

February 2024

Referral Pathways and Service Connections Among Heirs' Property Owners in South Carolina

Jennie L. Stephens
Center for Heirs' Property Preservation

Jasmine Simington
University of Michigan

Follow this and additional works at: <https://tigerprints.clemson.edu/jrss>

Recommended Citation

Stephens, Jennie, and Jasmine Simington. 2024. "Referral Pathways and Service Connections Among Heirs' Property Owners in South Carolina." *Journal of Rural Social Sciences*, 38(2): Article 4. Available At: <https://tigerprints.clemson.edu/jrss/vol38/iss2/4>

This Article is brought to you for free and open access by TigerPrints. It has been accepted for inclusion in Journal of Rural Social Sciences by an authorized editor of TigerPrints. For more information, please contact kokeefe@clemson.edu.

Referral Pathways and Service Connections Among Heirs' Property Owners in South Carolina

Jennie L. Stephens

Center for Heirs' Property Preservation

Jasmine Simington

University of Michigan

ABSTRACT

Researchers, practitioners, and policymakers interested in alleviating heirs' property ownership precarity have long sought to connect these owners to titling and land management resources, but there is limited scholarly evidence on successful interventions. Using administrative data from the Center for Heirs' Property Preservation® (CHPP®), this article explores the demographic characteristics, types of direct legal services received, and referral pathways of landowners seeking legal assistance from CHPP® between 2017 and 2021. We find that applicants are primarily elderly, Black women, referred through four main pathways: (1) owners' personal networks, (2) CHPP® Outreach efforts, (3) CHPP® partner organizations—including public, private, and nonprofit agencies, and (4) word of mouth (other individuals/entities not formally connected with CHPP®, including outside legal and forestry professionals). Last, we identify a strong desire for estate planning among applicants, despite documented legal distrust among heirs' property owners. This analysis has important implications for designing targeted interventions to assist heirs' property owners beyond the South Carolina context.

KEYWORDS: heirs' property, service connection, titling

INTRODUCTION

During Reconstruction, Black civic and political leaders fervently urged for land reforms because they identified land ownership as central to Black economic and political freedom (Logan 2018; Rivers 2007). In contemporary times, property ownership continues to symbolize economic mobility (McCabe 2016; Rothstein 2017). Precarious ownership arrangements, however, threaten Black landowners' ability to realize the full benefits of ownership as conceived by their emancipated ancestors. The heirs' property ownership arrangement is one such example. Heirs' property emerged as a treasured form of ownership tenure post-Emancipation, when Black freedpeople collectively owned their farmland and passed it down within the family (Craig-Taylor 2000; Kahrl 2012). In the present day, these owners face a range of risks related to displacement and wealth reduction (Bownes and Zabawa 2019; Casagrande 1986; Mitchell 2014; Rivers 2007).

Social scientists, historians, urban planners, lawyers, practitioners, policy analysts, and policymakers have sought to understand the experiences of heirs' property owners because of the aforementioned risks. Legal histories and law reviews have illuminated the complex web of property laws that come to produce heirs' property (Craig-Taylor 2000; Mitchell 2014; Rivers 2007). Likewise, historians have documented trends in Black land loss in Southern agricultural and coastal communities due, in part, to governmental and private actors dispossessing Black heirs (Daniel 2013; Kahrl 2012). Researchers have captured the everyday experiences of heirs' property owners navigating the benefits and challenges of this ownership arrangement at the individual and community level (Dyer and Bailey 2008; Deaton, Baxter, and Bratt 2009; Hitchner, Schelhas, and Johnson Gaither et al. 2017; Dyer and Bailey 2008). Scholars have also quantified the prevalence of heirs' property across various geographies (Dobbs and Johnson Gaither 2023; Dyer, Bailey, and Tran 2008; Johnson Gaither and Zarnoch 2017; Pippin, Jones, and Johnson Gaither 2017; Thomson and Bailey 2023) and explored macro-level reforms that could ease the precarity that heirs' property owners face (Cole 2021; Mitchell 2022; USDA 2022b).

According to the U.S. Agency for International Development (AID), land can be "a vital part of cultural and social identities, a valuable asset to stimulate economic growth, and a central component to preserving natural resources and building societies that are inclusive, resilient, and sustainable" (n.d.). Landownership is one of the major sources rural African Americans use to build wealth (United States Endowment for Forestry and Communities 2012). There is therefore an urgent need to address the instability of heirs' property ownership, given the sociocultural and economic significance of landownership broadly.

Although there is growing momentum around structural-level reforms in property law to mitigate the negative consequences of heirs' property ownership, scholarship has not sufficiently attended to direct interventions to resolve issues of clouded title and prevent property from ever becoming heirs' property. This article seeks to fill this gap through a descriptive analysis of programmatic data from the Center for Heirs' Property Preservation[®] (CHPP[®]). CHPP[®] is a nonprofit located in North Charleston, South Carolina, that offers direct legal services and forestry technical assistance to heirs' property owners. This article analyzes the demographic characteristics, types of direct legal services, and referral pathways of landowners who completed an intake with CHPP[®] between 2017 and 2021 for direct legal services or estate planning assistance. This analysis has important implications for designing targeted outreach and interventions to help heirs' property owners establish clear title in other contexts beyond the South Carolina case.

HEIRS' PROPERTY AND THE PROBLEM OF CLOUDED TITLE

Heirs' property is legally referred to as "tenancy-in-common" and describes an ownership arrangement where family members own collectively after inheriting some form of real property (Mitchell 2014). Research shows that heirs' property owners may view this ownership arrangement as a familial benefit, despite key challenges managing the property (Dyer and Bailey 2008). After Emancipation, it was considered a protective ownership tenure (Craig-Taylor 2000; Kahrl 2012). However, changes in partition law over time, the explosion of heirs' property across generations, and evolving land-use practices among Black landholders have made heirs' property ownership a uniquely unstable way to own in contemporary times (Casagrande 1986; Craig-Taylor 2000; Kahrl 2012; Rivers 2007; Zabawa 1991). When Black Southerners were emancipated and purchased their own land to farm, heirs' property enabled land to be kept in a family over time and contributed to household economic stability (Craig-Taylor 2000; Kahrl 2012). Considering the dramatic loss of Black-owned land starting in the early twentieth century, and the related loss of Black-owned farms, scholars argue that the heirs' property ownership arrangement has less functional use (Daniel 2013; Dyer, Bailey, and Tran 2008; Mitchell 2019; Zabawa 1991).

There are two features of heirs' property that make this ownership arrangement challenging—fractional interest and clouded title.¹ With heirs' property, each family member owns an undivided fractional interest in the entire property. In practice, this means that no single owner can make decisions about the property without agreement from all other heirs. Challenges related to clouded title emerge when there is ambiguity surrounding legal ownership status. Because heirs' property occurs when there is no deed recorded, the existing legal record may not accurately reflect the current owner and caretaker of the property. Owners with a clouded title are excluded from many of the traditional economic and social benefits of homeownership, including leveraging property as collateral, state aid based on legal homeownership status, and tenure security (García 2022; Kahrl 2012; Mitchell 2014).

