

Resolving heir property

Lawyers use the term “heir property” to describe land or homes that people have inherited from others, often from a family member who passed away without leaving a will. Heir property typically involves many people who have inherited shares in the property from the original deceased owner.

People can leave their property in a will to anyone they choose. However, if a person dies without a will, then the law decides who inherits their property. These rules are the same for everyone and may not leave the property to the person you expect. If you have a relative who owned land and died without a will, you should contact an attorney to make sure you understand how the law applied to your relative and who owns the property now.

When multiple people own land together, each one has the right to use and occupy the land. This means that one heir generally cannot force another heir off the property. All owners also have the responsibility to make necessary payments on the property, for instance, for property taxes and repairs. If an owner does not contribute, then the owner who paid the bills can be reimbursed if the property is ever sold. However, paying all the bills yourself does not give you any more rights in the property than the other owners.

Generally, it is not ideal for a large number of people to own property together. This makes it more difficult to sell or mortgage the property or apply for property tax relief, and it creates a risk that one heir may sell their share to someone outside the family, who in turn forces a sale. If a natural disaster damages the property, having many owners can also make it more difficult to get assistance for repairs.

There are two ways to eliminate heir property:

- All heirs may agree to give ownership to one person. One heir may buy the others' shares, or the others may voluntarily give their share to a single family member. In some cases, the heirs may agree to form a corporation or other entity to hold and manage the property.
- Any owner of the property may file for partition. This is a court case in which the owner asks a judge to divide up the property. Typically, this results in the judge ordering the property sold at auction. Anyone, including investors from outside the family, may buy the property at a sale. The property will be sold to the highest bidder. The proceeds will be divided among the owners according to their ownership share.