

HEIRSHIP PROPERTY PROJECT

DO YOU OWN FAMILY LAND WITHOUT A CLEAR TITLE?

If your property has been passed down through generations without going through the proper legal steps, you may have what's known as *heirs' property* - and it could be at risk. Here's what you need to know:

HEIRSHIP PROPERTY

"Heirship property" describes property owned by heirs after the death of a family member when the proper legal work is not done following the family member's death. Heirs are related to the deceased property owner by blood or marriage or named in a will and alive when the property owner dies. Under Louisiana law, the heirs legally own the property, but the property's title does not automatically pass to the heir. Without proper legal paperwork, the title is unclear and unmarketable. Even if the property owner had a valid will, the heir still must take the original will to court in order to get clear title. Generations of families can live in the same home by possession without the title ever transferring properly.

HEIRSHIP PROPERTY ISSUES

If you do not have clear title, you might not be able to:

- ✓ **SELL THE PROPERTY**
- ✓ **MAKE REPAIRS TO THE PROPERTY**
- ✓ **BORROW MONEY AGAINST THE PROPERTY**
- ✓ **CASH AN INSURANCE CHECK**
- ✓ **DEAL WITH A BANK ON A FORECLOSURE**
- ✓ **QUALIFY FOR GOVERNMENT AID**
- ✓ **GET A HOMESTEAD EXEMPTION**
- ✓ **RECEIVE NOTICE OF ACTIONS**
- ✓ **KNOW ABOUT RULING ON A COURT'S "CLAIMS OF HEIR"**

If the city or parish try to take your home or fine you, you will not receive a notice, which could result in you losing your home. If there is a false claim of someone claiming to be an heir of the original owner, you could miss out on having a court rule on "claims of heir" in a lawsuit. You may not be eligible for funds to fix the property following a disaster, such as getting insurance money and/or FEMA assistance.

HOW DO I GET CLEAR TITLE TO HEIRSHIP PROPERTY?

If the deceased property owner's estate (all assets owned at the time of death) is less than \$125,000, the heirs can sign an Affidavit for Small Succession before a Notary Public and two witnesses, which is then filed in the mortgage and conveyance records of the parish where the property is located. Louisiana law also allows heirs to use the Affidavit For Small Succession for estates of any value where the property owner died more than 20 years ago.

The Affidavit For Small Succession can only be used if the property owner died without a will. It must contain the following information: when and where the deceased person died, identification of all of the deceased person's assets, identification of names and last known addresses of the heirs and their relationship to the deceased person and the legal description of the property. It is best to contact an attorney to help you with this process. Helpful items to bring with you to your first meeting with an attorney include property tax receipts, death certificates, obituaries and information on other family members.