demographic Characteristics (n<sub>HP</sub>=71)

	Response	Heirs' Property Owners
<b>Age*</b>		
	18-24 years	—
	25-34 years	3%
	35-44 years	23%
	45-54 years	14%
	55-64 years	24%
	65 years or older	37%
<b>Gender**</b>		
	Male	27%
	Female	73%
<b>Race***</b>		
	Native American	3%
	Black or African American	86%
	Native Hawaiian or Pacific Islander	4%
	White	10%

\* 7.9 percent of participants did not respond to survey question.

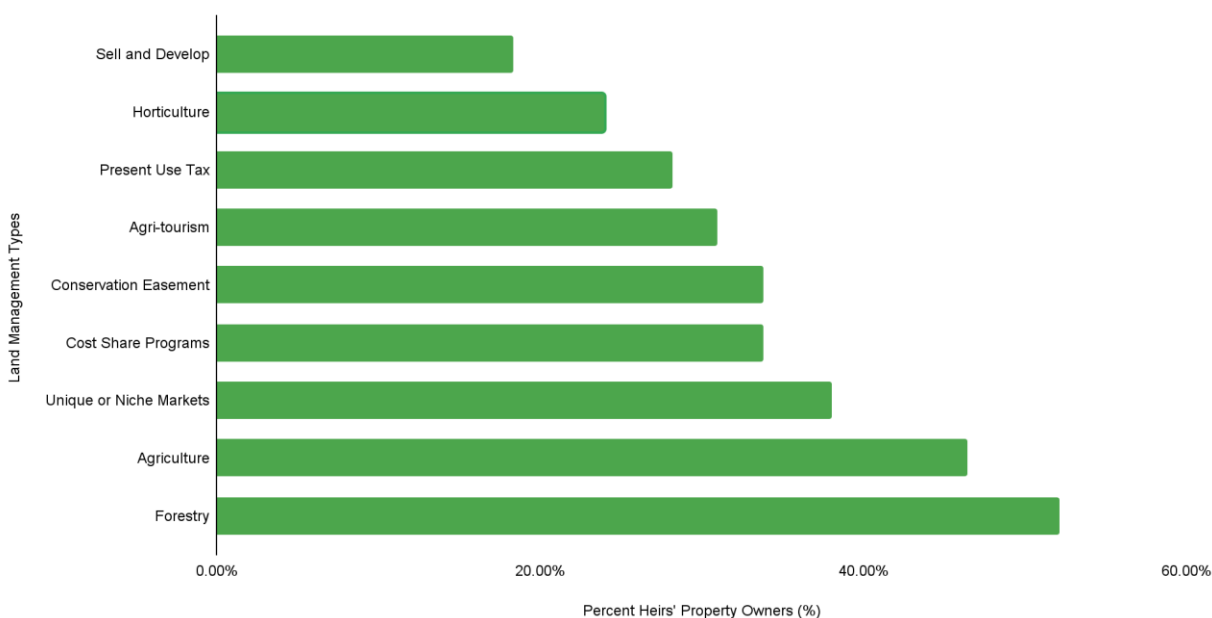
\*\* 8.4 percent of participants did not respond to survey question.

\*\*\* Question was a “select all that apply” response.

### *Land Management Interests*

Of the 178 total survey participants, 71 (39.9 percent) identified as HPOs and 107 (60.1 percent) were non-HPOs. Figure 5 shows results for the land management types that HPOs were interested in learning more about. Forestry (52.1 percent, n=37) was the land management type participants were most interested in. This was followed by agriculture (46.5 percent, n=33), unique or niche markets (38 percent, n=27), conservation easements (33.8 percent, n=24), cost share programs (33.8 percent, n=24), present use taxation programs (28.2 percent, n=20), agritourism (26.1 percent, n=18), horticulture (23.9 percent, n=17), and sell and develop (18.3 percent, n=13).

Figure 5: Heirs' property owners land management interests (n<sub>HP</sub>=71).

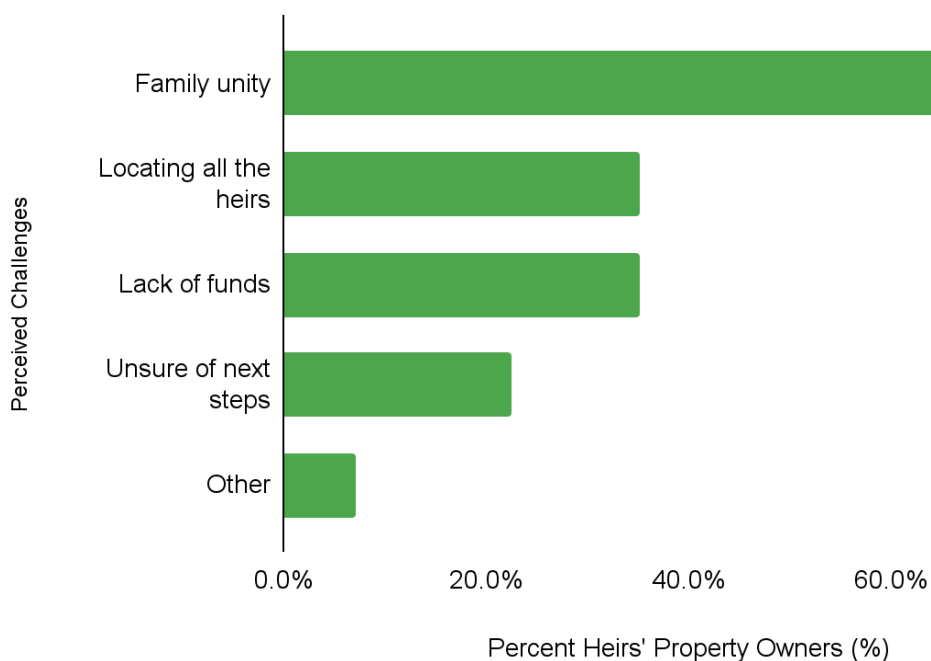


### *Challenges of Owning Heirs' Property*

Figure 6 shows the percentage of perceived challenges of HPOs (n=71). Family unity was the greatest perceived challenge (66.2 percent, n=47). This was followed by

challenges with locating all the heirs (35.2 percent, n=25), lack of funds (35.2 percent, n=25), being unsure of the next steps (22.5 percent, n=16), and other written responses (7 percent, n=5) included lack of time, ability to find the right attorney, and distance to the property.

Figure 6: Perceived challenges in remediating heirs' property (n<sub>HP</sub>=71).

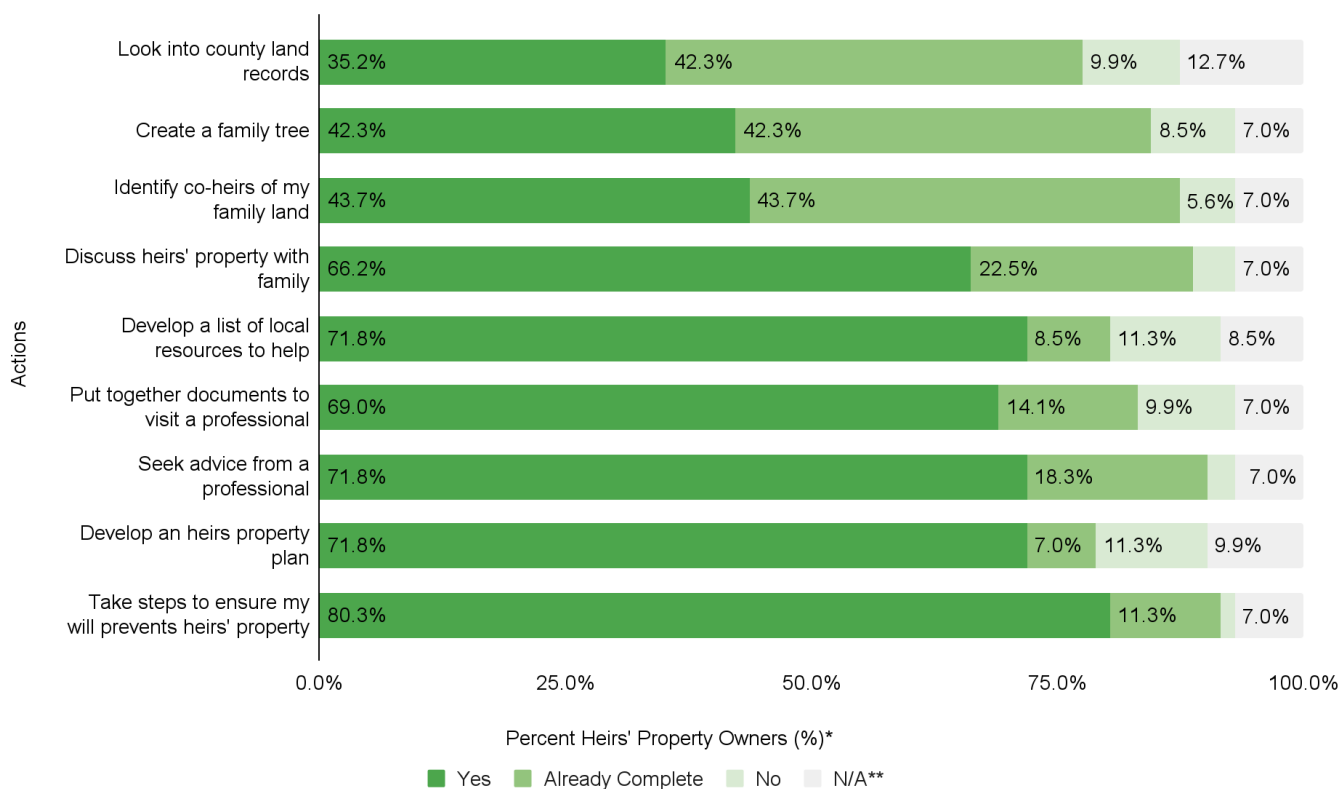


### *Intended Actions Following the Workshop*

Participants were asked about their intentions following the workshop regarding nine actions (Fig. 7). The action that the greatest percentage of HPOs intended to take (“yes”) was “take steps to ensure I have a will to prevent heirs' property” (80.3 percent, n=57). This was followed by “develop an heirs property plan” (71.8 percent, n=57), “seek advice from a professional (such as an attorney or estate planner)” (71.8 percent, n=57), develop a list of local resources to help” (71.8 percent, n=57), “put together documents to visit a professional (e.g., attorney or estate planner)” (69 percent, n=49),

“discuss heirs' property with family” (66.2 percent, n=47), “identify co-heirs of my family land” (43.7 percent, n=31), “create a family tree” (42.3 percent, n=30), and “look into county land records” (35.2 percent, n=25).

