



GEORGIA HEIRS PROPERTY
LAW CENTER

DISASTER PLANNING AND HEIRS PROPERTY



The Georgia Heirs Property Law Center

The Georgia Heirs Property Law Center is a not-for-profit law firm that helps heirs property owners, nonprofits, and municipalities remediate fractures or tangled title, increase equity and generation wealth transfer through title clearing, wills creation, estate planning and facilitating access to government, private sector, and nonprofit land management and home improvement programs

Services:

LEGAL SUPPORT: The Georgia Heirs Property Law Center provides legal support for families, individuals, nonprofits, and municipalities. Depending on the client goals and particulars of the case, title-clearing services may include title audits, family meetings, probate, quiet title actions, management agreements; power of attorney, consolidation of title into single ownership, LLC, or trust.

LAND LOSS PREVENTION: The Center develops estate plans and prepares last wills and testaments for individuals to foster generational wealth transfer and prevent land loss. Services may include advanced directive for healthcare, financial power of attorney, and establishing a trust or LLC. In addition, the Center provides educational materials for nonprofits through its Estate Planning Handbooks.

ASSET EDUCATION: The Center facilitates asset education on home and land ownership to grow equity for the next generation. The Center engages nonprofit and governmental partners to help clients develop land and timber management plans, qualify for USDA programs, and access home repair, financing, Disaster Recovery and Resilience programs

What is heirs property and what does it mean to own it?

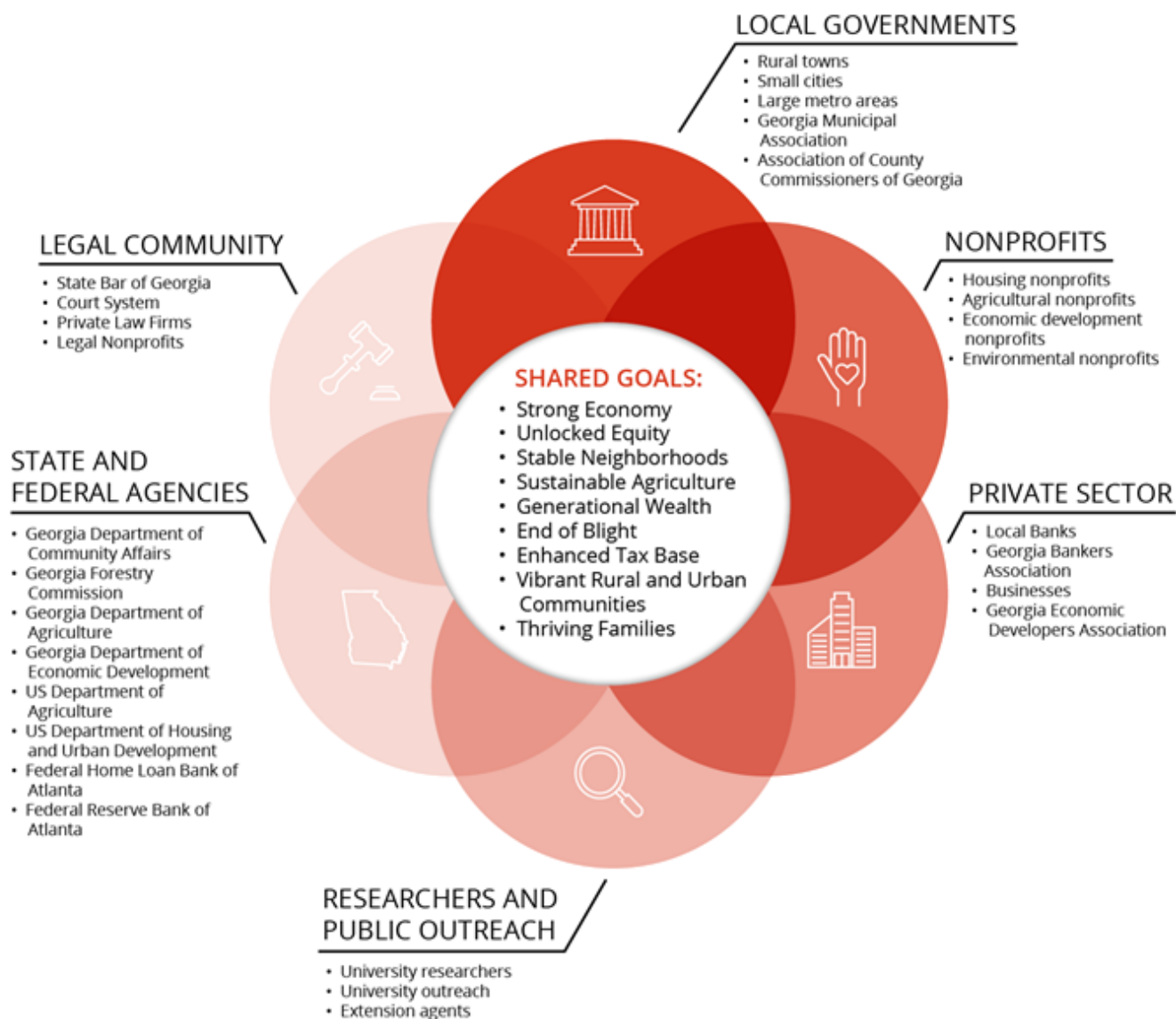
Heirs property is an unstable form of ownership in which a home or land is passed from generation to generation in such a way that multiple people own the same piece of property. Heirs property is created when: the owner dies with a will leaving the property to multiple beneficiaries, or the owner dies without a will so the property passes to heirs at law via the Georgia Code.

