



Turning Legacy into Opportunity

Overcoming Inherited Property
Obstacles in Marion County &
Allen County, IN

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GLOSSARY OF KEY TERMS

Heirs' Property

Family-owned property that is passed down to or inherited by surviving family members because the original owner died without leaving a formal will or an estate plan.

Will

A legal document that outlines how a person's assets and property should be distributed after their death. It allows the individual to dictate who will receive their personal belongings and provides clear instructions for handling their assets.

Estate

All the assets, property, and debts that a person owns or is responsible for at the time of their death. This includes real estate, personal belongings, bank accounts, investments, and any other valuable possessions, as well as any outstanding debts or liabilities.

Estate Plan

A set of legal documents that explains how a person's assets and property will be managed, distributed, and disposed of after their death or inability to make decisions for themselves. An estate plan is more comprehensive than a will. It might include other documents, such as power of attorney, beneficiary designations, and medical directives. Similar to a will, it ensures that the individual's wishes are carried out with clear instructions on how to manage financial and medical decisions if the person becomes unable to make them.

Heir

Someone who is legally entitled to inherit assets from a deceased person based on clear instructions provided in their will or estate plan.

Intestate

The condition of dying without having a valid will or estate plan in place to direct how one's assets should be distributed. When someone dies intestate, their property is managed according to the state's intestacy laws. These laws specify how the deceased person's estate will be divided among heirs, typically starting with the spouse and children, and extending to other family members if necessary.

Probate

The legal process of managing and distributing an individual's estate after death. It involves verifying the legitimacy of the deceased person's will or handling the estate according to state intestacy laws when there is not a valid will or estate plan in place. The Marion Superior Court's Civil Division handles probate in Marion County. In Allen County, the Allen Court Civil Division administers the probate process.

Tenancy in common

A type of property ownership where two or more people own a property together. Each owner has an individual, undivided share of the property and the right to use and occupy the entire property, regardless of their share size. Tenants in common can sell or transfer their property shares independently of the other owners. If one of the co-owners passes away, their share of the property is passed on to their heirs or according to their will, not automatically to the other co-owners.

Partition Sale

When property owned by multiple people is sold, the proceeds are divided among them. This usually happens when the co-owners can't agree on how to share or use the property, so they decide to sell it and split the money from the sale. Partition sales are generally initiated by heirs or those whose heirs have transferred their share of the property to individuals outside their family.

Deed

A legal document that shows ownership of a property. It includes details about the property and the names of the person transferring ownership and the person receiving it. A deed is used to officially transfer property rights from one person to another and must be signed, and often notarized, to be valid.

EXECUTIVE SUMMARY

What is Heirs' Property?

Heirs' property happens when land is passed down informally among family members without a will or estate plan, resulting in shared ownership among multiple heirs. This can occur in three ways:



When a property owner dies **without a will**, and the property is divided among heirs according to state laws.



When property is formally passed within families with **an invalid will**.



When ownership is **not properly transferred** through probate, leaving the title in the deceased owner's name.

These issues lead to fragmented ownership and legal challenges for the heirs.

Challenges & Misconceptions Surrounding Heirs' Property

Lack of Awareness:	Many families don't understand the legal process needed to transfer ownership, leading to tangled titles.
Limited Access to Legal Services:	Families, particularly in low-income communities, struggle to get affordable legal help to clear titles and navigate probate.
Misunderstanding of Automatic Ownership:	Some believe that property automatically transfers after death, leading to delays in title transfers.
Confusion about Property Taxes:	Some think that paying property taxes means they own the property, even without a formal title.
Misconception about Family Wealth Preservation:	Families often assume keeping property within the family will preserve wealth, but without a clear legal plan, it can cause conflicts and property loss.

Prevalence in Marion County & Allen County, Indiana

Marion County



1,410

Confirmed heirs' properties, with most located in Indianapolis (95%), particularly in neighborhoods like Forest Manor and Meadows, Near Southeast, and Martindale Brightwood



\$194 million

Estimated value of confirmed heirs' properties



3,181

At-risk properties, primarily in areas like Forest Manor and Meadows, Mars Hill, and Brendonridge



\$543 million

Estimated value of at-risk properties

Allen County



484

Confirmed heirs' properties, with 83% located in Fort Wayne. Neighborhoods with the most heirs' properties include East Side, Harvester, LaRez, and Williams Park



\$64 million

Estimated value of confirmed heirs' properties



1,525

At-risk properties concentrated in Fort Wayne neighborhoods like Five-Points, Bluecast, and Woodburn



\$283 million

Estimated value of at-risk properties

Recommendations

Resolve Heirs' Property Issues

Target Neighborhood Programs:	Provide education and legal support in neighborhoods with high numbers of heirs' properties to help clear titles and resolve disputes.
Increase Access to Legal Services:	Fund more legal aid organizations to provide affordable or free services for families dealing with property issues.
Use Mediation:	Set up mediation programs to help heirs settle disputes without going to court.
Pass the Uniform Partition of Heirs Property Act:	Push for Indiana to adopt this act to protect heirs from forced property sales.
Improve Access to FEMA and Disaster Relief:	Raise awareness of updated FEMA policies that help heirs' property owners qualify for disaster relief using alternative documentation.

Prevent Future Heirs' Property Issues

Public Awareness Campaigns:	Launch campaigns to educate the public about wills and estate planning in simple, easy-to-understand terms.
Incorporate Estate Planning into Existing Services:	Add estate planning education to homebuyer programs, real estate transactions, healthcare, and financial services to encourage families to prepare for property transfers.
Partner with Community Leaders:	Work with local leaders and influencers to promote estate planning and property management.
Promote Simplified Legal Tools:	Encourage the use of Transfer on Death (TOD) deeds and simplified probate processes to make property transfers easier.
Work with Estate Planning Attorneys:	Help families set up living trusts to avoid probate and ensure smooth transfers of assets.

Conclusion

Addressing heirs' property issues is essential for preserving generational wealth and promoting economic stability, especially in communities historically disadvantaged by systemic barriers to property ownership. This report outlines a comprehensive approach that includes legal reforms, public education, and targeted community outreach to help resolve and prevent heirs' property challenges in Marion and Allen Counties. By taking these steps, families can protect their land, improve property values, and secure their financial futures for generations.



SECTION 1. BACKGROUND

INTRODUCTION

Owning property offers numerous benefits, such as financial stability, personal fulfillment, and long-term investment potential. Property ownership provides a secure asset that can increase in value over time, potentially yielding a substantial return on investment. It also grants owners greater control over their living space, fostering a sense of security and belonging (Yun & Evangelou, 2016). For these reasons, property ownership is often considered a cornerstone of wealth-building and financial security.

Wills and estate plans are crucial tools for protecting an individual's property. They clearly define how a person's assets should be distributed after death, ensuring their wishes are respected and reducing the likelihood of disputes among surviving family members. These legal documents provide a structured approach to managing and transferring property, helping to avoid lengthy and costly legal conflicts.

However, a 2024 study (Lustabder, 2024) found that only 32% of Americans had a will, representing a 6% decrease from 2023. Approximately 40% of those surveyed said they did not have a will because they felt they did not have enough assets to pass on to loved ones. This indicates that many Americans lack a formal legal document to outline their wishes for the management and distribution of their property after death, which can result in serious consequences for many families. When a person dies without proper legal documentation for the transfer of their property, it often becomes heirs' property.

Heirs' property, also known as a "tangled title" occurs when property is inherited by multiple family members without a clear legal plan, often due to the absence of a will or estate plan. Various studies have attempted to estimate the prevalence of heirs' properties nationwide. For example, research by Fannie Mae estimated there are 88,834 "most likely" heirs' properties nationwide. "Most likely" heirs' properties refer to properties that had a transfer of ownership after the owner's death, without going through the probate process or doing a formal title. In Indiana, they identified approximately 6,272 such properties, accounting for 0.3% of the total in the top ten states. These properties in Indiana were projected to have a combined assessed value of \$1,749,070,000, highlighting the potential economic value that could be generated from these assets (Cooney, Strauss, & Sheridan, 2023).

However, Fannie Mae's study did not provide detailed information on the county-level distribution of heirs' property in Indiana. Understanding the extent of heirs' property issues in Indiana is crucial to revealing the widespread impact these challenges have on families, communities, and local economies.