The action the greatest percentage of HPOs had “already completed” prior to the workshop was “identify co-heirs of my family land” (43.7 percent, n=31). This was followed by “look into county land records” (42.3 percent, n=30), “create a family tree” (42.3 percent, n=30), “discuss heirs' property with family” (22.5 percent, n=16), seek advice from a professional (such as an attorney or estate planner)” (18.3 percent, n=13), “put together documents to visit a professional (e.g., attorney or estate planner)” (14.1 percent, n=10), “take steps to ensure I have a will to prevent heirs' property” (11.3 percent, n=8), “develop a list of local resources to help” (8.5 percent, n=6), and “develop an heirs property plan” (7 percent, n=5).

Figure 7: Heirs' property owners' intended actions after the workshop (n<sub>HP</sub>=71).

\* Data bar labels <5% removed

\*\* "N/A" indicates participants that selected "not applicable" or did not respond

## DISCUSSION

### *Changes in Knowledge*

The results from the workshop show that participants demonstrated a significant increase in overall perceived knowledge across all workshop topics as a result of their attendance. The workshops demonstrate a positive impact of adult education programs that combine topics of heirs' property and succession planning. This further attests to the ability of the SRDCs educational framework to enhance community knowledge.

The average learning scores across workshop topics were not statistically significant, meaning participants didn't experience greater learning in one topic over

others. However, the average learning across all topics was 2.42 on a 3-point scale, showing that participants gained knowledge on all the topics. Topics can be grouped as introductory or related to heirs' property prevention and resolution. Knowledge gained on introductory topics on the general impacts of heirs' property and why it exists, which indicates that participants did not have a general knowledge on heirs' property prior to the workshop. Less than half (39.9 percent) of participants were HPOs who likely attended the workshop because of its direct relevance and a need for information. This implies that other participants (60.1 percent) were practitioners or community members seeking information on heirs' property. Studies on the motivations of these stakeholders to engage with heirs' property could be used in future educational frameworks.

Other topics that went more in depth on heirs' property prevention or resolution covered succession and estate planning, wills, and legal structures for property ownership. This is information that could support all landowners who don't have a plan for the transfer or retention of their land. Workshops were held in counties with large percentages of heirs' property, which correlates to higher levels of social vulnerability (Dobbs and Johnson Gaither 2023). It therefore can be expected that participants may have a deficit in knowledge on legal planning and ownership topics because they likely have less access to institutional and legal resources (Emergency Land Fund 1980; Pepoff 2021; Watkins et al. 2023). The similar average knowledge gain across these different topics helps produce a baseline of communities' knowledge level of heirs' property. It also indicates that continued education is needed if all workshop topics cover new information that most participants learn, especially in communities with large percentages of heirs' property.

### ***Developing Resources for Heirs' Property Owners***

To advance future educational frameworks, Extension programs, and other community resources aimed at HPOs in North Carolina, the survey results indicate three areas in need of resource development. The three areas are: (1) challenges with heirs' property, (2) land management interests, (3) intended actions as a result of the workshop. Each of these areas focuses on survey responses from HPOs. The demographic characteristics of HPOs in this study serve as an important background for delivering programs tailored to their identities. The majority of HPOs sampled from North Carolina in this study are African American, women, and above 55 years old (Table 5). More than 100 million acres of land are owned by people 65 years and older, indicating that land succession remains a top area of concern for the forestry and agriculture community (Butler and Wear 2013; Butler et al. 2021). While family landowners in forestry are largely white (Butler et al. 2021; Bardon et al. 2023), research shows African American women are twice as likely as white women to be leaders in their communities (Hewlett and Wingfield 2015). African American households also have the highest share of households (60 percent) headed by women (Goodman, Choi, and Zhu 2021). Among single parent households in the African American community in the US, 30 percent are headed by women as opposed to only 5 percent of African American men (Martinez and Passel 2025). All this highlights the predominant role of African American women as decision makers, and the importance of succession planning, particularly relating to heirs' property ownership.

### *Challenges With Heirs' Property*

The first area of resources development aimed at addressing heirs property is building family unity. HPOs perceived family unity as the greatest challenge in remediating heirs' property (Fig. 6), consistent with themes in the literature (Hitchner, Schelhas, and Johnson Gaither 2017). Family unity presents a nuanced challenge for heirs' property and families seeking to build a succession plan because heirs' properties typically involve more than just one family unit (parent and children). They can be owned by dozens or hundreds of heirs, exponentiating the complex interpersonal dynamics that make family unity a challenge (Johnson Gaither et al. 2019). It is also common for some or many HPOs to no longer live on or near the property, adding challenges with unity across distance. Building resources to address challenges with family unity can be done with communication tools or mediation services and should be applicable over geographical distances.

Land succession or legal practitioners that engage with HPOs should be trained in this area to support families, or have networks designed to guide families to local resources for family services as an initial step in remediating heirs' property. The North Carolina Agricultural Mediation Program (NCAMP) provides mediation and arbitration services to support agricultural families working through land succession, a portion of whom are families with heirs' property. The expansion or development of other state and non-state resources for family services can work to address this challenge in both heirs' property prevention and resolution. If family unity is improved, it could also help mend other challenges HPOs selected on the survey, such as locating heirs, funds, or uncertainty with the next steps (Fig. 6).

### *Land Management Interests*

Resources for land management to support HPOs interests in forestry (52.1 percent), agriculture (46.5 percent), niche markets (38 percent), and other uses can address land retention in North Carolina. Revenue generation or tax credits related to forestry, agriculture, and other land uses can alleviate economic pressure to sell the land. Efforts to engage HPOs with forestry in the southeast have been highly successful to promote income generation, financial security, and land retention (Schelhas et al. 2019). Development pressure in North Carolina (Hunter et al. 2022; Xie et al. 2023) exists in counties where heirs' property is prevalent and engagement with heirs' property should prioritize addressing these land management interests to mitigate involuntary land loss (Dobbs and Johnson Gaither 2023; Thomson and Bailey 2023). Alleviating economic pressures may also provide HPOs with greater capacity to navigate other challenges, such as family unity or knowing what steps to take next (Fig. 6).

HPOs land management interests are compatible with cost share programs and technical resources of the U.S. Department of Agriculture. These resources are designed to financially incentivize and support landowner goals for land productivity and natural resource management (Kaetzel 2009; Sun et al. 2009; Chizmar et al. 2023). HPOs do not often qualify for cost-share programs because of barriers to application requirements, such as a written land management plan. Further, landowners' education, income, and personal preferences are all found as factors that limit enrollment in cost-share programs; and studies suggest a need to better understand enrollment trends and non-economic landowner motivations (Sun et al. 2009, Chizmar et al. 2021).

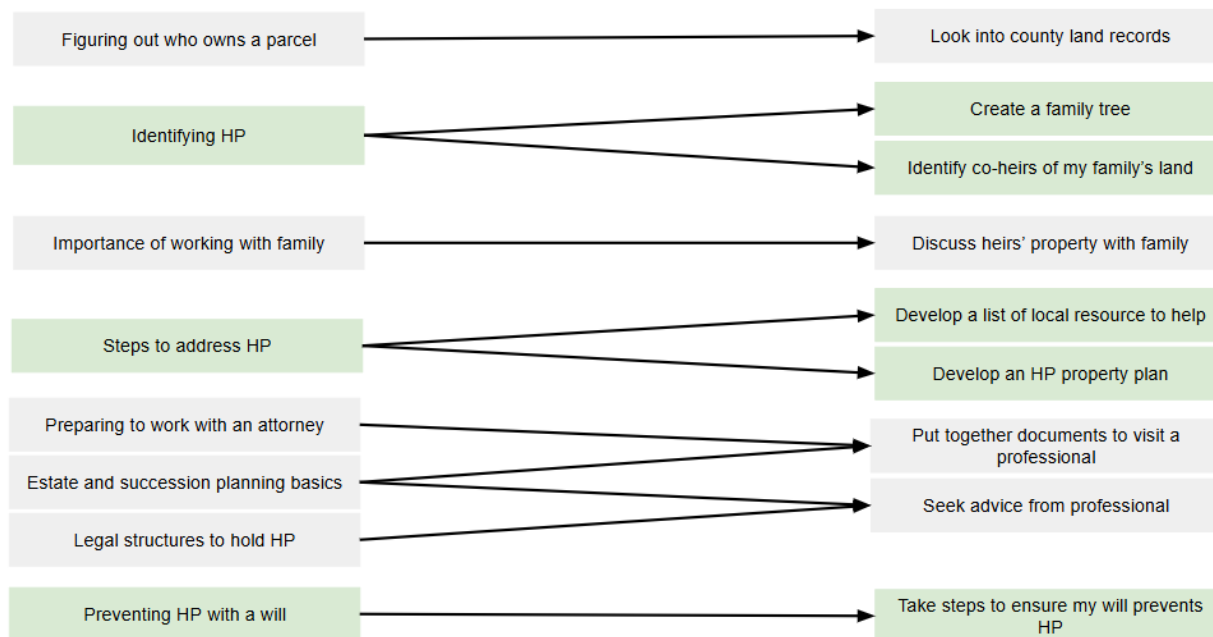
With regard to HPOs that identify as African American, there has been inequitable access to education and institutional resources related to racial and economic disparity (Deaton 2012; Mitchell 2016; Hinson 2018; Dobbs and Johnson Gaither 2023). Further, there is well documented discrimination against African American landowners by the USDA (Congressional Research Service 2013; Smith and Cubbage 2024), and this can perpetuate HPOs skepticism or uncertainty with systems that have historically demonstrated racism. Effort to build trust and HPOs engagement with cost-share and technical resources could have a positive impact on program enrollment and land management. At the very least, it is crucial that these resources be made more accessible to HPOs by addressing their specific needs. For example, county or state practitioners could start by working with families to create a land management plan for forestry, agriculture, or other land uses for their heirs' property.