Mitigating the negative implications of clouded title and fractional interest can occur through a myriad of options at the micro, meso, and macro levels. At the macro level, recent scholarship has identified how the Uniform Partition of Heirs Property Act (UPHPA) offers greater protections for heirs' property owners at risk for a forced partition sale. The forced partition sale is a dangerous source of wealth destruction for Black landowners (Mitchell 2022). Any legal co-tenant can file a partition action to request that the property be split among co-owners, and for a variety of reasons, the court may order the entire property to be sold in a forced partition sale.² In this arrangement, a property is ordered to be sold at a public auction to the highest bidder that can pay in cash. This can result in the property being purchased at a price far below its market value. Among other stipulations, the UPHPA allows co-tenants to buy out the share of the co-tenant who is seeking a partition, which prevents the property from being sold below its market value. Mitchell (2014) hypothesizes that this buyout option may disincentivize other co-tenants from seeking a partition action that could result in the forced sale of the entire property.

Legal reforms like the UPHPA create a more equitable housing market by reducing mechanisms within property law that disadvantage the heirs' property ownership arrangement. In particular, the UPHPA captures households' noneconomic use of property and helps prevent unjust forced sales. Likewise, the 2018 Farm Bill creates a more equitable agricultural market by authorizing alternative documentation for heirs' property owners to establish a farm number and enabling co-tenants with a majority share to access United States Department of Agriculture (USDA) programs (USDA 2022a). The 2018 Farm Bill also created a relending program for heirs' property owners to apply for loans to reduce the out-of-pocket costs

associated with establishing title. Taken together, these provisions are expected to mitigate documented discrimination by the USDA toward Black farmers broadly and heirs' property owners specifically (Daniel 2013; USDA 2021).

Structural reforms, however, are not designed to attend to the nuances of individual heirs' property cases, and they currently do not focus on the *prevention* of heirs' property (Mitchell 2019). Alongside legal and federal policy changes, practitioners working directly with heirs' property owners are well positioned to enrich scholarly understanding about ways to improve the outcomes of heirs' property owners. This article seeks to address this gap, using programmatic data from CHPP®, which co-locates and integrates direct legal services with land management technical assistance and community outreach programs that educate residents on heirs' property issues.

DIRECT LEGAL SERVICES FOR HEIRS' PROPERTY OWNERS

Heirs' property owners can establish legal proof of ownership by going through the titling process. Titling programs are more common in developing countries, where informal housing is thought of as more commonplace (Durst and Wegmann 2017; Ward et al. 2011). However, informal homeowners in the U.S. can also seek out these kinds of services through a private attorney or certain organizations and programs. Proponents of titling have posited that having clear title promotes economic development, offers tenure security, and reduces poverty by providing owners with collateral that allows them to access formal credit markets and achieve full economic citizenship (De Soto 2000; Galiani and Schargrotsky 2010; Payne, Durand-Lasserve, and Rakodi 2009). Critics of titling, however, warn that formalizing ownership also opens households up to tenure *insecurity* through legal forms of dispossession (De Schutter and Rajagopal 2019).

In a rare research study on clearing title in the United States, Ward et al. (2011) found a number of positive benefits for residents in a Texas *colonia* who were enrolled in a titling program. The study found that residents viewed the title as important for future use of their property and as enhancing their sense of social legitimacy. Additionally, securing title helped residents in the study feel more psychologically and financially secure and positioned them to leave their property to their descendants. The researchers also found that titling helped residents complete home improvements, which could result in increased home values and ultimately an increase in household wealth. StipeMaas (2019) describes how clearing title for clients of the Georgia Heirs Property Law Center helped heirs' property owners build their wealth portfolios, stop their homes from being demolished, prevent family members from being displaced, and access county funds for home repair.

In the absence of a systematic review of U.S. titling programs, comprehensive documentation on the detailed structure and activities of these kinds of programs is limited. This article advances scholarship on U.S. titling programs with a descriptive portrait of how to reach heirs' property owners in need of titling and the kinds of direct legal services relevant for this group of owners in South Carolina.

Center for Heirs' Property Preservation® (CHPP®)

CHPP® began as the Heirs' Property Preservation Project of the Coastal Community Foundation with funding from the Ford Foundation to explore solutions for economic development in rural communities. The current mission of CHPP® is to protect heirs' property and promote the sustainable use of land. In doing

so, its goal is to provide increased economic benefit to historically underserved landowners, including but not limited to heirs' property owners. The mission seeks to build wealth through education, legal services, and forestry technical assistance.

The current service area of CHPP® spans 22 South Carolina counties—Allendale, Bamberg, Beaufort, Berkeley, Calhoun, Charleston, Clarendon, Colleton, Darlington, Dillon, Dorchester, Florence, Georgetown, Hampton, Horry, Jasper, Lee, Marion, Marlboro, Orangeburg, Sumter, and Williamsburg. South Carolina is located in the southeastern region of the United States, where Black producers and landowners have lost millions of acres of land and where institutional distrust is pervasive (Mitchell 2019; Pennick and Rainge 2019). It is significant to note that the CHPP® service area is home to all 12 of the USDA-identified “persistently poor” counties in South Carolina, where at least 20 percent of the county’s population has been living below the poverty level for several years. Given the logic that securing title for heirs' property owners could move them out of poverty (De Soto 2000), placing CHPP® in “persistently poor” areas has the potential to directly impact its surrounding poverty rates.

Likewise, placing CHPP® in the southern “wood basket” region of the United States, where more than 60 percent of the nation’s timber supply is produced (Oswalt et al. 2014), offers a unique opportunity for heirs' property owners with forest land to work with CHPP® to implement sustainable forestry management practices on their land. Fifty-eight percent of the nation’s forest land is possessed by family forest owners—individuals, families, individuals, trusts, and estates (Butler et al. 2017). But heirs' property owners with forest land are typically locked out of this wealth-building strategy due to clouded title (Schelhas, Hitchner, and McGregor 2019). In 2013, CHPP® was selected as one of the three pilot sites for the U.S. Endowment for Forestry and Communities Sustainable Forestry’s African American Land Retention Program. The endowment, in partnership with USDA agencies—Natural Resources Conservation Service (NRCS) and the Forest Service—wanted to test the emerging theory that sustainable forestry technical assistance could be a tool to help African Americans create forestry enterprises and secure title to their land (Hitchner, Schelhas, and Johnson Gaither 2017). When CHPP® held its first sustainable forestry workshop, only one of the 83 attendees had ever heard of the USDA NRCS financial assistance program that provides cost-share funds to cover at least 75 percent of the estimated cost for prescribed conservation activities.³ Across three departments, CHPP® integrates direct legal services, land management technical assistance, and educational or outreach activities to help resolve cases of heirs' property and prevent further spreading of heirs' property throughout South Carolina.