This study focuses specifically on the scale and distribution of heirs' properties in Marion County and Allen County in Indiana. Recognizing the scope of this problem enables local governments and community organizations to better address the unique legal and economic barriers affected families face. Further, increased awareness of these issues can also guide the development of targeted policies, educational programs, and legal resources aimed at preventing land loss, promoting generational wealth, and fostering more stable, vibrant communities in these counties.

The main objectives of this study are to:

- Explain the underlying issues and misconceptions with heirs' property
- Identify the number of heirs' properties in Marion County and Allen County
- Determine the number of properties at risk of becoming heirs' property in Marion County and Allen County
- Highlight program, policy, and systems-level recommendations to prevent and resolve heirs' property issues

OVERVIEW

Heirs' property is property passed down through generations without a clear legal plan for transferring ownership. It typically occurs when someone dies without a will, and the property is inherited collectively by multiple family members. In such cases, state intestacy laws determine how the property is divided among the heirs, such as children, siblings, or other relatives, making them co-owners. While each heir has a share of the property, they often lack control over its management or use unless all co-owners agree.

A property can become heirs' property in several ways:



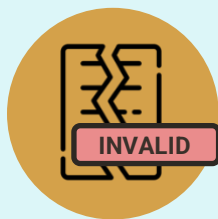
The deceased property owner did not have a will or estate plan.

If someone dies without a will or estate plan, their property is inherited collectively by surviving family members according to state intestacy laws.



The deceased property owner had a will, but it was not administered through probate court.

A probate court is a legal court that manages the process of distributing a deceased person's estate, including validating wills and ensuring assets are properly transferred to heirs or beneficiaries. If a will is not administered through a probate court, its instructions for asset distribution are not legally recognized in Indiana. The deceased person's estate is then treated as if there were no will, and their assets are distributed according to state intestacy laws rather than their wishes.



The deceased property owner had a will, but it was deemed invalid by the probate court.

A will may be declared invalid if it was not properly signed, if the person making the will was not of sound mind or was coerced, or if the will was created under fraudulent circumstances. An invalid will leads to the property being managed according to state intestacy laws, similar to a situation where there was no will.

Probate court

In Indiana, a probate court deals with the legal process of handling someone's estate after they die. It makes sure that the deceased person's belongings, like their house, money, and other assets, are distributed according to their will or, if there's no will, according to state laws. The court also helps manage any debts and taxes the deceased owes. Essentially, a probate court is there to sort out and settle everything related to a person's estate in a fair and orderly way.

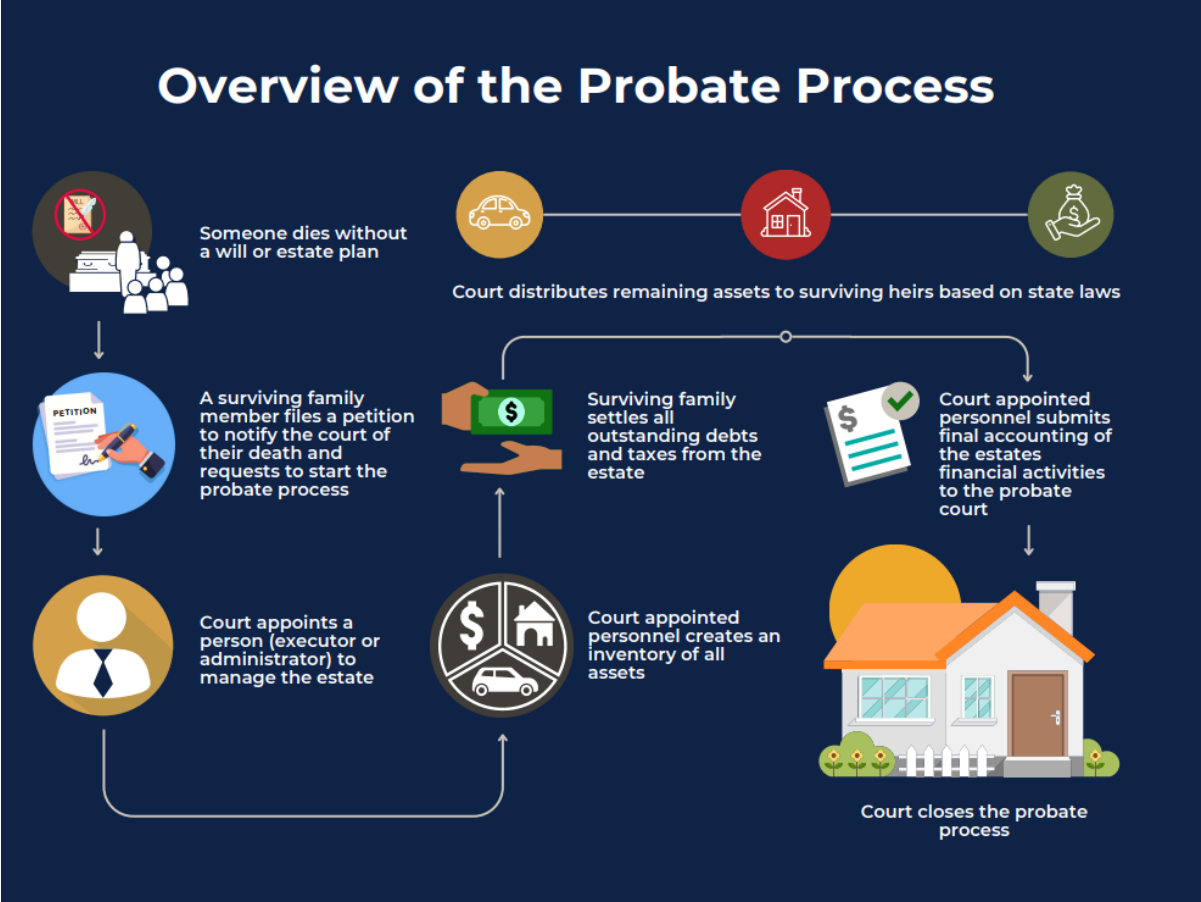
The probate court process for dealing with heirs' property begins when someone who owns property dies without a will or with an unclear estate plan. The first step is for the probate court to be notified of the death. An interested party, often a family member, must file a petition with the court to start the probate process. The court then appoints an administrator to manage the estate. This administrator, sometimes called an executor if named in a will, is responsible for overseeing the distribution of the deceased's assets according to Indiana's intestacy laws.

Once the probate court is involved, the administrator must inventory and assess the deceased person's property, including the heirs' property. This involves listing all assets and determining their value. The court then requires the administrator to notify all potential heirs and creditors of the probate proceedings. This step ensures that everyone with a legal claim to the estate is informed and can participate in the process. Debts and taxes owed by the estate must be settled before any property can be distributed. This might involve selling assets or using estate funds to cover debts owed.

After addressing debts and taxes, the probate court focuses on distributing the remaining property. For heirs' property, the court follows Indiana intestacy laws to determine how the property is divided among the heirs. These laws outline a hierarchy of inheritance, typically prioritizing close relatives like spouses and children. The administrator works to ensure that each heir receives their share of the property according to these laws. In cases where the property is not easily divided or the heirs cannot agree on its use, the court might order a partition sale. This means the property is sold, and the proceeds are divided among the heirs.

Finally, once all debts are paid and the property is distributed, the probate court closes the estate. This involves filing a final accounting of the estate's financial activities and formally concluding the probate process. The heirs then receive their respective shares, and the property is officially transferred into their names. This entire process ensures that the deceased's estate is settled in a fair and orderly manner, although dealing with heirs' property can be complex due to the involvement of multiple owners and potential disputes (Randolph, 2024).

The following visual outlines the key steps in the probate court process, helping to understand how an estate is managed and settled legally.



Impact of heirs' property

Heirs' property can affect anyone, but certain groups are particularly vulnerable to its impact due to historical and socio-economic factors that influence property ownership. Black Americans, low-income families, rural communities, and the elderly are often the most impacted by heirs' property. Black Americans face systemic barriers to property ownership, such as redlining and segregation, leading many to inherit property without clear titles or formal estate planning (Reznickova, 2023). Low-income families often lack access to legal and financial resources, which affects their ability to create effective estate plans. Rural communities frequently pass down property informally, resulting in higher rates of heirs' property, compounded by geographic isolation and limited access to legal assistance. Additionally, elderly individuals who inherit property may struggle to manage or maintain it, especially if they haven't established a clear plan for asset transfer (Cooksey, Carter, & Tran, 2024).