### *Intended Actions*

Workshop participants intend to act on nine pragmatic steps related to preventing or resolving heirs' property that can inform practitioners in law or community programming. Figure 8 demonstrates how workshop topics relate to the intended actions of HPOs. HPOs intended actions that directly involve legal professionals include obtaining legal advice on heirs' property, a plan for their heirs' property, and a will that prevents heirs' property. It is imperative that legal services and literacy are built to support these actions, especially where access to legal resources are historically limited, such as African American communities. Legal professionals in areas with large percentages of heirs' property should be trained on heirs' property in order to support the prevention and resolution of it through wills, estate planning, and other related

services. These improvements can help mend historical injustices and the lack of access experiences by past generations of landowners.

Figure 8: Connection between select workshop topics and intended actions.



Existing legal resources that are subsidized for HPOs in North Carolina include clinics at Wake Forest University School of Law and University of North Carolina Chapel Hill Law School and nonprofits like the Land Loss Prevention Project or Legal Aid of North Carolina. However, these services have limited funding and staff capacity and are only available to select eligible landowners. Free and accessible materials can supplement limited services to build legal literacy and help HPOs prepare the documents they need before visiting legal professionals.

Local sources of expertise from the Extension System or community organizations could support other intended actions, such as developing a list of local resources or discussing heirs' property with family. These resources could also be integrated into future community engagement that uses the SRDC's educational

framework. The Extension workshops discussed in this chapter used the framework at the community level and demonstrated how local engagement can disseminate heirs' property information. Expanding the workshops to be delivered by local experts may provide a more meaningful way to engage with HPOs and tailor the framework to the intended actions of HPOs.

The actions that HPOs have already completed, such as looking into county land records, creating a family tree, or discussing heirs' property with family, inform the current education or awareness. They also indicate that local resources to help with their heirs' property situation may be less available. Though any significant differences between intended or unintended actions (Figure 7) is undetermined, some participants were *not* interested in taking steps towards heirs' property prevention or resolution. Further investigation into land remaining heirs' property or how education can be better delivered to HPOs may be informative.

### *Study Limitations*

Improvements could be made to the workshop survey to better understand remedial solutions for families with unclear title and heirs' property. Heirs' property resolution is theoretically incorporated into workshop topics, but the survey tool does not inform participant preferences or experiences with clearing titles or the alternative structures to ownership that protect assets, such as a trust or limited liability corporation (LLC; Branam 2024b). These structures can provide a legal resolution to land with unclear title. They enable HPOs to use their property similar to traditional owners through bank loans, cost share programs, and other resources for property management. Organizational resources on alternative structures for remediation,

including legal services, financial services, and educational platforms, should be developed.

The quality of this study could be improved in survey design and expansion of the workshops. The measure of participant knowledge in this study introduced memory bias because it relied on a retrospective question. While this methodology is valid, a traditional pre- and posttest method would have removed certain biases (Kowalski 2023). Expansion of the workshops would increase the sample size of the analysis and capture cultural aspects of different regions. The SRDC disseminates this educational framework across several southern states, and this presents an opportunity to compare participants from North Carolina with participants from other states. Within North Carolina, there are also certainly more counties with large percentages of heirs' property than the seven included in this study. The importance of educational programs discussed here leaves out important qualitative considerations of heirs' property. These properties often carry deep cultural meaning and history to the families that own them.

## **CONCLUSION**

Overall, this chapter contributes to knowledge of current and future educational programming on heirs' property. It illustrates the relationship between succession planning and the prevention of heirs' property, with specific relevance to underserved landowners. The workshops, *Understanding Heirs' Property at the Community Level*, demonstrate effective community education and engagement with communities directly impacted by heirs' property. The educational framework developed by the SRDC

demonstrates positive impacts on knowledge of heirs' property that can be expanded upon for wider impact.

The interests, challenges, and intentions of HPOs identified in this research inform a better understanding of what resources are needed to support these landowners. Services to improve family unity can support HPOs with goals and plans to retain their property long-term. HPOs interest in forestry, agriculture, and conservation indicate a strong need for programs to support land retention through land management. Greater access to technical and cost-share services to support these interests continues to be a vital area of improvement required to reach HPOs.

The understanding of HPOs revealed in this chapter is critical for Extension programming, legal service providers, and communities. A stronger relationship between engagement with HPOs and resources for succession planning could enhance land retention efforts in North Carolina. Effective programs and resources related to land succession, land management, and remediating heirs' property can expand the wider impact of this work. Engagement with HPOs has provided valuable lessons and suggest avenues to enhance land retention.

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## APPENDIX

### **Appendix A: Workshop Survey**

**Understanding Heirs' Property at the Community Level Workshop Survey** IRB 23 285

Please provide your feedback. The project involves research which includes completing this

survey and one after 3 months. For more information, contact John Green, [john.green@msstate.edu](mailto:john.green@msstate.edu) or (662) 325-0595. Participation is voluntary, but your input is important. Individual responses will be confidential. Reports will be in summary form.

**1. Date:** \_\_\_\_\_

**2. How was the workshop conducted (check all that apply)?** \_\_\_\_ In-Person \_\_\_\_ Virtual

**3. If in-person, what was the location?**

City: \_\_\_\_\_ State: \_\_\_\_\_

**4. Please mark the heirs' property sections that were covered.**

\_\_\_\_ Overview \_\_\_\_ Prevention \_\_\_\_ Resolution

**5. Has what you know about heirs' property changed because of this workshop? Mark the best options below by placing an X in the blank.**

What I know about heirs' property has changed...	None	A Little	Some	A Lot
<b>Before</b> this workshop, how would you rate how much you knew about heirs' property?				
<b>After</b> this workshop, how would you rate how much you know about heirs' property?				

**6. How much did you learn about these topics discussed at the workshop? Mark the best options below by placing an X in the blank.**

Because of this workshop, I learned about...	None	A Little	Some	A Lot
Identifying heirs' property				
Why heirs' property exists				
Impacts of heirs' property				
How tax sales and partition sales can lead to land loss				
Laws, policies, and programs related to heirs' property				
Basics of estate and succession planning				
Preventing heirs' property when establishing a will				
Figuring out who owns a particular parcel of land				
Legal structures that can hold land owned as heirs'				

property				
The importance of working with other family members				
Steps families can take to address heirs' property				
Preparing to work with an attorney				

**7. Please place an X to show how much you agree or disagree with these statements.**

<b>Based on this workshop...</b>	<b>Strongly Disagree</b>	<b>Disagree</b>	<b>Agree</b>	<b>Strongly Agree</b>
I know where to find resources to help with heirs' property.				
I will use this information to help my family address heirs' property issues.				

**8. Please place an X for the responses that apply to you.**

<b>As a result of participating in this workshop, I will...</b>	<b>Yes</b>	<b>No</b>	<b>Already Complete</b>	<b>Not Applicable</b>
Look into county land records to see if my family has heirs' property				
Create a family tree				
Identify co-heirs of my family's land/farm				
Discuss heirs' property with family members				
Develop a list of local resources to help with heirs' property issues				
Put together documents needed to visit a professional (such as an attorney or estate planner) about heirs' property issues				
Seek advice from a professional (such as an attorney or estate planner) about heirs' property issues				

Develop an heirs' property plan with family members and land/farm stakeholders				
Take steps to ensure that I have a will that prevents heirs' property problems in the future				

**9. What do you view as your biggest challenge in remediating your heirs' property? (Select all that apply.)**

- Family unity
  Unsure of next steps  
 Lack of funds
  Other: \_\_\_\_\_  
 Locating all the heirs

**10. I am aware of technical resources and cost share programs to help me manage my property.**

Yes  No

**11. I would like my property to remain heirs' property (co-tenancy).**

Yes  No

**12. I would like to learn more about how to implement one or more of the following on my heir's property: (Select all that apply.)**

- Agri-tourism
  Horticulture  
 Agriculture
  Present use valuation  
 Conservation easements
  Sell and develop  
 Cost share programs
  Unique or niche markets  
 Forestry

**13. What was most helpful about the workshop and materials?**

**14. What would make the workshop and materials even better?**

**15. What else do you need to help your family or community with heirs' property?**

**16. About you:**

**What is your connection to heirs' property? (Select all that apply)**

My family is currently dealing with an heirs' property situation.

I am trying to help my family avoid heirs' property issues in the future.  I am generally interested in heirs' property issues to help my family and community.

**What is your age?**

18 to 24  25 to 34  35 to 44  45 to 54  55 to 64  65 or older

**How would you describe your sex?**

Female  Male  Not listed, please specify: \_\_\_\_\_

**What is your race or ethnicity? (Select all that apply)**

American Indian or Alaska Native
  Hispanic, Latino, or Spanish Origin
  Asian  
 White or Caucasian
  Black or African American
  Native Hawaiian or Other Pacific Islander
  Not listed, please specify: \_\_\_\_\_

***Thank you for sharing your thoughts.***

## **CHAPTER 3**

### **Perceptions of Land Loss and Values Shared by Heirs' Property Owners**

#### **ABSTRACT**

Development pressure in North Carolina puts the state's substantial number of heirs' properties at significant risk of loss. Studies of heirs' property largely focus on the impact of associated economic values. This study expands work on the qualitative understanding of the experiences, perceptions, and non-economic values of heirs' property landowners in the U.S. South. Interviews conducted with heirs' property owners in North Carolina show that land loss is perceived as a threat from external pressure and issues related to a lack of succession planning and information on passing property on. A theme of shared values associated with the land, including legacy, work, and homeplace, are also identified. These perceptions and values are consistent with other studies in the south. Integrating non-economic values into land management strategies and programs for heirs' property may positively influence land retention in North Carolina.