METHODOLOGICAL APPROACH

Data

This study draws on program data collected by CHPP® between 2017 and 2021. CHPP® uses a Salesforce® database to record all interactions with landowners across their Outreach, Legal, and Forestry departments. Data are collected in three ways: (1) an intake meeting with all prospective applicants, (2) sign-in sheets from outreach events, and (3) documentation of ongoing services and/or site visits with those who become legal clients or forestry participants. Any interested landowner requesting direct legal services or forestry technical assistance completes a detailed intake form with information on demographic characteristics, parcel characteristics, ownership status, referral pathways, and their planned land management objectives. Management objectives may include help in clearing title or conducting sustainable forestry on the land. If the landowner signs a client retainer for direct legal services, they

Referral Pathways

become a formal CHPP® client. As such, some landowners may complete an intake form but not become a formal client, and we distinguish between these groups throughout the article. Landowners who do not receive services are referred to as “applicants.” Landowners who receive legal services are called “clients,” and clients who are also receiving forestry services are referred to as “joint forestry participants.” All *clients* receiving legal services are heirs’ property owners, but some *applicants* who completed an intake form were later determined by CHPP® attorneys to not own heirs’ property. This group is discussed separately in a section on reasons for declination, and we discuss the implications of landowners misidentifying their ownership status as heirs’ property further in the discussion section. For those who complete an intake and go on to become formal clients, all contacts (phone conversations, emails, in-person appointments, services performed when the client was not present) with their lawyer are logged into the Salesforce® database. This study was determined exempt by the University of Michigan Institutional Review Board (IRB), and this analysis does not access any data made confidential through attorney-client privilege.

Measures

Referral pathways. Data on CHPP® referral pathways are extracted from the organization’s intake form. An intake form is completed for any applicant seeking services from CHPP®. Prior to the COVID-19 pandemic, legal intakes were only taken in person. Due to social distancing practices implemented to reduce the spread of COVID-19, intake forms were completed via phone from March 2020 onward by members of the Legal department. An applicant may complete more than one intake form if they are seeking services for different parcels or if they are seeking additional legal services on the same parcel. If an intake record is found to be a complete duplicate, it is removed based on unique individual and household identifiers. If a landowner completes more than one intake requesting the same service for multiple parcels, and all other fields are the same except for tax-assessed value (TAV), the record with the highest TAV is retained in the data. This decision was made based on consultations with staff at CHPP® who explained that the reporting system disaggregates entries by parcel. For households with multiple parcels, we wanted to retain the combined total TAV across all parcels. Records excluded on the basis of TAV are referred to as “partial-parcel” records. For each analysis, we report the number of duplicate and partial-parcel records that were excluded. The intake form asks applicants, “How did you hear about us?” When entering data from the intake form into the Salesforce system, the administrator, lawyer, forester, or outreach coordinator inputs the response as given by the applicant, denoted by the variable “Referral Details.” Then the staff member classifies the open-ended response into the following categories: (1) former/current client, (2) media, (3) staff/board member, (4) government office/official, (5) religious institution, (6) Woodlands Community Advocate (WCA),⁴ (7) seminar/presentation, (8) word of mouth, and (9) other.

For this analysis, we recoded all of the open-ended responses for referral details in combination with the referral category selected by the CHPP® staff. We created a variable for referral pathways that arranges them into the following groups: (1) applicant’s personal network, (2) CHPP® partners, (3) CHPP® Outreach, or (4) word of mouth. Applicants were classified as being referred by their personal network if they listed a family member or friend in response to the question “How did you hear about us?” Applicants referred via a partner of CHPP® include anyone who listed the following as a response to the question “How did you hear about us?”: (1) USDA/NRCS; (2) an office of local government, including county probate courts; (3) any local, state, or federal individual government official or their representative; or (4) any other local private or nonprofit organization. Applicants classified as having been referred via CHPP® Outreach include

anyone who reported attending an outreach event by CHPP® or who encountered official outreach materials or attended presentations by CHPP®. This includes attending educational seminars and presentations or encountering information tables or flyers at local events. Applicants who viewed the organization's website and social media or spoke with a current or former staff/board member are also classified as being referred through the CHPP® Outreach category. Last, if the applicant listed a religious institution, they are classified as having been referred through CHPP® Outreach events because CHPP® holds many seminars and presentations at religious institutions. All other applicants are included in the word-of-mouth referral pathway, where they typically listed referral sources unique to them or too generic to categorize further.

This open-coding analytic method offers a nuanced and rich portrait of the referral pathways of heirs' property owners served by CHPP®, but an important limitation is that the analyst imposes meaning onto the categories of the applicant that could be different from their own understanding. To combat this, we employ a conservative approach to categorizing open-ended responses. We therefore acknowledge that we may be underestimating the personal network pathway and overestimating the word-of-mouth pathways in particular. An applicant may have listed the actual first and last name of a person that we could not distinguish as in their personal network or not. These cases are ultimately classified as a word-of-mouth referral. All names listed in referral details that could be readily associated with a CHPP® partner or CHPP® Outreach were recoded. For example, when applicants listed the name of a county probate judge or staff/board member at CHPP® and the record was entered in as a word-of-mouth referral, our analysis recodes this applicant as having been referred by a CHPP® partner or CHPP® Outreach, respectively.⁵

Direct Legal Services

Applicants who are accepted for direct legal services are considered formal clients of CHPP®, and the legal services offered to them are tracked in Salesforce® over time. The primary legal outcome of interest for this article is the type of service received. There are three possible outcomes for types of legal service received: (1) applicant was not accepted (i.e., they received only advice and counsel); (2) brief service—deed prep, a family presentation, and/or title search; and (3) extended legal actions, such as determination of heirs, probate, or quiet title (a lawsuit used to establish ownership; it is required in heirs' property cases where the estate has not been probated within 10 years of the original owners' death). Family presentations are educational seminars customized for a family with the incorporation of mediation. Additionally, we explore the number of titles resolved and household and demographic characteristics of this client subgroup.

Last, we report briefly on the number of wills and advance directives completed by CHPP® during the 2017-2021 time period. While this is typically defined as a direct legal service, we analyze the outcomes of this group separately from the legal clients who receive advice and counsel, a brief service, or extended legal actions. We separate the analyses of these two groups because data on demographic characteristics and referral pathways were not systematically collected for estate planning clients, as was done for the other direct legal services clients. In particular, detailed demographic data are not collected for clients who complete a will through CHPP®'s wills clinics, so the analysis can only disaggregate data by individual characteristics on clients who execute a will if they worked with one of the lawyers in the office. Therefore, we are not able to conduct the same kinds of analyses with this group. Information on wills and advance directives comes from data from the Legal department's client files, as well as Outreach data on wills clinics offered by CHPP®. No data made confidential through attorney-client privilege were accessed for this analysis.

FINDINGS

Table 1 displays the characteristics of applicants for direct legal services. In total, CHPP® served 2,003 applicants for direct legal services during the five-year period. Approximately 4 percent of the legal applicants ($n=77$) were also served by the forestry department. The median age of the heads of households served was 65 years old, and more than 90 percent of applicants identified as African American/Black. Nine percent of all applicants were veterans. Sixty-seven percent of applicants were female, while 33 percent were male. We also display the median and average TAVs for legal clients of CHPP® (\$39,900 and \$97,808, respectively).

Table 1: South Carolina Heirs' Property Owner Intakes—Descriptive Statistics

	Frequency	Percent
Total applicants (2017-2021)	2,003	100
Gender:		
Female	1,334	66.60
Male	652	32.55
Missing/other	17	0.85
Median age (in years)	1,987	65
Race:		
African American/Black	1,825	91.11
Asian	1	0.05
Caucasian	46	2.30
Hispanic	1	0.05
Native American/Alaskan	3	0.15
Other	15	0.75
Missing/not reported	112	5.59
Veteran status	188	9.39
Joint forestry participant	77	3.84
	<i>n</i>	Value, \$
Median tax-assessed value (TAV) of all parcels	1,522	39,900
Average tax-assessed value (TAV) of all parcels	1,522	97,808

Note: This table is presented at the individual level. If an applicant conducted multiple intakes, they are counted only once. Estate planning clients are not captured in this table because their demographic data are not systematically collected.