Property value & neighborhood stability

When ownership is unclear, it can lead to ongoing disputes among family members, which may create difficulties with selling the property or making aesthetic improvements. As such, the property may not be properly maintained due to the need for repairs. Ultimately, these properties can become abandoned or neglected, which lowers property values in the surrounding area and contributes to neighborhood decline (Center for Community Progress, 2024).

Generational wealth

When a property is inherited collectively by multiple family members, it can create both opportunities and challenges. On the positive side, heirs' property represents a tangible asset that might appreciate over time, contributing to the family's overall wealth. However, the management of heirs' property can be complex. If the property is not maintained or if there are unpaid taxes, the asset can deteriorate, negatively affecting its value and, consequently, the family's wealth. In some cases, conflicts or mismanagement can result in the property being sold or lost, reducing the family's financial assets and limiting their generational wealth (Zinn, 2023). As a result, the potential benefits of inheriting property are not fully realized, and the financial advantages that could be passed down to future generations may be significantly diminished.

METHODOLOGY

Black Onyx Management, Inc. (BOM) employed a mixed-methods approach to complete this study:

- 1) a qualitative strategy focused on engaging key partners
- 2) a quantitative estimation of the number of heirs' properties and properties at risk of becoming heirs' properties in Marion County and Allen County.

Qualitative approach

The research team conducted interviews and focus groups with people from various professions and organizations involved with heirs' property issues. The goal was to uncover misconceptions and challenges related to these issues, identify available resources, and pinpoint gaps in prevention and mitigation efforts. They spoke with estate planning attorneys, leaders and staff from community organizations, community development corporations, banks, title companies, and realtors. These discussions lasted between 30 and 90 minutes. The team identified key themes across all groups, highlighting common insights about the challenges of heirs' property and potential solutions.

Quantitative approach

The research team collected parcel data for Marion and Allen Counties from the Indiana Geospatial Open Data Portal. However, this data did not include important details such as the names of property owners, property types, or assessed values. To fill in these gaps, Black Onyx Management worked with Melissa Direct to add key information to the datasets. This updated data included details like the type of property, the year it was built, legal owners, and assessed value, using a mix of county and title company records. Melissa Direct then cross-checked the updated property information with death records to see if the property owners had passed away. Over 90% of these death records came from the Social Security Death Index, with the rest coming from other sources like the Direct Marketing Association's deceased file and consumer-reported data.

To calculate heirs' properties in Marion and Allen Counties, the team looked for properties where one or two of the listed owners had passed away between 2011 and 2022. This included all types of properties: residential, commercial, vacant land, and public properties. These are confirmed heirs' properties. The

team accounted for properties still in probate by allowing for a one-year gap, as probate can take up to a year to settle. The research team also estimated the number of "at-risk" properties, which could become heirs' properties in the future. These are properties where at least one owner has died between 2011 and 2022, but another listed owner is still alive. If the surviving owner doesn't have a will or estate plan, these properties may face legal complications after their death.

The research team gathered data from the 2020 census about demographic and housing characteristics in Marion and Allen Counties to examine broader social and economic patterns associated with at-risk and heirs' properties. They created maps showing where these properties are located and used census data to see patterns related to them. These maps included the location of heirs' properties and at-risk properties, alongside additional details such as property type and estimated value.

A key limitation is that the estimate of heirs' properties and at-risk properties might be too low because legal records are often incomplete. Many heirs don't officially transfer ownership, so these properties aren't fully captured in public records.



SECTION 2.
ISSUES INVOLVING
HEIR'S PROPERTY

The research team identified several misconceptions and challenges related to heirs' property through discussions with key stakeholders. These challenges centered around two main areas: a lack of education and awareness about the issue, and limited access to legal assistance.

EDUCATION & AWARENESS

Several issues were identified regarding the lack of education and awareness about heirs' properties. Key misconceptions included the belief that family property is automatically transferred to surviving heirs after death, the idea that shared ownership is the best way to preserve family property, and a general lack of understanding about the importance of formal property transfers. Other misunderstandings included the belief that paying property taxes equates to ownership, a lack of general awareness about the importance of estate planning and wills, and a limited understanding of one's own property ownership status.

Automatic property inheritance by surviving relatives

Heirs' property often occurs because people assume their property will automatically go to their heirs after they pass away. Participants shared that many individuals are unaware of the legal steps required to transfer property after death. In some communities, property is informally passed within families, based on unwritten assumptions about how it will be divided. Over time, this has created the expectation that property transfers will happen smoothly without legal action.

"Usually, a death has occurred, and someone is trying to either take ownership of the property or sell the property. However, the death occurred years ago, and they never transferred the title out of the deceased person's name because they think the property is naturally transferred to the right heirs. This is how I typically run into these situations."

—Focus Group Participant

Participants also noted that many families are confused about the probate process and don't fully understand how it works or what steps to take. This misunderstanding often leads people to believe that property will naturally transfer after death without any formalities. Together, these factors contribute to heirs' property issues, as families don't always realize the legal requirements needed to properly transfer ownership.

Familiarity with ownership details

People often realize they are not the legal owners of their property only when they try to access relief programs, mainly due to unclear legal documentation or misunderstandings about ownership. Participants shared that many assume they own the property simply by inheriting it or living there, without going through the proper legal steps to formalize ownership. One participant mentioned families in Southern Indiana who were denied tornado relief because they didn't have a clear title to their homes.

“Last Spring, the City of Sullivan got hit by a tornado, and that’s when we encountered a lot of issues to do with heirs’ rights. We had problems sporadically through our housing program, trying to get people verified for relief support, but they were sharing the deed with somebody else and didn’t even know how to contact that person. About 300 people were displaced, and about 15 of those were displaced because of heirs’ rights. What happened was, they were third generation living in that house, so the house was in grandma’s and grandpa’s name. It went to mom and dad, and now the kids were living there. They could not claim FEMA benefits, so their house was not rebuildable because they didn’t own it.”

—Interview Participant

Typically, when people without a legal title apply for aid, grants, or other assistance, they discover that their ownership status doesn’t match the property’s official records. Participants stressed that this often leads to serious consequences, including delays or denial of aid, financial difficulties, and potential legal disputes with other heirs. Lacking legal ownership also makes it harder for families to resolve property issues or make improvements, worsening their situation.

Preservation of family property & wealth

People might think that heirs’ property is a simple family asset that will always stay within the family. In some communities, there’s a belief that property passed down to multiple heirs will be managed together by family members who have each other’s best interests in mind. This idea assumes that family members will work together to take care of the property. However, this isn’t always the case.

Participants pointed out that families often overlook the practical challenges of managing heirs’ property. Common issues include differing opinions among heirs, legal disputes, and the difficulties of shared ownership. Relying on informal agreements and communal decision-making, instead of formal legal processes, can make these problems worse. One participant, who is an estate planning attorney, noted that families often depend on verbal agreements or traditional practices rather than creating legally binding documents, which can lead to conflicts and complications.

Some participants also mentioned that this mindset is especially common among Black Americans, who have a strong cultural focus on keeping and passing down family land and property. This tradition is driven by a desire to preserve family history and ensure long-term economic stability.

“I run into this a lot. It’s where let’s say mom and dad are on title. What they do is put all their children on title. When I ask, why is everyone on the title? Their fear is if one child passes away or runs into financial hardship, the house will stay in the family. But they don’t understand the importance of making sure the house is titled correctly. I really experienced this a lot with people of color, including my own family. That’s just the mindset of making sure that the house is secure for future generations.”

—Focus Group Participant

Participants noted that people who don't fully understand heirs' property often use it with the hope of protecting and preserving family wealth, but they don't realize the long-term problems it can cause.

Awareness of the advantages of an estate plan & will

Many people don't fully understand why estate planning and wills are important. Participants mentioned that estate planning can seem complicated and intimidating, which may lead people to put it off or avoid it altogether. Some might not realize that a will and estate plan can help prevent problems with heirs' property. They may think informal agreements or verbal promises are enough, not understanding that legal documents provide the necessary structure to manage and transfer property properly.

