

Appleseed This Week

eNewsletter - December 3, 2009



A nonprofit network of 16 public interest justice centers in the U.S. and Mexico, Appleseed is dedicated to building a society in which opportunities are genuine, access to justice is universal and equal, and government advances the public interest.

New Ways to Contribute!

You can now redeem your unused credit card rewards points for a cash donation to Appleseed. [Click here to learn more.](#)

And don't forget, Appleseed is now a member of the United Way of the National

Heir Property Work Progresses, Expands

Appleseed's groundbreaking heir property project now encompasses more than 20 states! Designed to protect low-income homeowners who lack clear title to inherited property, the project involves identifying policy gaps that expose families to the risk of dispossession or other legal complications. Appleseed's pro bono partners are comparing state laws to a proposed law being drafted by the National Conference of Commissioners on Uniform State Laws (NCCUSL).

For people unfamiliar with the term, heir property is land that has been passed down from generation to generation without a valid will, resulting in shared ownership among many tenants in common. As such, the land cannot be used to secure loans for home improvement, college tuition, or to start a business without the consent of every legal heir. According to some estimates, heir property has locked up trillions of dollars in equity nationwide.

Worse still, outsiders can exploit the situation to unfairly wrest heir property away from its rightful owners, leaving families vulnerable to eviction.

"The foreclosure crisis has dominated headlines, but people living on heir property are equally at risk of losing their homes, often without having any inkling of the danger," said Craig Baab, Appleseed's national Heir Property Project Director and a senior fellow at Alabama Appleseed. "At best, lack of clear title leaves a family economically stagnant -- at worst, it can lead to dispossession and homelessness."

Baab is an official observer to the drafting committee shaping the uniform law and participated in the Nov. 20 meeting of NCCUSL's drafting committee on the Uniform Partition of Inherited Property Act. Provisions of the act are designed to redress substantive, procedural, and ethical problems in the

**Capital Area and the
Combined Federal
Campaign. Please make a
note of the Appleseed
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**UNWCA: 9369
CFC: 10758**

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current handling of heir property cases.

Culminating a three-year process, the committee will meet for the sixth and final time this March to hammer out a final draft that will be presented for adoption by NCCUSL in the summer of 2010. Meanwhile, the examination of current state legislation will help Appleseed provide guidance on the implementation of the act, if adopted.

The research portion of the project is funded by a generous grant from the JP Morgan Chase Foundation, whose Community Development program includes a focus on preserving homeownership. Other key support is provided by the Mary Reynolds Babcock Foundation. Early pro bono partners include attorneys at Jenner & Block; General Electric; Faegre & Benson; Adams & Reese; Latham & Watkins; Maynard, Cooper & Gale; DLA Piper USA; and Lowenstein, Sandler and Lightfoot Franklin & White.

Appleseed Centers in Alabama, Georgia, Louisiana, South Carolina and Texas are spearheading other local efforts - advocating for legislative protection, creating legal handbooks for those attorneys handling heir property cases, and hosting educational seminars for residents in affected communities.