Outreach Pathways

Table 2 shows an overview of the referral pathways identified. Among applicants who reported their referral source ($n=1,628$), the primary referral pathway is outreach efforts conducted by CHPP®. These efforts include seminars/presentations, media of various kinds (digital, social, and news), and interactions with current staff. Word of mouth is the next most common referral pathway (25 percent), followed by the applicant's personal network (21 percent) and partners of CHPP® (19 percent).

Table 2: South Carolina Heirs' Property Owner Initial Referral

	Frequency	Percent
Total referrals (2017-2021)	1,628	100
Applicant's personal network	334	20.52
CHPP partners	304	18.67
CHPP Outreach	587	36.06
Word of mouth	403	24.75

Note: Based on unique individual- and household-level identifiers, 180 intakes were excluded from analysis because they were either duplicate entries or a partial-parcel entry, as defined previously. Applicants have the right to refuse to answer questions on the intake form. As such, we report only on the intakes with complete referral data. Nineteen percent of initial legal intakes ($n=375$) did not record referral data. Estate planning clients are excluded from this analysis.

We further disaggregate the four main referral pathways in table 3 to offer a deeper understanding of how applicants learn about services at the CHPP®. Within the personal network pathway, 46 percent of these referrals were from family members or friends who knew of CHPP® but were not current or former clients. Another 44 percent are a legal client of CHPP® that the applicant knows personally (but is not a family member). Finally, approximately 10 percent of these referrals were from family and friends who were also current CHPP® landowners or clients.

Although partner referrals were the least common pathway, this referral pathway offers important implications for connecting heirs' property owners to direct legal services and land management technical assistance programs. Among legal clients referred by a CHPP partner, approximately half (49 percent) were referred via local county probate courts that directly benefit from the creation and filing of estate plans (StipeMaas 2019). Additionally, another 30 percent were referred via another county office, which typically included the local assessor or tax office. This means that four out of five legal clients referred from a CHPP® partner are connected with CHPP® through a court or local county office.

Table 3: South Carolina Heirs' Property Owner Referrals by Category

	Frequency	Percent
Applicant's personal network:	334	100
Family/friend	155	46.41
Unrelated former/current CHPP® landowner	147	44.01
Former/current CHPP® landowner is a family/friend to applicant	32	9.58
CHPP® partners:	304	100
USDA/NRCS	5	1.64
Probate	150	49.34

Referral Pathways

County government offices	90	29.61
Other public official/office	12	3.95
Private/nonprofit	47	15.46
CHPP® Outreach	587	100
Seminar/presentation	227	38.67
Information table	11	1.87
WCA	16	2.73
Media	267	45.49
Staff/board member (former or current)	40	6.81
Religious institution	26	4.43
Word of mouth	403	20.12

Note: Based on unique individual- and household-level identifiers, 180 intakes were excluded from analysis because they were either duplicate entries or a partial-parcel entry, as defined previously. Applicants have the right to refuse to answer questions on the intake form. As such, we report only on the intakes with complete referral data. Nineteen percent of initial legal intakes ($n=375$) did not record referral data. Estate planning clients are excluded from this analysis.

Outreach efforts conducted by CHPP® are the primary referral pathway for most legal clients (38 percent overall). More than four out of five legal clients who were connected to CHPP through the Outreach department were referred via a seminar/presentation or media from CHPP® (digital or social media, news outlets, the website, and flyers). CHPP® staff and board members refer another 7 percent of legal clients who were connected via the Outreach department. The WCA network at the CHPP® brings in an additional 3 percent of referrals coming through the Outreach department. Religious institutions represent 4 percent of referral pathways, but it is important to contextualize this number. First, many of the seminars and presentations conducted by CHPP®'s Outreach department occur at houses of worship (including more than 20 will clinics and 75 outreach events). In some instances, churches actually distributed flyers for the will clinics, according to staff at CHPP®. The religious institution category in table 3 refers solely to an applicant who listed a religious entity separate from a seminar/presentation.

Direct Legal Services

Table 4 displays the legal services offered by CHPP®, excluding estate planning. Between 2017 and 2021, CHPP® had 2,170 intake applications for legal services. Interestingly, 72 percent of those applications were not accepted, meaning the applicant received a free advice and counsel session but no direct legal services beyond that. We discuss this important finding in further detail below. Eleven percent of applicants sought assistance with a quiet title action, and 9 percent of legal applicants sought assistance with the probate process, an important aspect for the prevention of heirs' property. During the five-year period, CHPP® resolved 130 titles with a median TAV of \$71,125 and an average TAV of \$94,824.

Table 4: South Carolina Heirs' Property Owner Legal Services (Excluding Estate Planning)

	Frequency	Percent
Total legal intakes (2017-2021)	2,170	100
Type:		
Not accepted/advice and counsel only	1,562	71.98
Brief legal service	86	3.96
Extended legal actions:		
Determination of heirs	101	4.65
Probate	185	8.53
Quiet title	236	10.88
Number of titles resolved		130
Median tax-assessed value (TAV), \$		71,125
Average tax-assessed value (TAV), \$		94,824

Note: These data are presented at the intake level. Households that completed multiple intakes therefore show up multiple times. Clients who receive estate planning services are excluded from the calculations reported in this table. Although this is technically considered a direct legal service, we discuss those receiving estate planning services separately.

As stated above, approximately three out of four intake applicants were not accepted as legal clients. An application denial can be the result of a variety of reasons, including the applicant not being a South Carolina resident,⁶ the applicant having an income over the eligibility threshold, or the applicant not being an heir. Table 5 displays the breakdown of reasons for declination. Approximately one out of every three intake applications that were declined were from absentee landowners (17 percent) or applicants whose household income exceeded the organization's income qualifications (16 percent). CHPP[®] uses the United States Department of Health and Human Services (DHHS) poverty guidelines to determine income eligibility. Any applicant whose household income is less than or equal to 200 percent of the DHHS guidelines is determined income eligible.

Table 5: South Carolina Heirs' Property Owner Declination Reasons

	Frequency	Percent
Total	1,395	100
Applicant is not a resident of South Carolina	238	17.06
Over income	227	16.27
Not an heirs' property issue	183	13.12
Applicant isn't an heir	169	12.11
Applicant needs to bring an adversarial case	167	11.97
Not enough information	146	10.47
Applicant only wants advice and counsel	87	6.24
Applicant wants to sell	45	3.23
Property is outside of CHPP's service area	44	3.15
Applicant wants to sue another heir	6	0.43
Other	83	5.95

Note: This table is reported at the intake level. One hundred sixty-seven intakes (11 percent) ultimately declined legal services had missing data on the reason for declination.

