

Examining the Efficacy of the Uniform Partition of Heirs' Property Act in Georgia, Alabama, and Kentucky:

A Proof of Concept Investigation



The Uniform Partition of Heirs' Property Act (UPHPA) was drafted in 2010 by the Uniform Law Commission (ULC) to help families avoid negative outcomes associated with the partition of heirs' property. This study assesses how well the UPHPA has worked in Georgia and Alabama, and its potential impact in Kentucky (where it was introduced into the state legislature in 2021).

- We asked whether the UPHPA caused a decrease in the number of partition actions.
- We estimated the frequency of heirs' property.
- We found great variety in terms used for heirs' property in official datasets, so we surveyed Kentucky county tax assessors to better understand this lack of standardization.

Heirs' Property Frequency We identified 62,806 heirs' property parcels for Alabama, Georgia, and Kentucky. These contained roughly 889,000 acres, with an assessed total land value of \$1.3 billion. In all three states, higher heirs' property proportions showed correlations with existing patterns of vulnerability. In Alabama and Georgia, heirs' parcels were more common in counties with higher African American populations and poverty rates and histories of agrarianism and extraction. Higher frequencies of heirs' parcels in Kentucky corresponded with some of the state's most intensely coal-mined areas.

FINDING



Attorneys interviewed in Alabama and Georgia believe the UPHPA may not be widely known among attorneys and judges.



Partition actions and sales at the appellate level in Alabama and Kentucky and at the trial level for the seven Georgia counties examined in this study constitute a relatively small number of real property cases.



Parcel data is not standardized across counties or states and is often not accessible online or available for free.



Inadequacies in data quality impede accurate accounting of heirs' parcel frequency.



Heirs' property ownership affects financial and social stability but is not systematically monitored.



Respondents identified particular socioeconomic forces as accelerating problems of heirs' property



Expand educational offerings about the UPHPA to attorneys and courts.



Support legislation that addresses the larger suite of problems associated with tenancy in common, for instance, the issue of whether an absolute or some other majority of heirs should be able to make administrative decisions about land classed as heirs' property.



Promote greater transparency, standardization, and accessibility of county-level tax records.



Collect and formalize data on heirs' property ownership via the Census of Agriculture.



Conduct comprehensive, long-term monitoring of heirs' property ownership.



Further research is needed to understand diverse patterns in peoples relationship to land and the impact of shifting economies in the Black Belt and Appalachia.