Additionally, some people believe that wills and estate plans are only for the wealthy, thinking these tools are meant for managing large estates and complex assets. As a result, individuals with smaller assets, like a home or property, might feel they don't need such planning. Educating people about the importance of estate planning and the benefit of having a will is essential to correct these misunderstandings.

"The other barrier seems to be that a lot of folks don't even think that estate planning is for them at all. It never even enters their mind that this is relevant to them in any way and it's because, all their lives, they probably associated estate planning with the rich, having many assets."

—Focus Group Participant

Paying property taxes is seen as proof of ownership

Some people believe that if they are paying property taxes, they must own the property or have a strong claim to it. Participants explained that this misunderstanding happens because paying property taxes is often seen as a sign of ownership. However, paying taxes doesn't mean you legally own the property. Real ownership is determined by legal title and official records, not just by paying taxes.

"I've come across people who really believe that they have legal rights to a property because they are paying the property taxes for it. So many of them just don't know that it is important to have the deed to their property. When I explained that this was not true, people always seemed very confused."

—Interview Participant

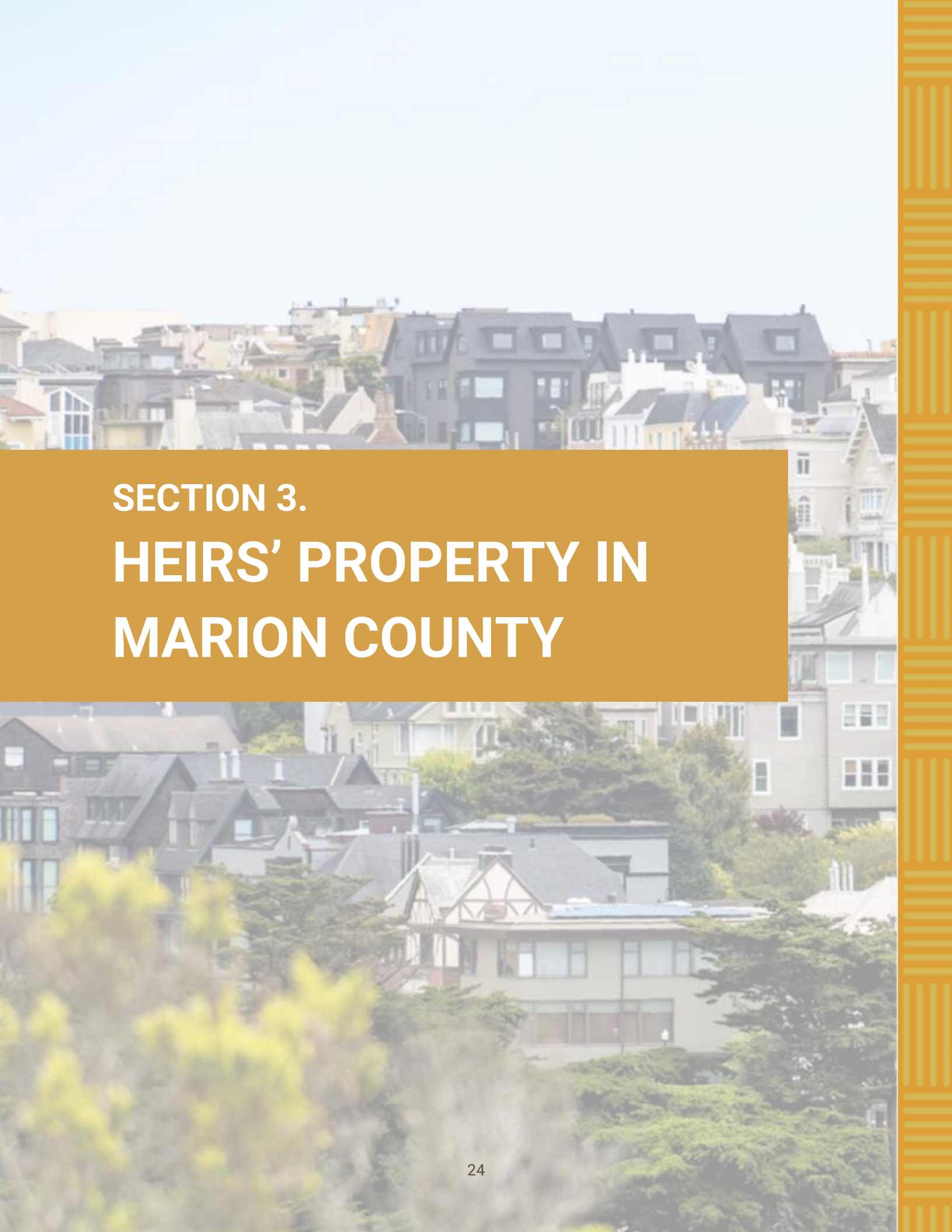
In cases of heirs' property, several people might pay property taxes without having clear legal ownership or a formal title. Without a legal process to establish and transfer ownership, the property can remain in a state of unclear or disputed ownership, even if taxes are being paid. While paying property taxes shows involvement, it doesn't legally prove ownership.

Budget-friendly legal services

Participants noted that not having affordable legal services makes it harder for people with heirs' property to manage and resolve issues with inherited land. Many families with heirs' property face complicated legal problems, like unclear titles, disputes among heirs, and navigating complex probate and property laws. Without affordable legal help, these families may find it difficult to solve these issues, leading to lengthy legal battles, unresolved disputes, and possible loss of property value. The high cost of legal services can be especially tough for lower-income families, making it even harder for them to manage or make decisions about their property. This lack of affordable legal support can prevent families from achieving clear ownership, increasing the property's value, or fully using the asset.

"There's also a cost to estate planning, especially when you get into wills and trusts. That funding gap is a big problem for families who can't afford lawyer fees to get this issue resolved. So, figuring out how we're able to pay for that or how we can come together to help those families in our community who just don't have it to pay those legal fees."