#### **INTRODUCTION**

Land ownership is a primary avenue for individuals to build generational wealth in the U.S. (Hamilton and Darity 2009; Shenk 2010). Heirs' property is a contributing factor of involuntary land loss and forms when land is passed on to heirs without the use of wills and succession or estate planning practices (Federal Register 2007; Mitchell 2016; Thompson 2017). Due to the historical lack of access to formal succession practices within the U.S. property system, such as wills or other legal tools, heirs' property is concentrated among African American landowners in the U.S. South (Mitchell 2006;

Dyer, Bailey, and Nhuong 2008; Thompson 2017). Existing literature on heirs' property focuses on negative economic impacts, quantification, and African American land loss more generally.

This chapter expands the qualitative aspects of heirs' property by stepping beyond the economic and quantitative impacts of land loss often found in the literature. It is an attempt to better understand the details and significance of heirs' property ownership by investigating the experiences, perceptions, and values of the owners. Interviews with heirs' property owners (HPOs) focus on uncovering perceptions of land loss and non-economic values that owners associate with their land. These aspects connect to wider discussions of landownership, non-economic values, and efforts for land retention.

## **BACKGROUND**

### ***Heirs' Property and Land Loss***

The formal property system in the United States includes legal processes and nomenclature related to purchasing property and planning for land succession (Thompson 2017). It gives landowners the ability to retain land as generational wealth through legal structures that securely pass land on to heirs (Thompson 2017; Reznickova 2023). Ownership tools of the formal property system such as probated wills, updated deeds, or trusts common in traditional land ownership are less common among African American landowners in general; studies find that between 60 percent and 80 percent of African Americans do not have a formal will or plan for land succession (Emergency Land Fund 1980; Cole 2021; Pepoff 2021; Watkins et al. 2023).

This creates unclear title and insecure ownership in the formal property system, resulting in heirs' property (Mitchell 2006; Thompson 2017). Heirs' property is associated with land loss via structures in the formal property system, such as partition sales or tax foreclosures (McGee and Boone 1979; Woods and Zabawa 2024).

Heirs' property is created when land is passed on without a will and becomes an undivided interest among all surviving heirs (U.S. Federal Register 2007; Mitchell 2016). Most heirs' property is located in the Black Belt, a geopolitical region in the U.S. South that forms a crescent from East Texas to Virginia. The region is characterized by a large population of African Americans, rural life, and a history of plantation agriculture because of the highly fertile soils (Dobbs and Johnson Gaither 2023; Thomson and Bailey 2023). Despite its rurality, parts of the Black Belt in North Carolina have become hotspots for population in-migration and real estate development (Hunter et al. 2022; Dobbs and Johnson Gaither 2023; Xie et al. 2023).

Trends of urbanization and land loss indicate significant threat to HPOs. Reports in the American Farmland Trust's *Farms Under Threat* initiative, show that eleven million acres of farmland were lost between 1992-2016 (Freedgood et al. 2020; Hunter et al. 2022). Projections show an increase in farmland loss that is explicitly linked to urbanization, such as low-density housing, transportation, and commercial development (Hunter et al. 2022; Xie et al. 2023). Urbanizing areas, particularly those with heirs' property, are of high interest to real estate developers because land without clear title to ownership or land with many owners who are disassociated with the property can be easily obtained. This is done through real estate tactics, such as buying out interests from family members that no longer associate with the property or forced partition sales,

both of which are associated with losses of heirs' property (Miller; Branan 2024; Woods and Zabawa 2024).

Heirs' property also relates to disproportionate trends of land loss experienced by African American landowners compared to white landowners. Following the Civil War, African Americans acquired 16 to 19 million acres of land by 1910. By the start of the 21st century, nearly 90 percent of this land had been lost, and African American farmers, who were mostly in the South, had decreased by 98 percent (Reznickova 2023). Studies show how a loss of black-owned land relates to a gain in white-owned land, demonstrating that loss is disproportionately worse for African Americans in some areas (Reznickova 2023; Winters-Michaud et al. 2023). Discrimination and injustices from slavery to the present day have widely impacted African Americans' landowners and their interaction with the formal property system, the perpetuation of heirs' property, and the loss or theft of land (McGee and Boone 1979; Mitchell 2006; Hinson 2018; Quisumbing King et al. 2018).

### ***Qualitative Assessment of Heirs' Property***

The formal property system intends to protect landowners partially due to the high economic value of land to build generational wealth in western systems (Mitchell 2006; Hamilton and Darity 2009; Thompson 2017; Vries and Voss 2018). However, the unclear title attached to heirs' property decreases the property value and prevents owners from managing, improving, or selling the land in the same way traditional property owners can (Thompson 2017; Bailey et al. 2019). Emphasis on the importance of economic value and land productivity saturate heirs' property literature with work

focused on the economic disparity and value loss associated with heirs' property (Deaton 2012). Studies investigating heirs' property often use an economic lens to quantify how lack of access to resources or land management practices has led to decreased property value, loss of generational wealth, and prevalence of heirs' property.

However, the non-economic value of heirs' property and the experiences of families that own them provide an alternative view. Social and cultural values are similar concepts that represent non-economic benefits experienced by landowners. Cultural values are instilled from generational customs and beliefs that shape group perspectives (Dyczewski 2021). Social values in relation to land ownership are the benefits, preferences, and decisions that individuals associate with their land and its surroundings (Klamer 2003; Vieyt 2022). Scholars in land management, Vries and Voss (2018) discuss how tenure insecurity, when "land or property ownership, use, access, or transfer cannot be guaranteed by state or local community" and "if possibilities exist for expropriation, eviction, and land grabbing," impacts more than economic factors for landowners (Vries and Voss 2018:389). Landowners can lose social values, like spatial identity and livelihood, when they do not have secure tenure or ownership. This logic that is external to economic factors can perhaps better measure how land loss impacts non-economic values of HPOs.

Further, unique social and cultural values have of African American landowners in the South have been studied as a response to the nation's history of enslavement and sharecropping, as well as modern day discrimination and hardship with tenure insecurity (Gilbert et al. 2002; Quisumbing King et al. 2018, Bailey et al. 2019).

Examples of values that have been identified and associated with African American landowners in the literature are freedom, hard work, security, and self-sufficiency (Bailey et al. 2019; Hitchner, Schelhas, and Johnson Gaither 2017; Quisumbing King et al. 2018).

There is limited use of qualitative methods to study the deeper human perceptions and non-economic values of HPOs. A better understanding of the lived experiences of HPOs could inform programming and policies for owners that are driven by unique values and perceptions. Qualitative studies on unique clusters of heirs' property owners in Alabama (Dyer and Bailey 2008) and other HPOs that have participated in forest management programs (Hitchner et al. 2017) made crucial contributions that incorporated the non-economic significance of heirs' property.

Building on this research, this chapter advances the work by uncovering patterns across the experiences of HPOs in North Carolina to make connections to the broader social significance of heirs' property and African American land loss. This will enhance qualitative understandings of HPOs and provide an alternative view to the dominant economic narrative on heirs' property and land loss. It is an attempt to better understand the details and significance of heirs' property ownership by investigating the experiences, perceptions, and values of the owners. Interviews were conducted with heirs' property owners to uncover how they perceive land loss and what values they associate with their property that may be threatened by land loss. This chapter will first explain the Extended Case Method framework (Burawoy 1998) and qualitative methodology used to conduct and analyze interviews. Second, it will summarize the descriptive cases and salient themes from interview cases. Themes relate to external

threats to property ownership, succession planning issues, and shared values held by HPOs. Third is a discussion of how the themes are relevant to wider discussions of African American landownership, land loss, and efforts for land retention. This is integrated with suggestions for practical solutions that can enhance engagement with HPOs to promote land retention.

## **METHODS**

### ***Interviews***

Semi-structured interviews were conducted with heirs' property owners to broaden qualitative understandings of their property history and personal experiences. Michael Burawoy's (1998) Extended Case Method, or ECM, was utilized to practice reflexive science and engagement with individuals to learn from their experiences. In this model, interviews represent individual cases that are compiled through analysis "to extract the general from the unique" (Burawoy 1998:5). This honors the unique experience of each participant as past studies do (Dyer and Bailey 2008) but performs analysis of interviews with the intention to extract similarities between participants. This use of ECM relies on logical inference, rather than statistical inference, to investigate how qualitative data informs the research question (Burawoy 1998; Small 2009). Logical inference in research is meant to ensure that qualitative data and methods are not elicited to standards of quantitative research (i.e., sample size and random sampling), allowing the researcher to focus on the goals of their qualitative research. Therefore, the number of participants in this study are accepted as valid and reliable (Small 2009). This study also employs an adaptation of ECM to focus on a series of micro encounters

with participants, compared to a several months or years long engagement found in larger studies (Handelman 2005). Interviews were selected as a methodology because of their capacity to uncover the complexities of perception and meaning-making, and provide a deeper understanding compared to survey tools (Lamont and Swidler 2014; Lareau 2021; Rubin 2021; Small and Calarco 2022). The interview protocol (Appendix A) includes a consent form and 12 questions. The protocol received approval from North Carolina State University's Institutional Review Board (26711).

Interview participants were recruited at community workshops on heirs' property held by North Carolina Cooperative Extension in five counties. Recruitment was done in this setting to build trust with participants given the privacy concerns associated with heirs' property as a type of landownership vulnerable to land predation (Duneier 2000; Rios 2015; Bailey et al. 2019; Lareau 2021). All workshop participants were invited to provide their contact information if they were interested in being interviewed for a research study on their property history and experience as a landowner.

Communication with interested individuals was conducted over email and three screening questions were asked to ensure 1) they were HPOs in North Carolina, 2) that the property was used by the family, and 3) that they understood the interview was for research purposes.

Seventeen workshop participants were emailed about an interview and eight responded. Six interviews were scheduled with HPOs but only five were conducted. Two interested individuals did not feel prepared for an interview, and one had resolved their heirs' property and didn't think an interview would be helpful. Four interviews were conducted via Zoom, and one was conducted in-person at a public library near the

participants home. Interviews were scheduled four to six months after recruitment at workshops to give participants time to discuss with family, organize historical documents, and formulate independent ideas about heirs' property following the workshop. Interviews lasted between 40 to 90 minutes, and audio generated transcripts from Zoom, handwritten fieldnotes of the researcher's observations, and photocopy documents from participants (e.g., photographs, family trees, aerial property imagery) were collected. Participants were invited to bring family members to the interview and were given the choice of interview location (in-person or virtual). Geographic and other identifiable information is removed from analysis, and all names and places mentioned in the results are pseudonyms (Reyes 2020; Lareau 2021).