Additionally, one out of every four intake applications that were declined were scenarios where it was determined that the issue was land related but not heirs' property after the initial meeting with the attorney (13 percent), or applicants who were found not be an heir to the property (12 percent). Twelve percent of applications that were declined were due to an adversarial case. Although most heirs' property cases are adversarial, there are some in which the dysfunction is so great among the family that an attorney offering mediation and conducting several family meetings will not bring about agreement. Therefore, the likelihood of the family resolving their title issues is diminished. In addition, should a case be filed in court with this unaddressed family dynamic, the likelihood of this family's land being ordered to be partitioned or sold by a judge increases exponentially, according to consultations with CHPP® staff. This is why CHPP® does not accept these types of cases. Furthermore, 10 percent of applications that were declined were cases where the landowners did not have sufficient knowledge of their family's land or the heirs who may be involved. For example, an applicant may have known that their family owned land in a particular county, but they did not know the address of the property, which is needed for the attorney to provide advice and counsel.

CHPP® also offers estate planning services in the form of wills and advance directives (power of attorney for medical and nonmedical scenarios). Because these respondents are tracked separately from the direct legal services clients, we discuss them separately here. CHPP® completed a combined 1,090 wills and advance directives for 1,059 legal clients between 2017 and 2021. Thirty-one clients completed both an advance directive and a will. Thirty-nine of the 40 advance directives completed were new—the client did not have an existing agreement establishing power of attorney. Ninety-six percent of wills completed were new (1,008 of 1,050). Importantly, 81 percent of the wills completed were at no cost to the client. Among clients who had a will completed through an appointment with a staff attorney at CHPP®, rather than one of the will clinics, their median age was 69, and 70 percent were women. This subgroup is slightly older than the overall client population served by CHPP®, and more heavily female. This may be related to longer life expectancies of Black women compared to Black men or could suggest disproportionate hesitation among Black men to create wills. These data cannot confirm or deny either of these hypotheses, but we discuss the implications of this finding further in the next section.

DISCUSSION

Studies on heirs' property have made critical advances for scholars, practitioners, and policymakers interested in this topic. In particular, important progress has been made on quantifying the scope of heirs' property (Deaton 2007; Johnson Gaither 2016; Johnson Gaither and Zarnoch 2017; Pippin et al. 2017), the historical roots of Black land loss among heirs' property owners (Mitchell 2019; Zabawa 1991), and legal reforms aimed at reducing Black land loss among heirs' property owners (Mitchell 2022; Rivers 2007). Complementing scholarship on the macro-level structural reform for the challenges of heirs' property ownership, this article offers a descriptive overview of the demographic characteristics and referral pathways of heirs' property owners seeking direct legal services and land management assistance.

Demographic Characteristics

Scholarly research has previously established that heirs' property owners are typically non-White, have lower household incomes, are elderly, and have little formal education (Dyer, Bailey, and Tran 2008;

Johnson Gaither and Zarnoch 2017; Pippin et al. 2017). Using administrative data from CHPP® on referrals and basic demographic characteristics for applicants who applied for direct legal services between 2017 and 2021, we find that the majority of applicants are women (67 percent), Black (91 percent), and elderly (the median age at the time of application is 65). This analysis of demographic data from CHPP® augments established scholarship that imputes the demographic characteristics of heirs' property from socioeconomic characteristics aggregated to the census tract and block level by analyzing self-reported demographic characteristics of heirs' property owners. Furthermore, this analysis uncovers an important demographic characteristic not yet discussed in the literature—veteran status. Nine percent of applicants were veterans. This means that integrating heirs' property prevention and direct legal services with the networks and service providers working with veterans could prove to be a fruitful endeavor for other titling programs and direct service providers working with heirs' property owners.

Furthermore, programmatic data from CHPP® reveal an important gendered nature to applying for direct legal services related to heirs' property. Sixty-seven percent of applicants who reported their gender identified as female. Although we cannot generalize to the heirs' property population at large from these gender disparities, it is important to note that these findings confirm the gendered patterns of pursuing social supports found in other settings (Addis and Mahalik 2003; Tobin-Gurley and Enarson 2013). This suggests that targeted outreach should be done to ensure male heirs' property owners are not excluded from necessary assistance.

On the other hand, the gender imbalance in applicants could be the by-product of age, as research shows that Black women have a longer life expectancy than Black men (Bond and Herman 2016). If it is true that Black women will be more likely to become heirs' property owners because of differences in life expectancy, then this also necessitates targeted programming and resources to women owners. Our data cannot adjudicate between these two explanations, but both have important implications for scholars and practitioners. These analyses of demographic characteristics of applicants to CHPP® can be used to inform the design and outreach of titling programs in other settings.

Referral Pathways

Outreach data revealing how applicants were connected to direct legal services at CHPP® offer important insight for micro- and meso-level approaches aimed at mitigating the negative consequences of heirs' property. This analysis revealed that applicants were connected to CHPP® through the following pathways: outreach events and activities conducted by CHPP® (36 percent), word of mouth (25 percent), the applicant's personal network (21 percent), and via CHPP® partners (19 percent). Notably, more than three in four applicants who were referred by a partner of CHPP® were referred through a probate office, or another county office, which often included the local tax assessor or register of deeds. These government offices directly benefit from heirs' property owners resolving their title issues (StipeMaas 2019). In other words, local government and local courts can play a significant brokering role in connecting heirs with direct legal services. Since the applicant's personal network and word of mouth are the top two referral pathways, it is clear that networks play a key role in being connected to heirs' property services within this applicant pool. This finding confirms a large body of evidence from other policy and social service contexts that argues social networks fundamentally structure what kinds of social supports people obtain access to, especially low-income households (Edin and Lein 1997; Royster 2003; Stack 1974). Socially isolated heirs' property owners, then, may be the least likely to obtain necessary assistance. Practitioners seeking

to connect heirs' property owners need to prioritize outreach strategies that can permeate across social networks within a community, such as local news media. Moreover, partnering with a diverse group of leaders and organizations can also help ensure a broader reach in the local community.

The data also show how integral partnerships with religious institutions have been as an outreach practice for CHPP®. Where no institutionalized titling program exists, other informal collectives of legal providers or individual attorneys could theoretically replicate similar outreach practices in their communities by identifying the core social institutions among their heirs' property population and creating brokering roles with those institutions. Understanding the key social institutions in the lives of heirs' property owners and creating pipelines between those institutions and direct legal services may prove to be central in addressing the challenges related to heirs' property.

Direct Legal Services

This study offers a rare look at the implementation of free and low-cost titling services in an organizational setting in South Carolina. This descriptive portrait can help demystify the various legal strategies that can reduce heirs' property precarity and prevent its future emergence. Approximately one in four legal intake applications to CHPP® (28 percent) received either a brief legal service or some form of extended legal action. Three out of four applicants were not accepted as a client but received advice and counsel. Scholars have rightly focused on the endpoint of clearing title as the ultimate goal for heirs' property owners. However, unpacking the variety of direct legal services used at CHPP® illuminates the intermediate and alternative strategies relevant to heirs' property owners that are not tied directly to measurable legal outcomes. For example, 6 percent of applicants who were not accepted for direct legal services reported they initially applied seeking *only* advice and counsel. While a comprehensive free and low-cost titling program may be the ideal intervention, making free and low-cost advice and counsel sessions (i.e., a form of asset education) widely accessible could be a critical starting point for communities seeking to build out a more robust titling program over time. Likewise, family presentations (one of the brief legal service options) can be a promising intermediate component of the titling process for heirs' property owners given the documented conflict among family members (Dyer and Bailey 2008). Offering family presentations alongside more direct legal actions takes seriously the collective ownership model of heirs' property and could serve as another key component of titling assistance for heirs in other contexts.