Owners of heirs property are tenants in common:

- Each heir has equal rights to full use and possession
- Each heir is legally responsible for taxes and other property-related expenses
- Each heir may transfer interest in property to another heir or outsider
- Each heir may seek a partition of the property
- Each heir must agree to any major decisions about the property

How prevalent is heirs property and who does it impact?

A 2017 USDA and UGA Carl Vinson study determined that 11-25% of parcels in every Georgia county are probable heirs property. This means the total tax appraised value of probable heirs property in Georgia is more than \$34 billion.



How does heirs property affect disaster recovery programs?

Clear title is required to participate in disaster relief and recovery programs. Clear title is unrestricted legal ownership of a real property without any competing claims or encumbrances.

Fractured or Tangled Title Disqualifies Heirs Property Owners from Natural Disaster Recovery Programs

- **Individual:** If a property owner does not have clear title, or proof of clear title, they could be turned away from the program.
- **Agency:** If there is a large percentage of homeowners with title issues, disaster relief and recovery programs cannot access all of the allocated federal and state funds.
- **Community:** Revitalization efforts that are hindered by title issues can cause agencies to focus efforts elsewhere

Emergency Document Kit

Natural disasters can happen at anytime and could require property owners to evacuate their home to stay safe. A disaster preparedness kit should include all important documents that a property owner may need during the recovery process and beyond.

What should you include in your kit?

- Proof of Clear Title (i.e. a valid deed to the property and/or a rent-to-own agreement);*
- A note containing the VIN number for your car and manufactured home, if applicable;*
- Drivers License, passport, and/or other forms of identification;
- Mortgage Information;
- List of Digital Passwords;
- Birth Certificates;
- Banking Information;
- Debit, Credit Cards, and/or Cash;
- Medical Records with Medication List;
- List of Emergency Contact Information; and
- Original Estate Planning Documents (or copies with a note containing the location of the original)
 - Last Will and Testament
 - Financial Power of Attorney
 - Advance Directive for Health Care

*see documenting your home section for more information

Documenting Your Home: Real Property

A deed is a written instrument that conveys real property from owner(s) to grantee(s). Valid deeds are legal proof of ownership. If you own a home or land, you will need a copy of the recorded deed to the real property in your name to qualify for disaster relief and recovery programs.

If you do not own your manufactured or mobile home but you do own the land where it sits, you will need a copy of the deed to the real property as well as the VIN or Serial number to prove ownership.

Locating Deeds to Real Property:

Recorded deeds are held in the office of the clerk of the superior court in the county where the property is located. Only a recorded deed should be used to prove clear title.

Documenting Your Home: Manufactured or Mobile Homes

Manufactured or mobile homes are titled similarly to cars. Title is conveyed through a VIN or serial number. In order to confirm title, the VIN or serial number will need to be checked for clear chain of title. Numbers can be located on each section of the manufactured or mobile home (a single-wide has one, a double-wide has two, etc).

If the you have a rent-to-own agreement or some other mortgage for you manufactured or mobile home, you will need a copy of the agreement or morgage to prove ownership.

VIN or Serial numbers can be located in the following places:

- **Inside the home:**
 - Inside the master bedroom closet on the wall
 - The back of the kitchen cabinets (typically the cabinets under the sink)
 - The area around the back door of the house
 - Near the HVAC system closet
- **Outside the home:**
 - The metal frame at the towing end of the home
 - Stamped on the steel frame surrounding the bottom of the home

Estate Planning is a critical component of mitigation and resiliency planning.

Estate planning is the process of anticipating and planning what will happen to you and your assets when you die or become incapacitated. Estate Planning helps to answer the following questions:

- How will you hold title to real property while you are a live?
- Who will inherit your assets after you die?
- Who will make health care decisions for you if you are unable to make them for yourself?
- Who will manage your assets if you become incapacitated?
- Who will become Guardian for your minor children or the Conservator for incapacitated adults

A complete estate plan consists of : Advanced Directive for Healthcare, Financial Power of Attorney, and Last Will and Testament. It may also include: Nominations for Guardians and Conservators and Trusts.

How do you safeguard your documents?

Original documents should be stored in a safe and accessible place. Your Executor should know where to find the Will upon your death. Documents should not be stored in your safety deposit box because they are not easily accessible. **DO NOT** write on your Will, cross out any sections or words, or make any changes in writing on the original document. Doing so may invalidate the entire document.

The Georgia Heirs Property Law Center increases generational wealth, economic value, and community stability by securing and preserving property rights of low- and moderate income Georgians.



**FOR MORE INFORMATION AND
RESOURCES, VISIT OUR WEBSITE
AT [GAHEIRSPROPERTY.ORG](https://gaheirsproperty.org)**

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 - Last Will and Testament
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Personal and Property Information

Use this space to document any important personal information and/or information about your property. If you need additional space, use a separate sheet of paper and attach it to this page.