### ***Analysis***

Interview transcripts were the primary source of data for analysis because they provided the richest insight into participants' experiences. The design of each interview question to target the research objectives informed the conceptual framework for analysis (Table 6). Deductive and inductive reasoning were used to qualitatively analyze the transcripts and identify salient themes related to land loss and non-economic values. Deductive reasoning uses pre-existing knowledge to structure analysis with a "top-down" approach and focus on themes from the literature (Lareau 2021; Rubin 2021); it aligns with the Extended Case Method because it seeks to use existing knowledge to understand new data (Burawoy 1998; Small 2009). Inductive reasoning uses a "bottom-up" approach in which the researcher uses data to inform analysis and incorporate new themes as they emerge (Charmaz 2017; Lareau 2021; Bingham 2023).

The combined use of these methods allows the researcher to produce a comprehensive codebook that organizes and defines the salient themes in data that are informed by the literature and the participants' experiences. The processes and techniques described below share how the codebook was produced through four cycles of analysis.

Table 6: Framework for interview analysis.

<b>Research Objective</b>	<b>Interview Question</b>
1. Identify heirs' property owners' perception of land loss	*Q2. What is the most important thing about the challenges and /or benefits of owning heirs' property?
	Q5. Is there one person that pays the taxes and works the land?
	Q7. There are tools that can help landowners be successful, like cost-share programs, conservation easements, and the present use tax valuation program. Do you use any of them, why or why not?
	Q9. How challenging are family relationships in keeping and maintaining your heirs' property?
	Q11. Have you made any attempts to remediate and secure clear title to your heirs' property?
	Q12. Do you expect to one day have to sell your land for development? Would you consider it?
2. Identify significant social values associated with heirs' property	Q1. Tell me a little bit about the history of this property and your connection to it.
	*Q2. What is the most important thing about the challenges and /or benefits of owning heirs' property?
	Q3. How is your property currently being used?
	Q4. How long has your property been in the family as heirs' property, and how many heirs are there that you know about?
	Q6. There are many potential uses for heirs' property, including: niche markets, horticulture, forestry, agriculture, and agri-tourism. Looking towards the future, what would you like to see happen on your land?

Table 6 (continued).

Research Objective	Interview Question
	Q10. Would you like your property to remain heirs' property? Why or why not?

\* Question targeted both objectives.

Cycle one of analysis developed the preliminary codebook through open-coding. In open-coding, the researcher reads through transcripts to track segments of the data that introduce or repeat important ideas; these segments, or codes, are organized into codebooks (Rubin 2021; Bingham 2023). In this study, a colored highlighter on Microsoft Word was used to manually track codes that addressed the research objectives. This process incorporated the many codes that emerged from the data into the preliminary codebook. Cycle two of analysis refined the preliminary codebook by organizing codes into like groups based on similarities and relationships between codes. Cycles one and two of analysis were repeated a second time or until theoretical saturation was reached to ensure analysis was iterative and thorough (Corbin and Strauss 1990; Lareau 2021; Rubin 2021). The final refined codebook from cycle two enabled the researcher to organize and define the prevalent groups using codes directly from the data. These groups begin to represent patterns or dimensions of the data.

Cycle three of analysis used the refined codebook (Appendix B) to conduct closed coding, a technique that allows the researcher to focus on the salient themes in the data (Rubin 2021). To do this, the researcher re-coded each transcript with the group codes from the refined codebook. Cycle four, the final cycle of analysis, was used to build the analytical narrative of the data (Bingham 2023). The research did this by writing a comprehensive summary for each participant as a case in the ECM model and extracting interview quotes that illustrate salient themes.

Researcher reflexivity was a crucial component of the entire interview and analysis process to avoid potential biases of qualitative research. Best practices, such as coding in reverse temporal order and writing analytic memos to track impressions, were used before and after interviews, after coding sessions, and while refining the preliminary codebook. This allowed the researcher to check the validity, interpretation, and consistency of salient themes throughout the study (Corbin and Strauss 1990; Reyes 2020; Lareau 2021; Rubin 2021; Small and Calarco 2022).

## **RESULTS**

Results are separated into four sections. The first section provides a summary of each HPOs case. The other three sections present salient themes to identify HPOs' perception of land loss; and the non-economic values associated with heirs' property. Interview quotes are integrated into each section to show theme emergence and Appendix C displays quotes from each interview to illustrate saturation across themes and participants. The three themes are (1) external threats related to land loss, (2) succession planning issues related to land loss, and (3) shared values of HPOs.

### ***Property Owner Case Summaries***

Table 7 provides a summary of each individual HPOs that represents a small case analyzed under the ECM. There were five total cases with participants from different areas of North Carolina, and all participants were African Americans between 40 and 70 years old. The summaries include participant pseudonyms, property details, current land uses, and future goals for the property.

Table 7: Property owner case summaries

<b>Pseudonym</b>	<b>Property Details</b>	<b>Current Land Uses</b>	<b>Future Goals</b>
Yael	30 acres purchased in the 1870s by great grandfather; 71 heirs	Farm lease, family reunion, historical preservation	Forestry and natural resource conservation after establishing a trust for the property.
Mike	80 acres purchased in early 1900s by grandparents; 16 heirs.	Small-scale forestry, farm lease, and family reunions	Keep farming the land, explore solar farming, and get the younger generation involved.
Darla	350 acres purchased in the 1950s by her great grandfather; 29 heirs	Little to none, previous farm lease expired in 2022	Organize her family's LLC for the property and preserve the land in the community.
Sammy	19 acres purchased in the early 1900s by grandparents; 6 heirs	Little to none; the property is currently involved in a legal suit.	Live on the land with her children and distant relatives.
Ellen	90 acres purchased in the 1940s by grandfather in cash; 5 heirs	Family homes and recreation trails, chicken coop, and a farm lease.	Create a forest management plan and buyout uninterested family members.

### ***External Threat***

External threat is a theme that represents HPOs perception of land loss (objective 1). External threat is associated with group codes identified as (1) development pressure and (2) outsider interest. Participants were not directly asked about land loss, but all mentioned one or both code groups when answering questions broadly about challenges of heirs' property, taxes, revenue generation, family dynamics, property structure, and real estate development.

### *Development Pressure*

Participants that discussed development pressure as an external threat to their ownership mentioned increases in property taxes, eminent domain, landscape changes, and other economic constraints associated with physical encroachment from urban development. The participant that mentioned eminent domain feared she won't "be at the table" in the county government's discussions of development to represent her land as an "importance for the community" as the area grows. Participants articulated their aversion to seeing housing developments, gas stations, or similar developments that are associated with urbanization and the interest of developers. Another participant mentioned how development makes the landscape around property unrecognizable and can impose on farming operations.

### *Outsider Interest*

Participants that discussed outsider interest as a threat to their property ownership mentioned experiences related to neighbors, real estate developers/agents, and a white supremacist group. Terms such as "land grabbers" are used to discuss experiences being offered exploitatively low prices for the land. One participant discussed her experiences with a woman outside of her family that "lied and had government officials on her side" to "falsify documents to say she was the daughter [of a relative]." Another participant described the presence of white supremacist groups and their impact on his family's engagement with the property. These experiences of feeling threatened by external maliciousness are explained as outsiders "trying to come in and steal and take" or make quick purchases of the land. Participants generally equated land loss to any change of ownership to individuals outside of the family. While some

are comfortable with family members buying shares from one another to minimize the number of owners, all participants indicated a desire for the land to remain owned by members of the family.

### ***Succession Planning Issues***

A second theme that informs perceptions of land loss are participants' issues with succession planning (deliberate transfer of land through wills, updated deeds, etc.) to establish secure property ownership. Succession planning issues are associated with group codes identified as 1) legal services and 2) family dynamics. Interview questions that informed these results related to family relationships, remediating or clearing property title, and general challenges of owning heirs' property.

Participants recognized that owning heirs' property makes their families more vulnerable to land loss, and though they want to take action to prevent loss, they struggle to complete a succession plan. Components of succession planning that participants experience the most trouble with are engagement with legal services, divergences in family opinion, or a combination of both.

### ***Legal Services***

Participants' issues related to legal services and succession planning were with cost, lawyers without specialization or capacity to take on heirs' property cases, uncertainty or inconsistency in legal information, or personal disinterest in legal services. All participants had sought legal advice related to their heirs' property, but no participants resolved their heirs' property by clearing title or establishing an alternative

ownership structure. All participants reflected that families with heirs' property would benefit from education on legal literacy and access to legal services.

Participants acknowledged that past generations unknowingly created or perpetuated heirs' property; and some mentioned that past generations had a preference for informally transferring land to kin rather than using formal succession planning. Mike shared, "the mistake was made of not creating any kind of estate planning [in reference to the generation before him] ... and even though it's a smaller group of people that we're working with, there's still challenges to get clear title for everything." Another participant, Ellen, said, "that's why black people lose their property, because we don't set things up straight, and so we lose it." Yael described that his grandparents were not inclined to trust attorneys and establish clear title to the property because of their inability to read or write.

### *Family Dynamics*

Participants' issues with family dynamics of succession planning included unpredictable family members, disconnectedness with the land, aversion to conflict, involvement with other legal issues, and general communication. Most participants discussed how family dynamics and communication impede or slow down decisions in succession planning. Participants discussed how misaligned opinions and goals for the property between family members can lead to impasse or avoidance in completing a succession plan to prevent disagreement. Darla mentioned how legal progress can be "derailed" by avoidant or unpredictable familial communication. She recounted, "a relative that we interacted with and saw at family reunions and Sunday dinners was pushing [against me] but he didn't speak to us [about it]." Ellen shared how

misalignment between new heirs' impacts property management that past generations did not foresee. Participants also expressed issues with the consensus required to make decisions with heirs' property, as it is burdensome with multiple family members and inhibits family organization, time, and other resources.