We also find that estate planning assistance makes up a considerable share of services offered by CHPP®. Over one thousand legal clients had a will or advance directive completed, and four out of five of the wills completed were at no cost to the client. Estate planning is essential to the prevention of heirs' property, but research shows that low-income and Black households are less likely to create wills due to distrust of the legal system, lack of access to lawyers, and associated fees (Mitchell 2019; Taylor Poppe 2020). According to the scholarly hypotheses about low rates of will making among Black households, the large number of clients for estate planning in this study is striking. This finding points to an appetite for estate planning among heirs' property owners. It is important to acknowledge that COVID-19 death rates during the study time period could be playing a role here, but the limitations of a descriptive analysis prevent us from drawing strong conclusions about what factors led clients to create a will. This finding underscores that practitioners focused on designing comprehensive interventions for heirs' property owners should explore ways to combine resolution and prevention strategies (i.e. co-locating titling and estate planning services).

Avenues for Future Research

These findings describing the demographic characteristics of heirs' property owners, referral pathways, and types of direct legal services point toward important avenues for future research. First, although these data contribute to the literature on U.S. titling programs by illustrating how to connect participants to direct legal services and what kinds of services are relevant, this is not a formal outcome evaluation of how titling changes heirs' property owners' socioeconomic positions. Given the limited research on the effects of titling in the U.S. context, more research is needed to understand the enduring impact of clearing title, especially across different spatial contexts. Likewise, more implementation research about titling programs in organizational settings is needed to establish a more substantial body of empirically driven best practices for comprehensive interventions designed to assist heirs' property owners. For example, given that estate planning was a large share of activities at CHPP®, qualitative data exploring how heirs' property owners dealt with their institutional distrust and came to the decision to create a will can offer important insights for future prevention programming geared toward heirs' property owners.

The rate of and reasons for denials also suggest important future avenues for researchers and practitioners to examine. Given that property laws are established at the state level, and absentee landownership prevents CHPP® from accepting an out-of-state applicant, direct legal service interventions that can accommodate absentee landowners could be an important option for heirs' property owners ineligible for current resources based on residence. Bownes and Zabawa (2019) found that 24 percent of heirs' property tracts in a North Carolina community were owned by out-of-state landowners, further supporting the need for direct legal services for absentee landowners. Moreover, 13 percent of rejected applicants were households who thought they had heirs' property issues; however, based on the information submitted to the attorneys, it was later determined they did not. This finding underscores the importance of connecting property owners with legal assistance to properly educate households on their ownership status. Households that may be reluctant to take full advantage of their property because they think it is heirs' property when it really is not, may be missing out on the full benefits of homeownership because of misinformation. Once again, the free advice and counsel session could stand alone as helpful to *all* property owners, even when further direct legal services focused on clearing title are not needed.

While heirs' property is traditionally associated with low-income households, these findings reveal that a sizable share of applicants were above the income limit set by CHPP®. The income eligibility threshold is defined as equal to or below 200 percent of the DHHS household poverty guidelines. This is still an important avenue to explore, even while we acknowledge that this applicant pool may not be representative of the larger heirs' property population in South Carolina. Research exploring heirs' property beyond the low-income context may bring to light a different set of benefits and challenges of this ownership tenure. For example, does family coordination or conflict look different when at least one of the heirs holds a different class status? Heirs' property may be a phenomenon that crosses class boundaries more than academic literature has currently captured, so more research on class heterogeneity and heirs' property is needed.

Finally, the primary referral method being the Outreach department at CHPP® raises an important and long-standing question about building trust with heirs' property owners to deliver state and nonprofit services. Schelhas, Hitchner, and Dwivedi (2018) highlight that distrust between Black

landowners, including heirs' property owners, and forestry professionals is the by-product of enduring racial discrimination by governmental actors and processes. The study described how community-based organizations used a "boots-on-the-ground" approach to help build trust in the community, leading to more forest landowners seeking services. It will be beneficial for future research to determine which outreach strategies by direct service providers are perceived as more trustworthy by heirs' property owners who do not own forest land. More qualitative and ethnographic research with service providers working directly with heirs' property owners can elucidate additional effective trust-building strategies for practitioners working with this population.

CONCLUSION

This article explores the demographic characteristics, referral pathways, and direct legal services of applicants to the CHPP® located in South Carolina. Applicants are primarily Black elderly women. We identify four primary referral pathways: (1) owners' personal networks; (2) CHPP® Outreach efforts; (3) CHPP® partner organizations—including public, private, and nonprofit agencies; and (4) word of mouth (other individuals/entities not formally connected with CHPP®, including outside legal and forestry professionals). This analysis helps to fill an important gap in the literature on heirs' property regarding interventions that help prevent and resolve the negative consequences of fractional interest and clouded title. Interventions focused on heirs' property prevention through estate planning and those that assist with titling are a distinct and necessary complement to the important legal and policy-level reforms that will undoubtedly create more equitable housing and agricultural markets where heirs' property owners can thrive. Importantly, by analyzing referral pathways alongside demographic characteristics, we find that targeted outreach by gender and to veterans can increase awareness in the communities most likely to be affected. Additionally, descriptive analyses suggest that despite documented legal distrust among heirs' property owners, estate planning can be accomplished with this subgroup. We offer a variety of avenues for future research to build out a more robust evidence base of U.S. titling programs and best practices for recruitment and service delivery.

ENDNOTES

1. While heirs' property is commonly associated with the rural, Black South, the problems of fractional interest and clouded title are found in many communities—including on Tribal lands, *colonias* along the U.S.-Mexico border, and low-income communities across Appalachia (Deaton 2007; Johnson Gaither 2016; Pippin et al. 2017; Shoemaker 2019).
2. Scholars argue that historically, courts defaulted to the partition in-kind, where the property was split equally among co-owners. But over time, the courts evolved to ordering forced partition sales (Casagrande 1986; Craig-Taylor 2000; Mitchell 2014). There is little empirical evidence detailing *why* this transition occurred.
3. African American producers receive a 90 percent cost share because they are categorized as socially disadvantaged (SD). The USDA defines SD farmers and ranchers (SDFRs) as those belonging to groups that have been subject to racial or ethnic prejudice. SDFRs include farmers who are Black or African American, American Indian or Alaska Native, Hispanic or Latino, or Asian or Pacific Islander. Heirs' property applicants to CHPP® seeking sustainable forestry technical assistance and who identify as one of these racial/ethnic groups qualify as SDFRs.
4. The WCA network, an innovative component of the Sustainable Forestry Land Retention Project, brings landowners together for peer networking and empowerment.
5. A full list of terms used to identify referral pathways is available upon request.

6. CHPP® policies prohibit it from accepting out-of-state applicants with land in South Carolina for the following reasons: (1) There are usually in-state heirs living on the property or at least living in South Carolina. If these family members were overlooked, it could create a family dynamics issue that could slow the processing of the case. (2) It is logistically easier to work with local heirs who are more accessible. Due to the increase in out-of-state residents during the COVID-19 pandemic, this policy is being reconsidered.

