

## HEIRSHIP PROPERTY PRESENTATION

### I. Heirship Issues with Real Estate

- A. Fractional interest ownership of real estate
  - 1. Owners unwilling to cooperate or participate in sale or mortgage
  - 2. Disputes over rights of occupancy
  - 3. Disputes over payment of real estate taxes, insurance and maintenance costs
  - 4. Smaller interests are less valuable but can still be disruptive
- B. Identifying issues by determining the status of title
  - 1. Title examination (real estate records and will records)
  - 2. Family/ancestry investigations (death certificates, obituaries, familiarity)

### II. Clearing Heirship Issues

- A. Confirming the title of record
  - 1. Probating a will
  - 2. Filing a real estate affidavit
  - 3. Recording a previously unrecorded deed
  - 4. Quiet title action
- B. All owners participate in a proposed transaction
- C. Consolidate title through voluntary transactions
  - 1. Deed of gift
  - 2. Deed for consideration
- D. Partition suit

### III. Avoiding Heirship Issues

- A. Will
- B. Transfer on death deed
- C. Deed with reservation of life estate
- D. Lifetime deed
- E. JWROS Ownership