### ***Shared Values***

The shared values theme represents non-economic benefits that participants associate with their property (objective 2). Shared values identified by group codes are (1) legacy, (2) work, and (3) homeplace. Codes in each group reflect the sentiments and benefits that participants related to their ownership. Participants mentioned group codes when asked about the property and family history, their connection to the property, property benefits, property uses, and future goals for the land.

### ***Legacy***

Participants discussed legacy as a value that represents family or property heritage, history, relevance in the community, preservation of past generations intentions, fight against oppression to obtain and retain the land, and ownership length. The value of legacy reflects the sentiments attached to the land and the triumph of past generations to obtain or retain the property. Participants explicitly used the word "legacy" as a value established by older generations that the family should uphold (Appendix C). These participants mentioned that they hoped to not divide or sell their land in order to preserve family legacy and the associated benefits. Ellen and Yael discussed family history to give context to past generations' experiences with racial oppression and land ownership:

Ellen: "I used to say "sell it" until he sat there and he told me that my granddaddy had bought that. And for me, that's amazing for a black man to be able to do." [*Ellen's grandparents were originally sharecroppers on the land they bought.*]

(Separate Interview) Yael: "The benefits are that you're carrying on the legacy. I didn't get to meet my grandparents but the stories I'm told are that it took a lot of sacrifice to acquire the land and to hold on to it." [*Yael's grandparents were slaves on a plantation adjacent to the property they bought.*]

### *Work*

Participants that discussed work as a value mentioned physical farm labor or chores, rural life, time spent on the land, stewardship, subsistence, maintenance, sacrifice, and general concern for the wellbeing of the land. Participants with direct experience working on the land mentioned farm labor or chores like harvesting tobacco, collecting eggs, or feeding livestock. Participants have goals of engaging younger generations with land management or stewardship to pass down a value for work on the land. The participant quote below captures many of these sentiments, though all participants mention one or more of the codes associated with work.

Mike: "I can have a certain feeling because I've walked the land, I've touched it. I've had my hands in the soil and I have stories, you know of working along with my siblings on the farm. And so I want to translate that enthusiasm to my younger family members about why it's important to hold on to the land and the sacrifices that were made"

### *Homeplace*

The value of homeplace is discussed by participants as a place with shared memories, where they grew up, where family still resides, for family reunions, to reconnect, share, and return to, and other sentiments of attachment. The value is to retain the property as a homeplace for themselves or other family members. Sammy shared, "I'm ready to build a house there because it's ours. Our forever land, yanno? So I'm ready to build the house. I'm ready to stay there. I grew up on that land." Other

participants expressed interest in using the land as a “family compound” or “vacation retreat” to connect with past and present family members. Participants with experiences living or working on the land still associated the property as their home, particularly Ellen who said, “I love being able to come home” when asked the greatest benefit of owning her property.

## **DISCUSSION**

The experience and sentiments that these interviews share shed light on the qualitative details that relate to land loss and non-economic values of heirs' property. There are three key insights that this research contributes to the understanding of HPOs lived experiences. First are the specific pressures that HPOs experience in relation to urban development and external interest that threatens their property ownership. Second is how HPOs perceive vulnerability of their ownership in relation to the formal property system. Third are the definitions of non-economic values, informed by specific sentiments, experiences, and other details, that can enhance the understanding of HPOs. These insights are derived from the details in the final codebook (Appendix B) and can be used to inform solutions for land retention.

### ***Land Loss***

The economic disparities related to heirs' property are emphasized in the literature; however, landowners' perception of these disparities and their causes are not widely known. Participants' experiences with threat to their property indicate that the pressure of land loss is palpable to them. They perceive land loss as a threat that is

difficult to prevent or control that comes from external forces. This produces fear or worry that property will be lost through imminent development pressure or outsiders intentionally targeting the family. Forced partition sales, a known tactic of real estate speculators, are achieved when an outsider pursues partition of an heirs' property to obtain land for a cost below the fair market value (Johnson Gaither et al. 2019; Miller 2024). HPOs overall perception of external threat stems from mechanisms of the formal property system, such as eminent domain, tax foreclosure, and partition sales.

However, threat from outside individuals and threat from development pressure are distinct perceptions, despite the connection between them. Development pressure is generally perceived as a larger uncontrollable phenomenon with real impacts but difficult to obtain solutions, whereas outsider interest represents a deeper skepticism or mistrust of individuals. It is possible that skepticism of individuals outside the family or trusted community relates to discrimination in the formal property system (i.e. slavery, sharecropping, current trends for disproportionate land loss). Further comparison of these distinct perceptions could better inform how African Americans navigate trust in institutional systems and relationships with individuals after generations of discrimination and trauma.

The skepticism with the formal property system can also be understood through HPOs experiences with legal services related to succession planning. The formal property system has legal complexities that are not often afforded or understood by the general public, and this has historically impacted HPOs. In general, African Americans have low rates of succession and estate planning compared to other racial groups (Emergency Land Fund 1980; Pepoff 2021). Improved education and trust with the

formal property system is one way to target HPOs vulnerability with land loss.

Participants recognize succession planning as a tool to prevent heirs' property and land loss, indicating some improvement in education or trust in the formal property system between this generation and the generations that created heirs' property. Education on specialized topics in property or estate law, legal documents, and other nuances can be improved for both landowners and legal practitioners to build trust and equity in legal literacy over time.

There is a significant interaction between legal decisions and family dynamics of succession planning. Many HPOs become aware of the constraint of their heirs' property during unrelated legal processes, meaning that families may already be experiencing turmoil that is worsened by constraints of heirs' property. Programs that intentionally integrate succession and estate planning with the familial nuances of heirs' property ownership could address this. Results suggest that intervention or resources that connect family members or support family organization encourage the use of legal services to achieve secure ownership.

### ***Retaining Land and Shared Values***

As a whole, shared values demonstrate the human connection that landowners have with their property, and they are threatened by land loss. Sentiments related to legacy, work, and homeplace are consistently mentioned as non-economic importances of heirs' property (Dyer and Bailey 2008; Bailey et al. 2019; Hitchner et al. 2017). The cultural significance of these values is pertinent for African Americans families that have retained land through various historical hardships (Quisumbing King et al. 2018). The

relationship between legacy and heirs' property highlights the significance of African American landowners' ability to obtain and retain their land amidst experiences of discrimination and oppression (McGee and Boone 1979; Zabawa, Siaway, and Baharanyi 1990; Thompson 2017; Hinson 2018).

However, not all values are exclusive to HPOs or African American landownership. For example, legacy-oriented non-industrial private forest owners in North Carolina highly value owning their land for the purposes of family, privacy, and vacation (Bardon et al. 2023). The National Woodland Owner Survey (Butler et al. 2021) supports this and also shows that family forest owners in North Carolina have a strong emotional tie to land conservation, among other things. Landowners captured in these studies represent white landowners, indicating similarity in non-economic value of the land and the potential to build solidarity between landowners that seek to preserve legacy.

As mentioned, discussion of economic factors dominate the literature, and this has ultimately enabled the negative impacts of heirs' property to overshadow the positive values of family land ownership and possible solutions for land retention. For many families, land has become a symbol different from economic production or wealth often associated with property. And the retention of their land means the preservation of values with social and cultural significance. Further, cultural values impact land management because they influence collective decision making and recognizing them through specific programs is a strategy to engage landowners. Participants are driven to retain ownership and preserve legacy and homeplace by using their land in different ways.

Sustained value for work indicates that HPOs want to maintain a contribution (blood, sweat, and tears) to the land that goes beyond economic investment. Many properties have a land use history related to agriculture, forestry, or other production and stewardship-based practices. Whether HPOs are interested in using their land for economic production or subsistence, the value for work is informative to practitioners that work with landowners.

The descriptions of values in this research is an initial step to encourage state and county-level leaders to address heirs' property and land retention. Policy should be guided by the descriptions of the values in this chapter to promote sustainable and equitable development in North Carolina (Moore 1994; Vries and Voss 2018). This means that state or county-level offices in North Carolina should integrate this knowledge into policy, economic development goals, and programs to address HPOs. This would ideally address pressure felt from development, access to legal services, and limited recognition of non-economic values in practical spaces. For example, the benefits of work and legacy could be integrated with economic benefits of land management to preserve rural livelihoods, such as in forestry or agricultural communities. Some community-based organizations practice this work with HPOs to foster tangible connection to the land based on values (Johnson Gaither et al. 2019).

Extending the cases in this study to experiences of HPOs in other regions could improve understanding of family land ownership and loss across place and demographics. Use of the ECM presents an opportunity to expand the depth and breadth of this work through more interviews. This could include HPOs from regions where there is limited empirical understanding, such as the Appalachian Mountains

(Johnson Gaither et al. 2019), or with legal professionals that work with HPOs in North Carolina. Follow-up interviews with participants would also enable a stronger investigation of perceptions and values across time.

## **CONCLUSION**

This paper is positioned within the need to support land retention and to better qualitatively understand HPOs. It makes critical contributions to what is known about the perceptions and non-economic values experienced by HPOs. Threat to property ownership from development pressure, outsider interest, succession planning issues are experiences that inform how heirs' property exacerbates disproportionate African American land loss.

The definition of non-economic values offers an alternative lens to economic concerns of heirs' property. The in-depth meaning of legacy, work, and homeplace discussed here are relevant to mitigating the loss of intergenerational land. These values have an impact on land management and succession planning decisions that are important for practitioners to be aware of. The ECM enabled researchers to merge data from interviews to identify salient themes and patterns across heirs' property cases; future studies should aim to expand this work through interviews with other stakeholders related to heirs' property.

The study broadens the qualitative understanding of HPOs' lived experiences. These insights are applicable to practitioners, researchers, and communities interested in building solutions for heirs' property. They can be expanded for strategies related to land retention and the preservation of culture.

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## APPENDICES

### ***Appendix A: Landowner Interview Protocol***

#### **Interview Protocol for Heirs Property Owner Interviews Case Studies**

Questions to be asked AFTER the consent form is signed and collected by research team members.