ACKNOWLEDGEMENTS

The authors would like to extend our sincerest thanks to the staff at the Center for Heirs' Property Preservation® whose work has made this research possible, the landowners who have trusted the Center to help them manage their family land, and the Center's long-standing donors for their generous support. We would also like to thank the anonymous reviewers at the *Journal of Rural Social Sciences* for their insightful feedback.

DISCLOSURE STATEMENT

No potential conflict of interest was reported by the authors.

FUNDING

This research was supported in part by two grants from the USDA National Institute of Food and Agriculture: (1) grant number 2020-49400-32398 from the Beginning Farmer and Rancher Development Program to the Center for Heirs' Property Preservation; and (2) grant number 2021-67023-34425 from the Agriculture and Food Research Initiative Competitive Program to the Southern Rural Development Center. Comments do not reflect funding partners.

REFERENCES

- Addis, Michael E., and James R. Mahalik. 2003. "Men, Masculinity, and the Contexts of Help Seeking." *American Psychologist* 58(1):5-14. doi: 10.1037/0003-066x.58.1.5.
- Bond, M. Jermaine, and Allen A. Herman. 2016. "Lagging Life Expectancy for Black Men: A Public Health Imperative." *American Journal of Public Health* 106(7):1167-1169. doi:10.2105/AJPH.2016.303251.
- Bowens, Tristeen, and Robert Zabawa. 2019. "The Impact of Heirs Property at the Community Level: The Case Study of the Prairie Farms Resettlement Community in Macon County, AL." Pp. 29-43 in *Heirs' Property and Land Fractionation: Fostering Stable Ownership to Prevent Land Loss and Abandonment*, edited by C. J. Gaither, A. Carpenter, T. L. McCurdy, and S. Toering. Gen. Tech. Rep. SRS-244. Asheville, NC: U.S. Department of Agriculture Forest Service, Southern Research Station.
- Butler, Sarah M., Emily S. Huff, Stephanie A. Snyder, Brett J. Butler, and Mary Tyrrell. 2017. "The Role of Gender in Management Behaviors on Family Forest Lands in the United States." *Journal of Forestry* 116(1):32-40. doi: <https://doi.org/10.5849/jof.2016-076R2>.
- Casagrande, John G., Jr. 1986. "Acquiring Property through Forced Partitioning Sales: Abuses and Remedies." *Boston College Law Review*. doi: <https://heinonline.org/HOL/P?h=hein.journals/bclr27&i=767>.
- Cole, Avanthi. 2021. "For the 'Wealthy and Legally Savvy': The Weaknesses of the Uniform Partition of Heirs Property Act as Applied to Low-Income Black Heirs Property Owners." *Columbia Journal of Race and Law* 11(2):343-372. doi: <https://journals.library.columbia.edu/index.php/cjrl/article/view/8237>.
- Craig-Taylor, Phyllis. 2000. "Through a Colored Looking Glass: A View of Judicial Partition, Family Land Loss, and Rule Setting." *Washington University Law Quarterly* 78:737. doi: https://openscholarship.wustl.edu/law_lawreview/vol78/iss3/2.
- Daniel, Pete. 2013. *Dispossession: Discrimination against African American Farmers in the Age of Civil Rights*. Chapel Hill, NC: University of North Carolina Press.
- Deaton, B. James. 2007. "Intestate Succession and Heir Property: Implications for Future Research on the

Referral Pathways

- Persistence of Poverty in Central Appalachia.” *Journal of Economic Issues* 41(4):927-942. doi: <http://dx.doi.org/10.1080/00213624.2007.11507081>.
- Deaton, B. James, Jamie Baxter, and Carolyn S. Bratt. 2009. “Examining the Consequences and Character of ‘Heir Property.’” *Ecological Economics* 68(8-9):2344-2353. doi: <https://doi.org/10.1016/j.ecolecon.2009.03.009>.
- De Schutter, Olivier, and Balakrishnan Rajagopal, eds. 2019. *Property Rights from Below: Commodification of Land and the Counter-movement*. London: Routledge.
- De Soto, Hernando. 2000. *The Mystery of Capital: Why Capitalism Triumphs in the West and Fails Everywhere Else*. New York: Basic Books.
- Dobbs, Rebecca G., and Cassandra Johnson Gaither. In press. “How Much Heirs’ Property Is There?” Using LightBox Data to Estimate Heirs’ Property Extent in the U.S. *Journal of Rural Social Sciences*.
- Durst, Noah J., and Jake Wegmann. 2017. “Informal Housing in the United States.” *International Journal of Urban and Regional Research* 41(2):282-297. doi: <https://doi.org/10.1111/1468-2427.12444>
- Dyer, Janice F., and Conner Bailey. 2008. “A Place to Call Home: Cultural Understandings of Heir’ Property among Rural African Americans.” *Rural Sociology* 73(3):317-338. <https://doi.org/10.1526/003601108785766598>.
- Dyer, Janice F., Conner Bailey, and Nhuong V. Tran. 2008. “Ownership Characteristics of Heir Property in a Black Belt County: A Quantitative Approach.” *Journal of Rural Social Sciences* 24(2):10. doi: <https://egrove.olemiss.edu/jrss/vol24/iss2/10>.
- Edin, Kathryn, and Laura Lein. 1997. *Making Ends Meet: How Single Mothers Survive Welfare and Low-Wage Work*. New York: Russell Sage Foundation.
- Galiani, Sebastian, and Ernesto Scharrodsky. 2010. “Property Rights for the Poor: Effects of Land Titling.” *Journal of Public Economics* 94(9-10), 700-729. doi: <https://doi.org/10.1016/j.jpubeco.2010.06.002>.
- García, Ivis. 2022. “Deemed Ineligible: Reasons Homeowners in Puerto Rico Were Denied Aid after Hurricane María.” *Housing Policy Debate* 32(1):14-34. doi: <https://doi.org/10.1080/10511482.2021.1890633>.
- Hitchner, Sarah, John Schelhas, and Cassandra Johnson Gaither. 2017. “A Privilege and a Challenge’: Valuation of Heirs’ Property by African American Landowners and Implications for Forest Management in the Southeastern US.” *Small-Scale Forestry* 16(3):395-417. doi: <https://doi.org/10.1007/s11842-017-9362-5>.
- Johnson Gaither, Cassandra. 2016. “‘Have Not Our Weary Feet Come to the Place for Which Our Fathers Sighed?’: Heirs’ Property in the Southern United States.” e-Gen. Tech. Rep. SRS-216. Asheville, NC: U.S. Department of Agriculture Forest Service, Southern Research Station.
- Johnson Gaither, Cassandra, and Stanley J. Zarnoch. 2017. “Unearthing ‘Dead Capital’: Heirs’ Property Prediction in Two U.S. Southern Counties.” *Land Use Policy* 67:367-377. doi: <https://doi.org/10.1016/j.landusepol.2017.05.009>.
- Kahrl, Andrew W. 2012. *The Land Was Ours: How Black Beaches Became White Wealth in the Coastal South*. Chapel Hill, NC: University of North Carolina Press.
- Logan, Trevon D. 2018. “Do Black Politicians Matter?” Working Paper No. 24190. National Bureau of Economic Research. doi: [10.3386/w24190](https://doi.org/10.3386/w24190).
- McCabe, Brian J. 2016. *No Place Like Home: Wealth, Community, and the Politics of Homeownership*. Oxford: Oxford University Press.
- Mitchell, Thomas W. 2014. “Reforming Property Law to Address Devastating Land Loss.” *Alabama Law Review* 66. doi: <https://ssrn.com/abstract=2516275>.
- Mitchell, Thomas W. 2019. “Historic Partition Law Reform: A Game Changer for Heirs’ Property Owners.” Pp. 65-82 in *Heirs’ Property and Land Fractionation: Fostering Stable Ownership to Prevent Land Loss and Abandonment*, edited by C. J. Gaither, A. Carpenter, T. L. McCurdy, and S. Toering. Gen. Tech. Rep. SRS-244. Asheville, NC: U.S. Department of Agriculture Forest Service, Southern Research Station.
- Mitchell, Thomas W. 2022. “The Uniform Partition of Heirs Property Act: Advancing Social and Racial Justice through Historical Property Law Reform.” Pp. 3-23 in *Heirs’ Property and the Uniform Partition of Heirs Property Act: Challenges, Solutions, and Historic Reform*, edited by T. W. Mitchell and E. L. Powers. Washington, DC: American Bar Association.
- Oswalt, Sonja N., W. Brad Smith, Patrick D. Miles, and Scott A. Pugh. 2014. *Forest Resources of the United States, 2012*. Washington, DC: Washington Office, Forest Service, US Department of Agriculture.
- Payne, Geoffrey, Alain Durand-Lasserre, and Carole Rakodi. 2009. “The Limits of Land Titling and Home Ownership.” *Environment and Urbanization* 21(2):443-462. doi: <https://doi.org/10.1080/09638250903251627>.

