

Heir property issue discussed in Anniston

By Mike Faulk

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Leaving property to family without a will can be a risky move for those who inherit it, one advocate told a small audience in Anniston Thursday.

Craig Baab, a senior fellow with the Alabama Appleseed Center for Law & Justice, spoke at the County Administration Building about heir property in the state and the way laws surrounding it can be used to take advantage of poor landowners.

When a landowner dies without a will, that person's property passes down to his or her children, under state law. If this is practiced over time, equal rights to the land could end up in the hands of dozens and even hundreds of heirs.

The confusion this process creates allows for outsiders to swoop in and use legal loopholes to wrestle the land away from a family, Baab said.

Sometimes this prevents a family member from paying taxes on time, which leads to the property being seized by the county. Other times a wealthy investor can buy one person's interest in the land and then sue the family to sell it, usually with the investor having more money to buy it than the family when the land goes up for a bid, Baab said.

"People make a business out of this investing," Baab said.

He said this happens most often with poor black families, citing one statistic that black farm ownership in the state went down by 95 percent between 1954 and 2002.

Organizations like Alabama Appleseed and the National Conference of Commissioners on Uniform State Laws are working to draft laws that would protect families in these cases. Thursday's event was sponsored by the Alabama Cooperative Extension System.

Gasps could be heard in the audience as Baab rattled off information. Heir property owners also cannot get a mortgage on the land because the title is in someone else's name, and likely that of someone who has been dead for decades, Baab said.

Baab said he first learned about heir property when people living on such land damaged by Hurricane Katrina in 2005 couldn't qualify for FEMA aid because they couldn't show clear title to their land.

"From that point I have learned that it is pervasive, particularly in the southeastern U.S.," Baab said.