—Focus Group Participant

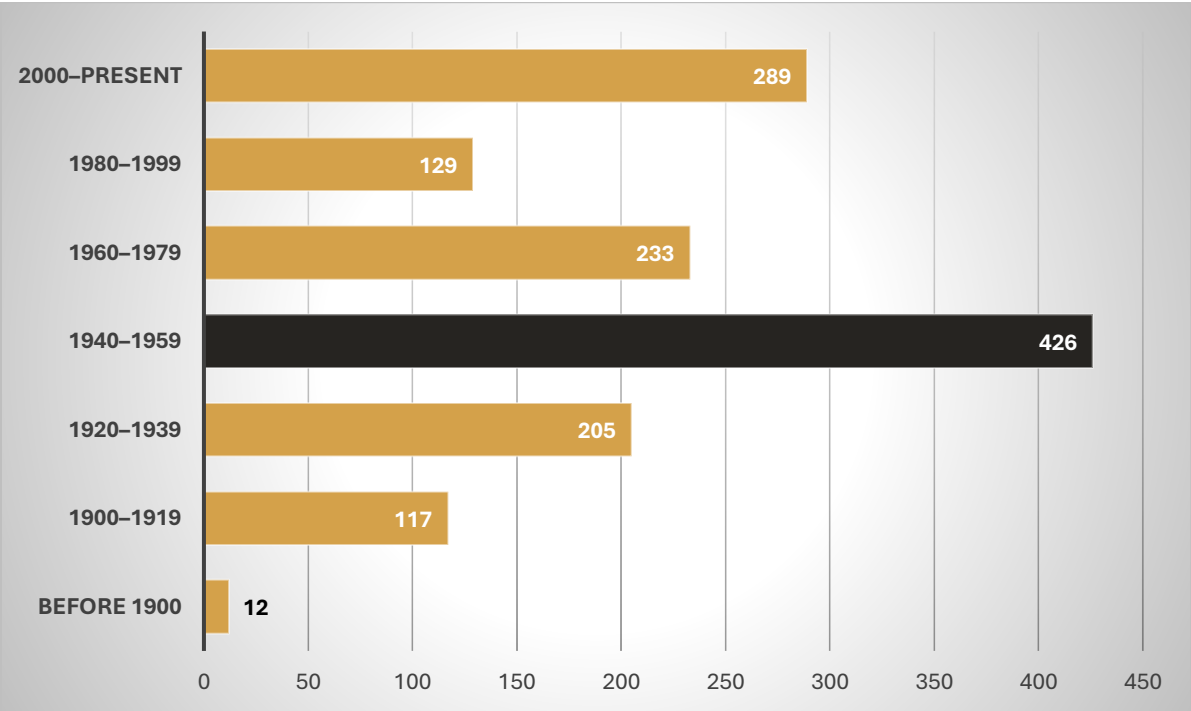


**SECTION 3.
HEIRS' PROPERTY IN
MARION COUNTY**

CURRENT HEIRS' PROPERTIES

The research team estimated 1,410 heirs' properties in Marion County, Indiana. The largest number of heirs' properties, 426, were built between 1940-1959, indicating a significant concentration of older properties from this period. The second-highest number was from the period 2000-present, with 289 properties, suggesting a substantial number of newer heirs' properties as well. The number of heirs' properties decreased in other periods, with 233 from 1960-1979, 205 from 1920-1939, and 129 from 1980-1999. There were fewer heirs' properties from the early 20th century and earlier, with 117 built between 1900-1919 and only 12 from the pre-1900 era (Figure 1). This distribution indicates that most heirs' properties in Marion County were constructed in the mid-20th century, with notable numbers in recent years as well.

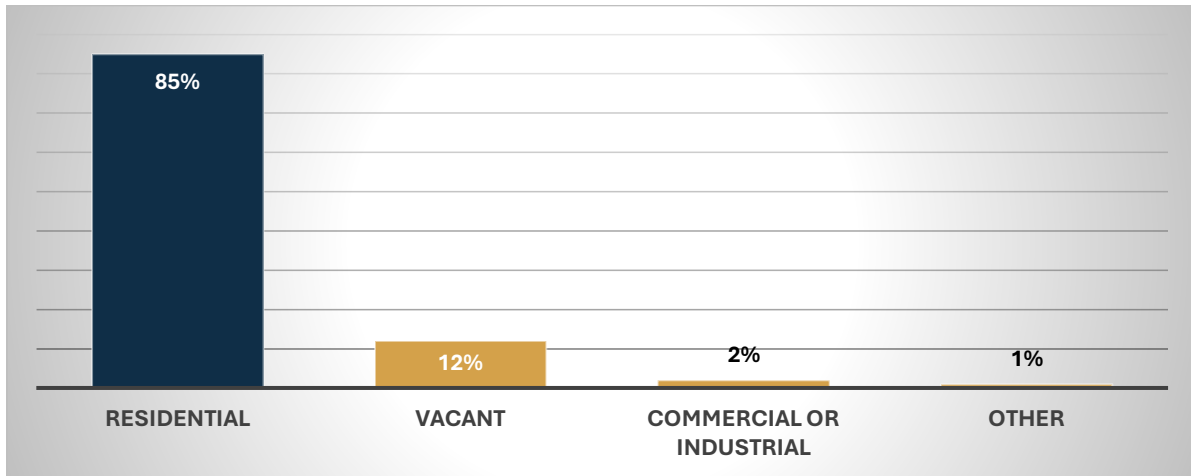
FIGURE 1. Number of heirs' properties by construction year (N=1,410)



Type of heirs' property

As shown in Figure 2, the vast majority (85%) of heirs' properties in Marion County were residential properties. This suggests that most heirs' properties were homes or dwellings, reflecting a strong connection to family housing and inherited residences. Vacant properties accounted for 12%, indicating that a notable proportion of heirs' properties are not currently in use, which could potentially point to issues such as unclear ownership or neglect. Commercial or industrial properties represented a small proportion at 2%. The category labeled "other" included government/public and agricultural/rural properties.

FIGURE 2. Type of heirs' properties (N=1,410)



Distribution of heirs' property

Assessing heirs' property distribution at the census tract level provides a detailed, localized view of where these issues are most concentrated and how they affect specific communities. Census tracts are small geographic areas used by the U.S. Census Bureau to collect and analyze data about populations. They typically cover one or more neighborhoods. Census tracts provide detailed information on specific parts of a city or a county, such as demographic, social, and economic characteristics.

Heirs' properties were found in 234 of the 253 census tracts in Marion County. The number of heirs' properties in each census tract varied from 0 to 37.

MAP 1. Number of heirs' properties in census tracts (N=1,410)

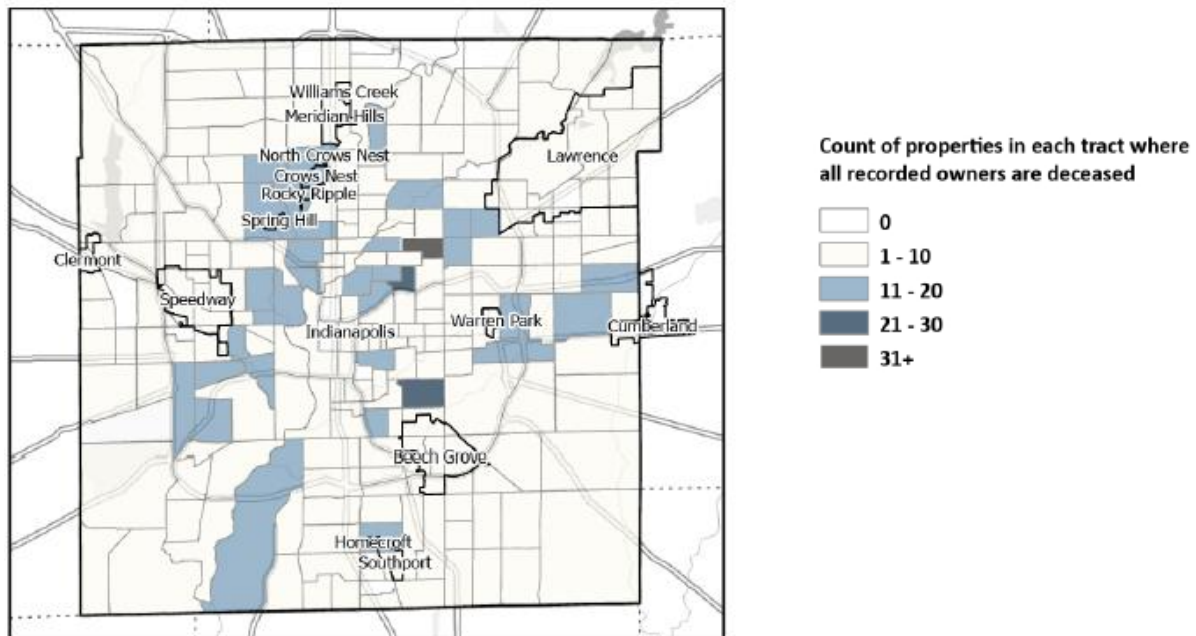


Table 1 highlights the top 10 neighborhoods with the highest number of current heirs' properties in Marion County, indicating areas with significant potential inheritance or property disputes.

- **Forest Manor and Meadows** (Census Tract 3506) led with 37 heir's properties, the highest in the county.
- **Near Southeast** (Census Tract 3574) followed with 24 properties, showing a notable concentration.
- **Martindale Brightwood** (Census Tract 3521) had 22 heirs' properties, placing it third.
- Neighborhoods like **Mars Hill, Near Northwest—Riverside, Monon Yard, and Oakhill** each had 20 properties, indicating moderate levels of heirs' properties.
- Other areas like **Ravenswood, West Indianapolis, Crown Hill, and Shelton Heights** all showed counts ranging from 18 to 19 properties.