- org/10.1177/0956247809344364.
- Pennick, Edward Jerry, and Monica Rainge. 2019. "African-American Land Tenure and Sustainable Development: Eradicating Poverty and Building Intergenerational Wealth in the Black Belt Region." Pp. 93-97 in *Heirs' Property and Land Fractionation: Fostering Stable Ownership to Prevent Land Loss and Abandonment*, edited by C. J. Gaither, A. Carpenter, T. L. McCurdy, and S. Toering. Gen. Tech. Rep. SRS-244. Asheville, NC: U.S. Department of Agriculture Forest Service, Southern Research Station.
- Pippin, Scott, Shana Jones, and Cassandra Johnson Gaither. 2017. "Identifying Potential Heirs Properties in the Southeastern United States: A New GIS Methodology Utilizing Mass Appraisal Data." e-Gen. Tech. Rep. SRS-225. Asheville, NC: US Department of Agriculture Forest Service, Southern Research Station.
- Rivers, Faith. 2007. "Inequity in Equity: The Tragedy of Tenancy in Common for Heirs' Property Owners Facing Partition in Equity." *Temple Political & Civil Rights Law Review* 17:1-82. doi: https://papers.ssrn.com/sol3/papers.cfm?abstract_id=1461639.
- Rothstein, Richard. 2017. *The Color of Law: A Forgotten History of How Our Government Segregated America*. New York: Liveright Publishing.
- Royster, Deirdre A. 2003. *Race and the Invisible Hand: How White Networks Exclude Black Men from Blue-Collar Jobs*. Berkeley: University of California Press.
- Schelhas, John, Sarah Hitchner, and Alan McGregor. 2019. "The Sustainable Forestry and African American Land Retention Program." Pp. 20-28 in *Heirs' Property and Land Fractionation: Fostering Stable Ownership to Prevent Land Loss and Abandonment*, edited by C. J. Gaither, A. Carpenter, T. L. McCurdy, and S. Toering. Gen. Tech. Rep. SRS-244. Asheville, NC: U.S. Department of Agriculture Forest Service, Southern Research Station.
- Schelhas, John, Sarah Hitchner, and Puneet Dwivedi. 2018. "Strategies for Successful Engagement of African American Landowners in Forestry." *Journal of Forestry* 116(6):581-588. doi: <https://doi.org/10.1093/jofore/fvy044>.
- Shoemaker, Jessica A. 2019. "Transforming Property: Reclaiming Indigenous Land Tenures." *California Law Review* 107:1531-1607. doi: <https://ssrn.com/abstract=3273126>.
- Stack, Carol B. 1974. *All Our Kin: Strategies for Survival in a Black Community*. New York: Harper & Row.
- StipeMaas, Skipper G. 2019. "The Georgia Heirs Property Law Center, Inc.; Addressing Tangled Title and Economic Security for Georgians." Pp. 98-104 in *Heirs' Property and Land Fractionation: Fostering Stable Ownership to Prevent Land Loss and Abandonment*, edited by C. J. Gaither, A. Carpenter, T. L. McCurdy, and S. Toering. Gen. Tech. Rep. SRS-244. Asheville, NC: US Department of Agriculture Forest Service, Southern Research Station.
- Taylor Poppe, Emily S. 2020. "Surprised by the Inevitable: A National Survey of Estate Planning Utilization." *UC Davis Law Review* 53(5). doi: <https://ssrn.com/abstract=3640621>.
- Thomson, Ryan, and Conner Bailey. In press. "Identifying Heirs' Property: Extent and Value Across the South." *Journal of Rural Social Sciences*.
- Tobin-Gurley, Jennifer, and Elaine Enarson. 2013. "Gender." Pp. 139-165 in *Social Vulnerability to Disasters*, 2nd ed., edited by D.S.K. Thomas, B.D. Phillips, W.E. Lovekamp, and A. Fothergrill. Boca Raton, FL: CRC Press.
- United States Agency for International Development (US AID). n.d. "What Is Land Tenure?" (<https://www.land-links.org/what-is-land-tenure/>).
- United States Department of Agriculture (USDA). 2021. "Biden Administration to Invest \$67 Million to Help Heirs Resolve Land Ownership and Succession Issues." (<https://www.usda.gov/media/pressreleases/2021/07/29/biden-administration-invest-67-million-help-heirs-resolve-land>).
- United States Department of Agriculture (USDA). 2022a. "Guidance for Heirs' Property Operators to Participate in Farm Service Agency (FSA) Programs." Retrieved April 27, 2023 (https://www.fsa.usda.gov/Assets/USDA-FSA-Public/usdafiles/FactSheets/guidance_heirs_property_operators_participating_in_fsa_programs-factsheet.pdf).
- United States Department of Agriculture (USDA). 2022b. "USDA Assistance for Heirs' Property Landowners." Retrieved April 27, 2023 (<https://www.farmers.gov/sites/default/files/2022-08/farmersgov-assistance-for-heirs-property-lenders-08-19-2022.pdf>).
- United States Endowment for Forestry and Communities. 2012. "Request for Proposals: Sustainable Forestry and African American Land Retention." U.S. Endowment for Forestry and Communities Archives. Greenville, SC.
- Ward, Peter M., Flavio De Souza, Cecilia Giusti, and Jane E. Larson. 2011. "*El Título en la Mano*: The Impact of

Titling Programs on Low-Income Housing in Texas Colonias.” *Law and Social Inquiry* 36(1):1-82. doi: <https://doi.org/10.1111/j.1747-4469.2010.01223.x>.

Zabawa, Robert. 1991. “The Black Farmer and Land in South-Central Alabama: Strategies to Preserve a Scarce Resource.” *Human Ecology* 19:61-81. doi: <https://doi.org/10.1007/BF00888977>.