Remind participants they are being recorded for transcription purposes and that their quotes may be used in publication.

Objective: Uncover heirs' property owners perceptions, understandings, and experiences with their land to inform efforts of heirs' property ownership in North Carolina.

Interview Questions:

1. Tell me a little bit about the history of this property and your connection to it.
2. What is the most important thing you want to share about the challenges and /or benefits of owning heirs' property?
3. How is your property currently being used?
4. How long has your property been in the family as heirs' property, and how many heirs are there that you know about?
5. Is there one person or family that pays the taxes and works the land?

6. There are many potential uses for heirs' property, including: niche markets, horticulture, forestry agriculture, and agri-tourism. Looking toward the future, what would you like to see happen on your land?
7. There are several tools that can be used to help landowners be successful, like cost-share programs, conservation easements, and participating in the present use value valuation program. Do you use any of them now, why, or why not?
8. If you don't participate in any of these programs (cost-share programs, conservation easements, present use value valuation program) what is the main reason why?
9. How challenging are family relationships in keeping and maintaining your heirs' property?
10. Would you like your property to remain heirs' property? Why or why not?
11. Have you made any attempts to remediate and secure clear title to your heirs' property?
12. Do you expect to one day have to sell your land for development? Would you consider it?

**NC STATE UNIVERSITY**

### **Exempt Consent Form**

*Interviews, Focus Groups, and Benign Behavioral Interventions*

**Title of Study:** Heirs Property Workshop Survey

**IRB Protocol:** 26711

**Principal Investigator(s):** Kurt W. Smith, MPA, PhD [kwsmith@ncsu.edu](mailto:kwsmith@ncsu.edu) (919) 513-2573

**Funding Source:** None

**Student Researchers:** Clarisse Owens [caowens4@ncsu.edu](mailto:caowens4@ncsu.edu), Lexi Arnold [abarnold@ncsu.edu](mailto:abarnold@ncsu.edu)

You are being asked to participate in a research study about heirs' property in North Carolina in an effort to better understand and improve the prevention and remediation efforts of heirs' property ownership. Participation is strictly voluntary. You must be 18 years of age or older and reside in the United States to participate in this study.

If you participate in this study, you will answer questions about your heir's property, including history of the property and your connection to it, how you are using/would like to use your property, familial relationships and/or issues related to the property, and other factors related to the legal process of clearing the title of your heir's property. Participation in this study will be in person and/or virtual, will last approximately 45 minutes to 1.5 hours, and your responses will be audio and/or video recorded for transcription purposes. Individual quotes will also be used in this study and its potential publication. As researchers, we will do our best to de-identify you in our study, but your identification may be directly or indirectly identifiable due to your unique story and quotes. With your consent to participate in this study, you agree to have your information shared in this manner. If you do not wish to be recorded for transcription purposes and/or do not agree to being quoted in publication you should not participate in this study.

You can choose to not participate in the study or stop participating at any time by contacting Dr. Kurt W. Smith via email ([kwsmith@ncsu.edu](mailto:kwsmith@ncsu.edu)) and/or phone ([919-513-2573](tel:919-513-2573)) both during and after the research activities, or any of the student researchers listed on this form.

Participants will be audio and video recorded during the research activities. If you do not want this information collected, you cannot participate in this research. We would like to use these

recordings for transcription only. We will keep these recordings until transcriptions have been verified, or up to three years after the study is completed.

There are minimal risks associated with your participation in this research. There are no direct benefits to you from participating in this research. You will not receive any payment for participating in this research.

If you have any questions about the research or how it is implemented, please contact Dr. Kurt W. Smith at [kwsmith@ncsu.edu](mailto:kwsmith@ncsu.edu) and [919-513-2573](tel:919-513-2573) or Clarisse Owens at [caowens4@ncsu.edu](mailto:caowens4@ncsu.edu). Please reference study number 26711 when contacting anyone about this project.

If you have questions about your rights as a participant or are concerned with your treatment throughout the research process, please contact the NC State University IRB Director at [IRB-Director@ncsu.edu](mailto:IRB-Director@ncsu.edu), 919-515-8754, or [fill out a confidential form online at https://research.ncsu.edu/administration/compliance/research-compliance/irb/irb-forms-and-templates/participant-concern-and-complaint-form/](https://research.ncsu.edu/administration/compliance/research-compliance/irb/irb-forms-and-templates/participant-concern-and-complaint-form/)

If you consent to participate in this research study, please sign your full name and date and check “Yes, I consent” below. If you do not consent to participate in this research study, please sign your name and date and check “No, I do not consent” below.

First and Last Name: \_\_\_\_\_

Signature: \_\_\_\_\_ Date: \_\_\_\_\_

Yes, I consent to participate in this study and agree to all stipulations as outlined above.

No, I do not consent to participate in this study.

**Updated 9/19/2023**

### ***Appendix B: Final Codebook for Interview Analysis***

<b>Key</b>	<b>Deductive</b>	<b>Inductive</b>	
<b>Code Group Theme</b>		<b>Code Group Descriptions</b>	
<b>Theme 1: Land Loss: External Threat</b>	Development pressure - eminent domain, increased property taxes, landscape changes, encroachment from development, related economic factors impeding ownership		
	Outsider interest - land grabbers, low offers for the land, neighbors wanting their land, racial discrimination in community, original seller regretted selling to family		
<b>Theme 2: Land Loss:</b>	Legal services - lack of specialized or experienced lawyers, cost, overburdened case load, mistrust, legal literacy, opting out of the legal system		

<b>Succession Planning Issues</b>	Family dynamics - stagnant action to avoid disagreement, unpredictability, unengaged or unconnected to the land, need for all heirs to sign-off, wrapped-up in other legal issues, and general communication
<b>Theme 3: Shared Values: Legacy, Work, Homeplace</b>	Legacy - heritage, history, relevance in the community, desire to preserve generational intentions, pride, obtaining or retaining land as an African American, fighting oppression, length of ownership
	Work - rural or farm life and labor, chores, long hours, caring for the land, maintenance, subsistence, stewardship, and sacrifice
	Homeplace - where they grew up, where family resides, reconnecting with family, place to return, sharing, attachment, reunions

## Appendix C: Interview Quotes by Theme

### C.1: Participant quotes on external threat.

Land Loss: External Threat		
Participant	Development Pressure Quotes	Outsider Interest Quotes
Yael	<i>Doesn't feel threatened by this because of the location of the property. It is in a swampy area that would be difficult to develop. It may also be partially protected because of its placement in a watershed.</i>	<p>"If you go back to the history of the county [where the property is], I remember when I used to be in school there was a big sign that said, "Welcome to Smith County, home of the KKK." So I was thinking, wow, in order for [my ancestor] to go from where he lived, where he was enslaved at that time, it was during reconstruction, he would have traveled by mule probably miles. I don't know what the political environment was like in the county at that time but my perspective in seeing that sign and just thinking about how the county wasn't appealing.</p> <p>—</p> <p>"I would like to make sure that we don't lose the property because it's so easy to lose. I was telling one of my brothers that went with me when we did the survey about how easy it is to do a quitclaim deed to an heir. They sell their interest to what I call a land grabber. ... I would assume the court would say the minimum bid has to be, let's say \$100,000 [because of how a quitclaim deed works]. There's no one in my family that could come up with that."</p>
Mike	I would like to keep it, however, if the development got so broad and that it no longer became kind of the land and property that I knew, you know, my mind could change. You	<i>Briefly mentions that he knows low offers for the land are a possibility he worries the next generation will face but has no direct experiences with this.</i>

Land Loss: External Threat		
Participant	Development Pressure Quotes	Outsider Interest Quotes
	<p>know, if all the animals have been run away”</p> <p>—</p> <p>“The university, like many of the UNC system schools, has really expanded. And so there has been apartments going up everywhere and new businesses coming in and stuff. And so eventually it's going to spread out into the area that I mentioned, probably someone's going to come along and ask, you know, “would you consider” kind of thing so.. but unless the family agrees that the price is, you know, too good to pass up, we'll probably hang on.”</p>	
Darla	<p>“What we don't want is to not be sitting at the table, and the county to come and talk about eminent domain, which they can do, but for us to be able to sit at the table and discuss the importance of the land for the community and the history around it.”</p> <p>—</p> <p>We can do more, and not only for family but for the community and county. It's trying to grow. And our land is in areas growing. We're close to the highway, we're becoming a bedroom community outside of the city, and I don't have any descendants, but it's important for me and the legacy and that the rest of my family has it.</p>	<p><i>No mention of outsider interest beyond government takings.</i></p>
Sammy	<p><i>No mention of development pressure. Land remains in a rural area.</i></p>	<p><i>Sammy has ongoing court proceedings about the property with a non-relative:</i></p> <p>“She lied and had government officials on her side ... She falsified documents to say she was the daughter and they gave everything to her before they found the truth ... They're trying to come in and steal it. And take.”</p>

Land Loss: External Threat		
Participant	Development Pressure Quotes	Outsider Interest Quotes
Ellen	<p>Ellen's daughter: "And also they're not going to make more land."</p> <p><i>Researcher: Yeah, we have what we have, you know, you can't pave over all of it.</i></p> <p>Ellen and Ellen's daughter: "Right."</p> <p>Ellen: "And you know really I don't want to drive up out there and see a housing development behind my moms house. I just don't."</p> <p>Daughter: "And you know every day when I drive out there, I see the Sheets [gas station] truck. And I think, where are they going?"</p>	<p>"The man that my dad worked for with his brother, he owns from the highway to Colonial Road, because some people that my mom knows lost their property and he owns it now. He would be here so quick to purchase this."</p>