TABLE 1. Top 10 neighborhoods with heirs' properties

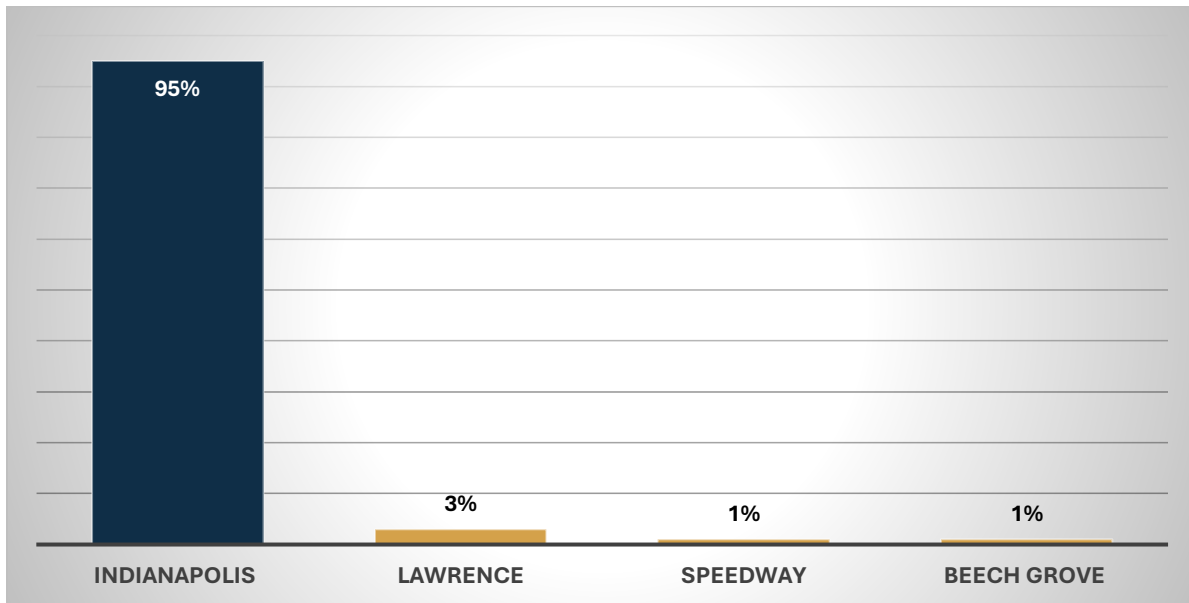
Census Tract	Neighborhood	Total Number
3506	Forest Manor and Meadows	37
3574	Near Southeast	24
3521	Martindale Brightwood	22
3423	Mars Hill	20
3512	Near Northwest—Riverside	20
3517	Monon Yard, Oakhill	20
3206	Ravenswood	19
3426	West Indianapolis	19
3905	Crown Hill	18
3425	Shelton Heights	18

Examining how heirs' properties are spread out across the city and townships helps us understand their impact on local government, community planning, and resource use. Unlike the detailed information from smaller census tracts, city and township levels show larger trends in land ownership, economic growth, and population changes.

City-wide distribution of heirs' property

Figure 3 shows the distribution of heirs' properties across various cities in Marion County. Indianapolis stood out significantly with a dominant 95% share, indicating the vast majority of heirs' properties were concentrated in this city. In contrast, the remaining cities showed a much smaller proportion of heirs' properties: Lawrence holds just 3%, while both Speedway and Beech Grove each accounted for only 1%. This stark contrast highlighted the centralization of heirs' properties in Indianapolis compared to the relatively minimal presence in other cities within the county.

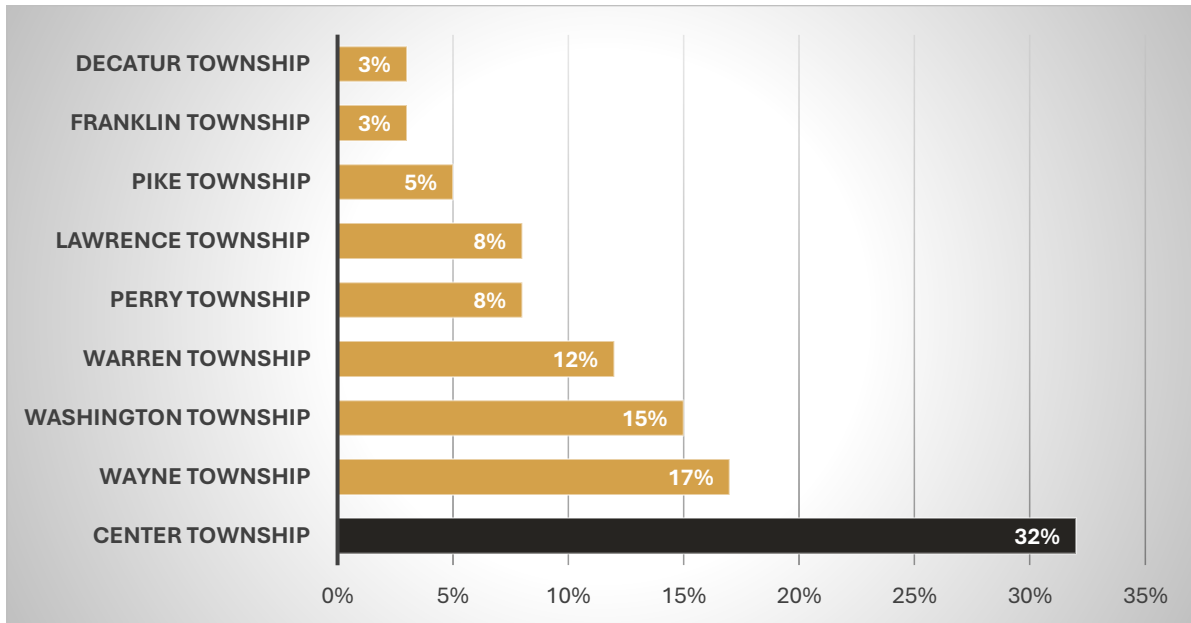
FIGURE 3. City-wide distribution of heirs' properties (N=1,410)



Township distribution of heirs' property

Center Township had the highest percentage of heirs' properties, indicating a significant concentration in this area. Wayne Township followed with 17%, while Washington Township accounted for 15%. Warren Township had 12%, and both Perry Township and Lawrence Township had 8% each. Pike Township represented a smaller percentage of heirs' properties at 5%, while Decatur Township and Franklin Township had the lowest values, each at 3%. Together, less than 1% of heirs' properties were in Southport, Camby, and West Newton. Figure 4 shows that Center Township had a much higher proportion than all the other townships in Marion County.

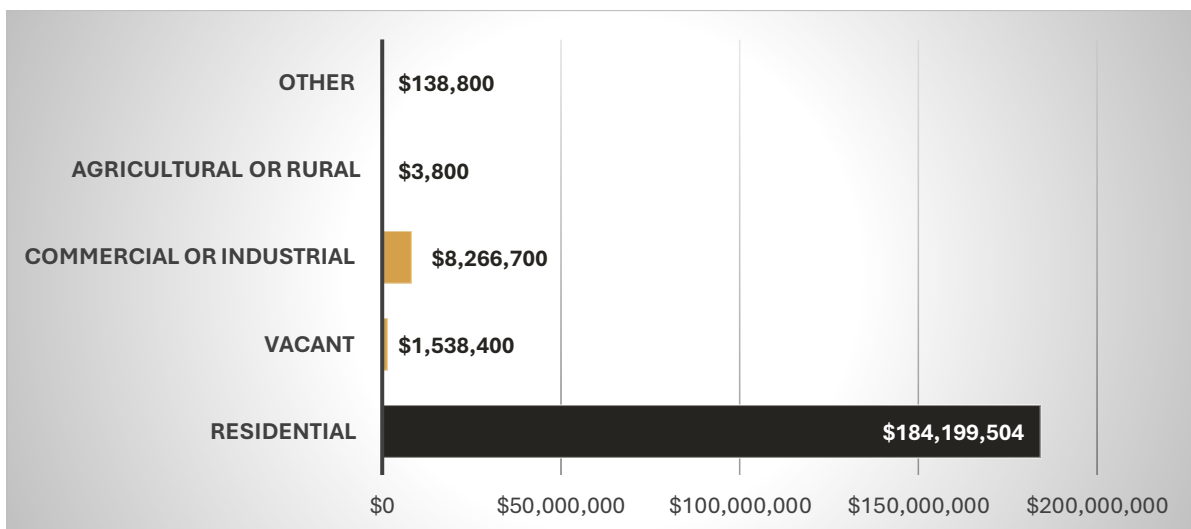
FIGURE 4. Township distribution of heirs' properties (N=1,410)



Estimated assessed value of heirs' property

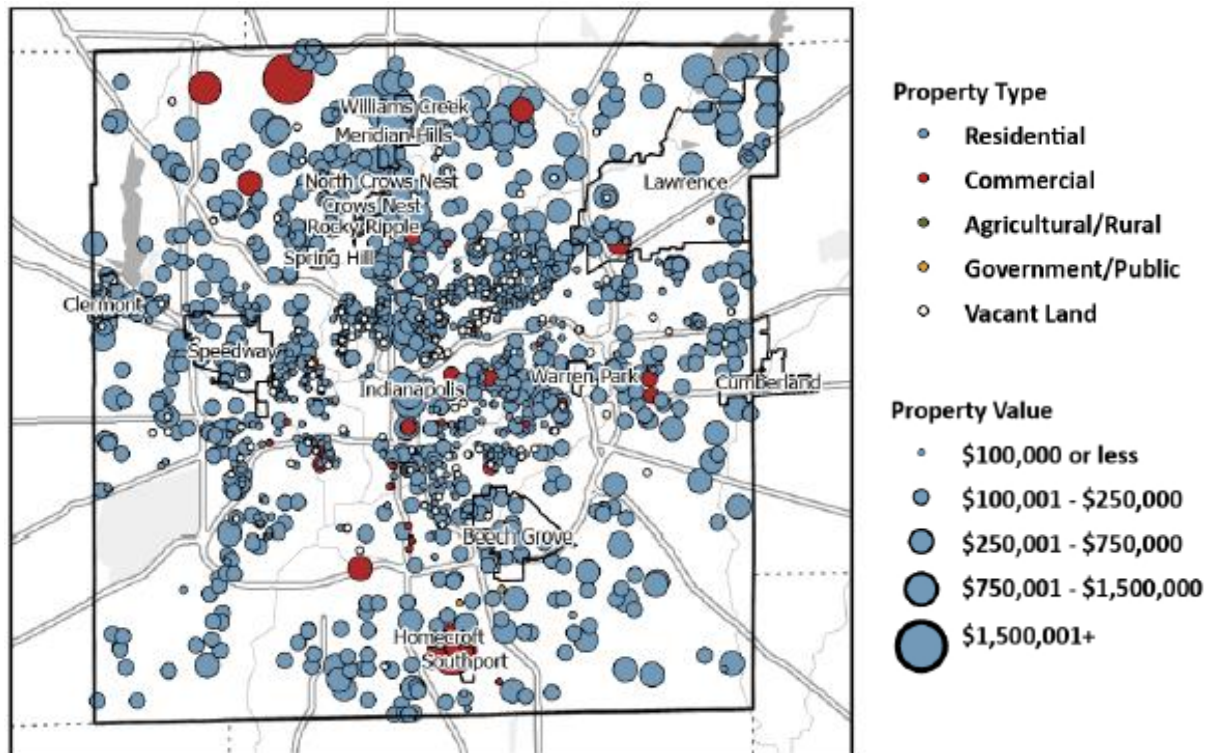
The estimated value of heirs' properties in Marion County was \$194,008,404. Figure 5 shows the assessed value of the different types of heirs' properties in Marion County. Residential properties had the highest value at \$184,199,504, while commercial and industrial properties were valued at \$8,266,700. Vacant properties were assessed at \$1,538,400, and other properties were valued at \$138,800. The "other" property included an energy company. Agricultural and rural properties had the lowest value, at just \$3,800. This suggests that residential properties made up the largest portion of the total assessed value of heirs' properties in Marion County.

FIGURE 5. Total value of type of heirs' properties (N=1,410)



Map 2 displays the spatial distribution of current heir's properties in Marion County, categorized by property type and estimated value. Here's a breakdown of the key elements:

MAP 2. Value of heirs' property by type of properties (N=1,410)



Type and estimated value of properties where all recorded owners are deceased

Property types

- Residential properties (blue circles) dominated the landscape, indicating that most heir's properties are residential in nature.
- Commercial properties (red circles) were distributed in smaller numbers, particularly near the downtown Indianapolis area, as well as in certain outlying regions.
- Agricultural/Rural properties (green circles) appeared infrequently and are located on the county's outskirts, especially in more rural areas such as near Clermont.
- Government/Public properties (yellow diamonds) and Vacant Land (white diamonds) were rare and sporadically placed across the map.

Property values

- Properties valued at \$100,000 or less (small light blue circles) were prevalent throughout the county, especially in urban and suburban regions.
- Properties valued between \$100,001–\$250,000 (medium-sized blue circles) were scattered widely, especially in residential areas surrounding Indianapolis.
- Properties valued between \$250,001–\$750,000 (larger blue circles) were concentrated in more affluent neighborhoods, including areas like Meridian Hills and Williams Creek.
- Properties valued between \$750,001–\$1,500,000 were sparse but present in more affluent suburbs.
- The highest-value properties (\$1,500,001+) were extremely rare, with only a few large blue circles representing these properties, primarily in upscale regions.

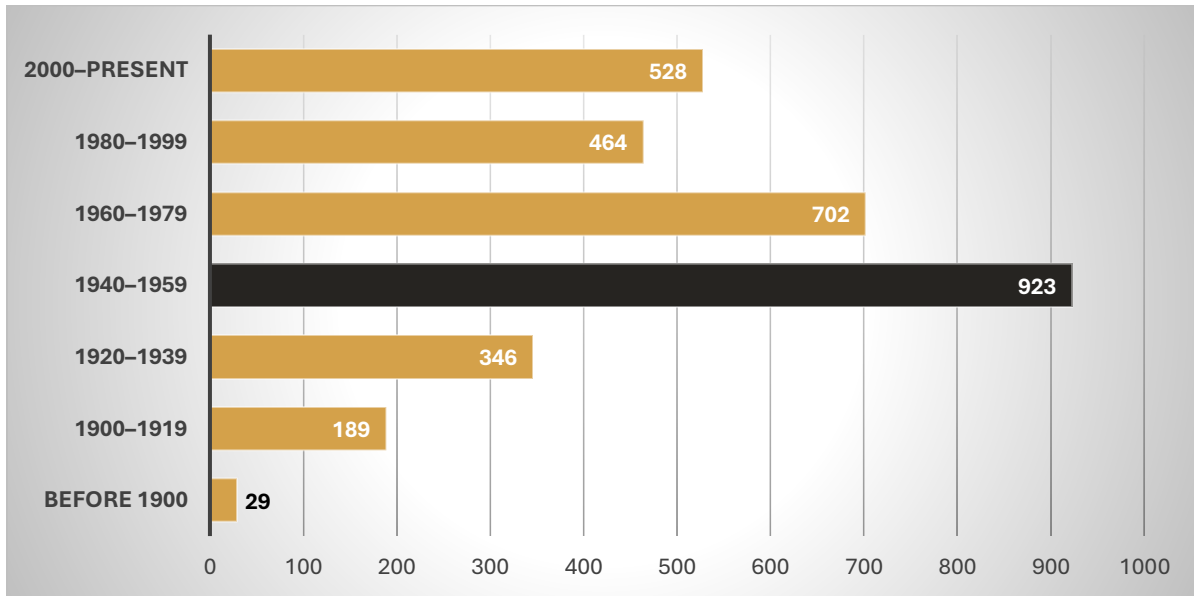
Key takeaways

- Residential heirs' properties dominated the county, especially in and around Indianapolis, reflecting the majority of heirs' properties in suburban and urban areas.
- High-value properties (\$750,000 and above) were concentrated in more affluent regions, such as Meridian Hills and Williams Creek, where estates and larger residential properties were more common.
- Lower-value residential properties (\$100,000 or less) were widespread across the county, particularly in the downtown and older residential neighborhoods.
- Commercial heirs' properties were fewer but strategically located in central or suburban commercial areas, highlighting the possibility of business-related succession or estate issues

AT-RISK PROPERTIES

The research team estimated 3,181 properties at risk of becoming heirs' properties in Marion County, otherwise known as at-risk properties. Figure 6 shows the number of at-risk properties in Marion County, categorized by the year of their construction. The highest number of at-risk properties, 923, were constructed between 1940 and 1959, followed by 702 properties built between 1960 and 1979. The number of properties constructed from 2000 to the present is 528, showing a decrease compared to the mid-20th century. The fewest at-risk properties, only 29, were built before 1900. The data suggests that a significant portion of properties at risk are older, particularly those constructed in the mid-20th century.