### C.2: Participant quotes on succession planning issues.

Land Loss: Succession Planning Issues Quotes		
Participant	Legal Services	Family Dynamics
Yael	<p>"They [his grandparents] would always say, "hey, this is heirs' property" and we would say, "what does that mean?" And we really never got into the details of what it means or meant. But now I understand. ... They didn't necessarily trust the attorneys, didn't want anybody developing a deed, 'cause then the attorney ended up owning the property because, you know, my great grandfather that purchased the property could neither read nor write."</p>	<p>"You can lose that property, it's too easy, really easy to lose it. So keeping up with all the heirs and then working through the process of getting it dedeed to someone... Some heirs split the property up, you know. And I think if you had six heirs maybe that wouldn't be bad for 30 acres, but if you got a bunch...!"</p> <p><i>Yael shares his property with around 70 other heirs.</i></p> <p>—</p> <p>"We got 70 heirs. In 10 years it could be 150 heirs. None of them know each other. And then what? How can you convince anybody to do anything? Right now, they see a document for me, and they'll at least read it. But 10 years from now, they'll see a document from Joe Blow [fake name], and they'll say, 'I don't know.'"</p>

Land Loss: Succession Planning Issues Quotes		
Participant	Legal Services	Family Dynamics
Mike	<p>Researcher: <i>Is there anything else that you've learned throughout the [legal] process?</i></p> <p>Mike: “Well, I think it's important that I try, as I've learned, starting to help folks who feel like there is so much of a gap from where I am to getting things closed, that there is a path to getting it done. So giving them hope. There's a lot of folks that really don't have the legal literacy that it takes to kind of understand what it's all about ... And then maybe spending some time helping folks see if there's some access to resources that may help them. You know the clinic is something that I did ... So doing things like that to help people move forward because their stories are probably going to be very similar to what mine are. That their great grandparents thought that owning land was the best way to prosperity and keeping families together.”</p>	<p>“So the mistake was made of not creating any kind of estate planning, and even though it's a smaller group of people that we're working with, there's still challenges to get clear title for everything ... That's probably the main challenge.”</p> <p><i>Also represents legal dynamics of succession planning.</i></p> <p>—</p> <p>“My brother annoyingly, to me, used to take me along and show me what he was doing for the family. Taking care of taxes when they were due, you know where all the land lied and all of the logistics around it. And then he passed away and everyone sort of made me the unofficial caretaker and manager of the property at that point. Since 2004, I've been taking care of paying the taxes and you know, working with the farmers and things.”</p>
Darla	<p>“We had received a petition to partition, and the majority of the descendants didn't want to do it. We had reached out to a few lawyers ... It really came down the middle where we were hearing on one side, “there's nothing you can do once this process starts” and then on the other, “If you do something...” with a list they were giving us about the options ... and it was gonna be extremely expensive for us. It started laying the foundation of there's a lot of work we have to do. For the last 2 years since 2022, the group of the family that didn't want the sale, we were trying to just see who had consensus with us, what to do and what we could do and how we could approach our other relatives. Well, doing all this process, we kind of learned that the partition to petition was kind of stalled. We knew that since there was no momentum there, maybe we have time to get some things in place.”</p> <p><i>[Her explanation of why she's working towards an LLC]</i></p>	<p>“We truly don't want to see it as heir property and the implications behind it. There are some relatives who haven't been on the land, disconnected, want to sell their share and have someone come in, like in the workshop, and derail all of this. It was very emotional, for our subgroup to know that a relative that we interacted with and saw at family reunions and 5th Sunday dinners was pushing for this [sale] but he didn't speak to us.”</p> <p>—</p> <p>“I just think heirs' property means to them not even keeping it in the family. I think it means finance, or like money from it but it's just my belief in perception. But getting money from it means the heir property title is no longer. I'm sure there's some people who... I don't know if they want to keep it as heirs' property. They want to sell it. That's why we're here now at this junction.:</p>

Land Loss: Succession Planning Issues Quotes		
Participant	Legal Services	Family Dynamics
	<p>—</p> <p>“We reached out to about 6 lawyers who had on their website that they specialize in heirs’ property. About 3 didn’t call us back, 1 I took, and the other 2 said “We can’t take it on now.”</p>	
Sammy	<p>“I have children, I would love to have, you know, it passed down through our family generation. We’re eventually going to put a trust on the land when we get out of these court proceedings and things of that nature. We have lawyers in place to do that. However, because we’re in a court proceeding, nothing can be divided right now.”</p>	<p>“So, I feel like that there’s not enough education or people just don’t take out the time to learn about heirs property until they figure out that money could possibly be involved, which is where it separates people, our families. You know, our family has reduced in size over the years, ... they all moved off the land and didn’t do anything with it. So it sat for years and years. So the education, I wish there was more for people to know, but they have to be connected to the roots of the family. I’m very blessed because you know my family is close knit, but other families, there’s not enough information on it [heirs’ property].”</p> <p>—</p> <p>“We’re gonna divide it, because what’s gonna happen when we put it into the trust, the trust is gonna own it, and we’ll probably all just pay a 3rd of it. Well, it would be a 4th, but it’s a long story. One of our cousins is incarcerated, for shooting the girl’s husband that’s trying to steal it.”</p>
Ellen	<p>Researcher: How did you find your lawyer? Was it somebody recommended?</p> <p>Ellen: Well, I went to the estate lawyer I was associated with, and we went to him and he said that wasn’t his thing.</p> <p>Researcher: Okay, wasn’t his specialty or something?</p> <p>Ellen: Wasn’t his specialty.</p> <p>—</p> <p>One of the doctors at work said to me years ago, that’s why black people lose their property, because we don’t set things up straight, and so we lose it.</p>	<p><i>On the challenges of owning heirs’ property:</i></p> <p>Ellen: “What I always said to my dad was that they needed to get it in order, because they all got along, even though that one sister was poisoned, they still all did everything and everything was okay. But because she was poisoned she poisoned her son, who poisoned his daughter.”</p> <p>—</p> <p>Ellen: “You can’t do anything. So even if she wanted to build a house out there, we’ll have to sign so you couldn’t do it.”</p> <p>Ellen’s daughter: “That’s the issue with heirs property is that it involves so many people.”</p> <p>Ellen: “So what I used to tell my daddy is y’all need to get it right, I said, because if you all, just because you all get along...”</p>

Land Loss: Succession Planning Issues Quotes		
Participant	Legal Services	Family Dynamics

### C.3: Participant quotes on shared values

Shared Values Quotes			
Participant	Legacy	Work	Homeplace
Yael	<p>“The bigger family got to go see this plantation where we grew up. There's a museum on this plantation that has a model house of the house that my great grandparents lived in when they were slaves on this plantation.”</p> <p><i>Represents history of the ancestors that obtained the land.</i></p>	<p>“I do care. We farmed this land. I think about my great grandfather, going to Smith County. He couldn't read. 100 miles he had to go by mule and wagon to purchase this property. And I've told this story to the heirs. I said it'd be a shame with all these engineers, lawyers, doctors, if we end up losing it. Losing this property that he worked so hard to acquire. Yeah.”</p>	<p>“And we had a family reunion there [the property] last year, and we had these outings or tours and one was to the property, you know, so people that knew nothing about it got a chance to see the house that's there, and the crops that were being raised. I was able to say 'here's a pond. My grandfather actually dug out this pond' and there were fish in it and everything”</p>
Mike	<p>Researcher: <i>What is the most important thing that you want to share about the challenges and or benefits of owning an heirs' property?</i></p> <p>Mike: “The benefits are that you're carrying on the legacy. I didn't get to meet my grandparents but the stories I'm told are that it took a lot of sacrifice to acquire the land and</p>	<p><i>When discussing the benefits of owning the land:</i></p> <p>“Something that I have tried to use as my motivation to keep things moving and inspire my younger family members because I can have a certain feeling because I've walked the land, I've touched it. I've had my hands in the soil and I have stories, you know of working along with my siblings on the farm. And so I want to translate that enthusiasm to my younger family members about why it's important to hold on to the land and the</p>	<p><i>When discussing the benefits of owning the land:</i></p> <p>”I believe their [his grandparents] thought was as long as you have land, you always have a place to stay.”</p>

Shared Values Quotes			
Participant	Legacy	Work	Homeplace
	to hold on to it. ... I believe that they would want us to keep the land in our family.“	sacrifices that were made, and to keep them in a position where they wouldn't be likely to just sell it to someone who comes along offering, you know, a small price or whatever.”	
Darla	<p>“His granddad purchased the land in Oceana County in the 1950s. During a contingent unique time in our history around civil rights, and so the legacy there of land ownership and also the wealth and foresight he had for our family is just embraced by all of us in a sense of pride, not only to surrounding the land, but the value and the commitment to the community that the extended family has.”</p> <p>—</p> <p>“I don't have any descendants, but it's important for me and the legacy and that the rest of my family has it.”</p>	<p><i>Mentions work in relation to clearing title and working with family to resolve heirs' property. Acknowledges others' (past family and leased farmers) work on the land but no first or second hand experiences indicating physical labor.</i></p>	<p>“There's always been a strong sense of family, the support, the love, the acknowledgement of how [her grandfather] was a staple in the community. With that sense of pride, as the 1st generation moved away they always [<i>emphasis</i>] had a connection to the land, regardless if they stayed in North Carolina or moved to New York.”</p>
Sammy	<p>“And you never wanted to divide [the land] in the first place, because that's how my grandfather bought it and that's how we wanna keep it, leave it in his legacy.”</p> <p>—</p> <p>“I don't know if this plays a factor but we are a black family. So not too many people back in the 40s, 30s, and 50s was able to acquire land and my</p>	<p>“And you know, growing up on the land I had my share. I picked eggs out of the chicken coop, let the hogs in the next pen, you know, I did a lot.”</p>	<p>“I'm ready to build a house there because it's ours. Our forever land, yanno? So I'm ready to build the house. I'm ready to stay there. I grew up on that land.”</p>

Shared Values Quotes			
Participant	Legacy	Work	Homeplace
	grandfather worked for it.”		
Ellen	“I used to say “sell it” until he sat there and he told me that my granddaddy had bought that. And for me, that’s amazing for a black man to be able to do.”	“But I do know he [her father] worked very hard. That was all of them; worked very, very hard.” - “So we would get up in the morning, go to the field, come back at noon, eat, then we go out, and then we work until dark. Oh yeah, I was probably about 6 when I started driving the tractor.”	<i>Interviewer: Despite all the family turmoil that might come up, what is the biggest benefit to having this piece of land that you all share?</i>  Ellen: “I love being able to come home. I like seeing all the stuff.”