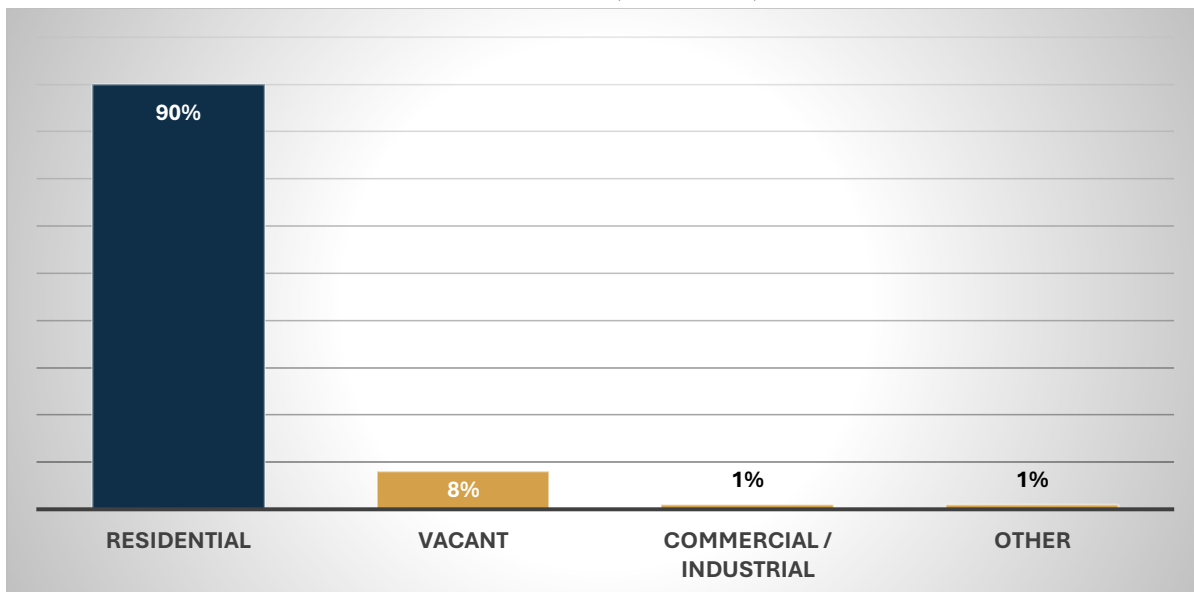
FIGURE 6. Number of at-risk properties by construction year (N=3,181)



Type of at-risk property

Figure 7 illustrates the distribution of different types of at-risk properties in Marion County. A significant majority, 90%, of these at-risk properties are residential. Vacant properties constituted 8% of the total, while commercial or industrial properties represented only 1%. Similarly, properties categorized under "Other" also make up 1% of the total. This suggests that the overwhelming majority of properties facing the risk of becoming heirs' properties were residential, highlighting a potential issue in the management and transfer of residential estates.

FIGURE 7. Type of at-risk properties (n=3,181)



Distribution of at-risk property

In Marion County, at-risk properties were found in 247 of the 253 census tracts (Map 3).

MAP 3. Number of at-risk properties (N=3,181)

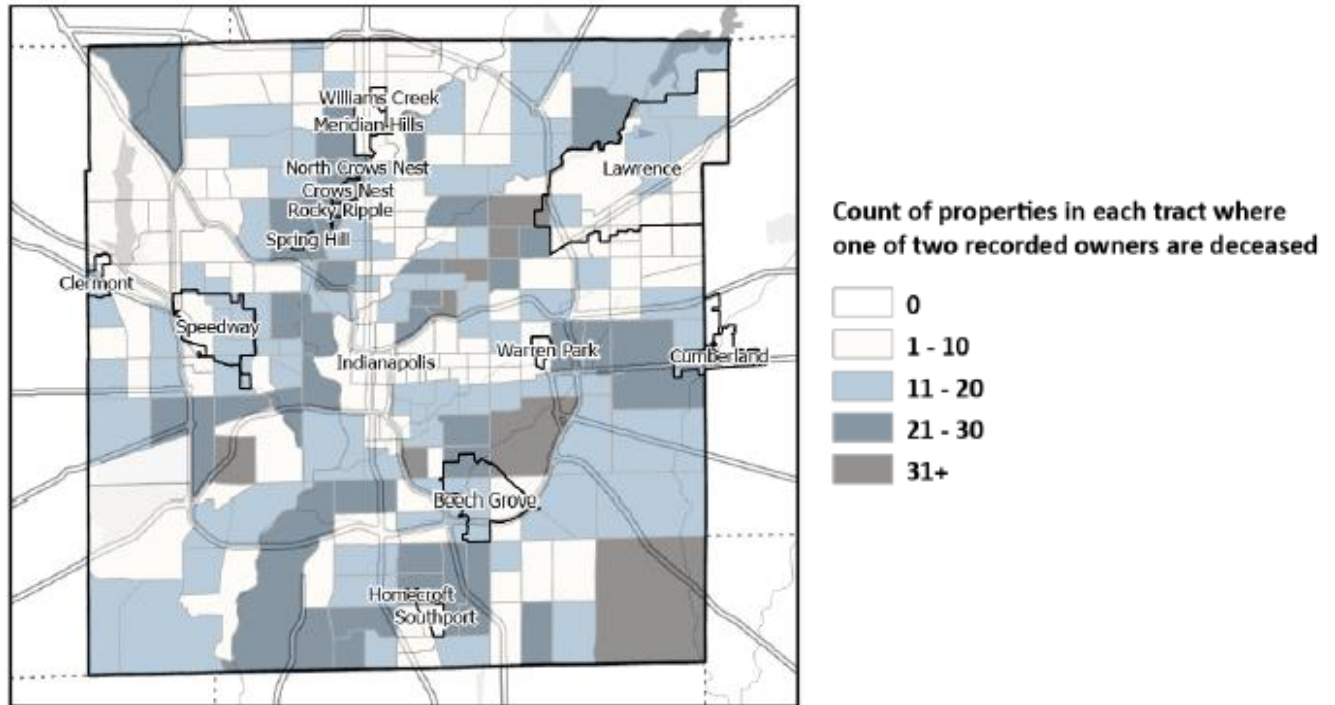


Table 2 shows the top 10 neighborhoods in Marion County, with the highest number of at-risk properties.

- **Forest Manor and Meadows** (Census Tract 3506) led with 55 at-risk properties, the highest among the neighborhoods.
- **Mars Hill** (Census Tract 3423) followed closely with 54 at-risk properties, signaling significant risk in this area.
- **Brendonridge and Brookhaven** (Census Tract 3305) had 46 properties at risk, marking it as another neighborhood of concern.
- **Martindale Brightwood** (Census Tract 3521) contained 40 at-risk properties, showing a moderate concentration of potential issues.
- **Devington** (Census Tract 3310) had 39 at-risk properties, indicating a need for attention.
- Other neighborhoods like **Bean Creek, Charlesmac Village, Acton, Southeast, Hawthorne, Wayne, and Stout Field** represented between 29 and 33 at-risk properties, showing widespread vulnerability across these areas.

TABLE 2. Top 10 neighborhoods with at-risk properties

Census Tract	Neighborhood	Total Number
3506	Forest Manor and Meadows	55
3423	Mars Hill	54
3305	Brendonridge and Brookhaven	46
3521	Martindale Brightwood	40
3310	Devington	39
3576.01	Bean Creek	33
3903	Charlesmac Village and Acton	33
3614.02	Southeast	33
3422	Hawthorne	30
3211	Wayne and Stout Field	29

City-wide distribution of at-risk property

Figure 8 shows the percentage distribution of at-risk properties across different cities in Marion County. A vast majority, 93%, of these at-risk properties were in Indianapolis. In contrast, only 4% were in Lawrence, 2% were in Beech Grove, and 1% were in Speedway. Similar to the confirmed heir’s property analyses, this distribution indicates that the issue of at-risk properties was predominantly concentrated in Indianapolis, with significantly fewer cases in the surrounding cities.

FIGURE 8. City-wide distribution of at-risk properties (N=3,181)

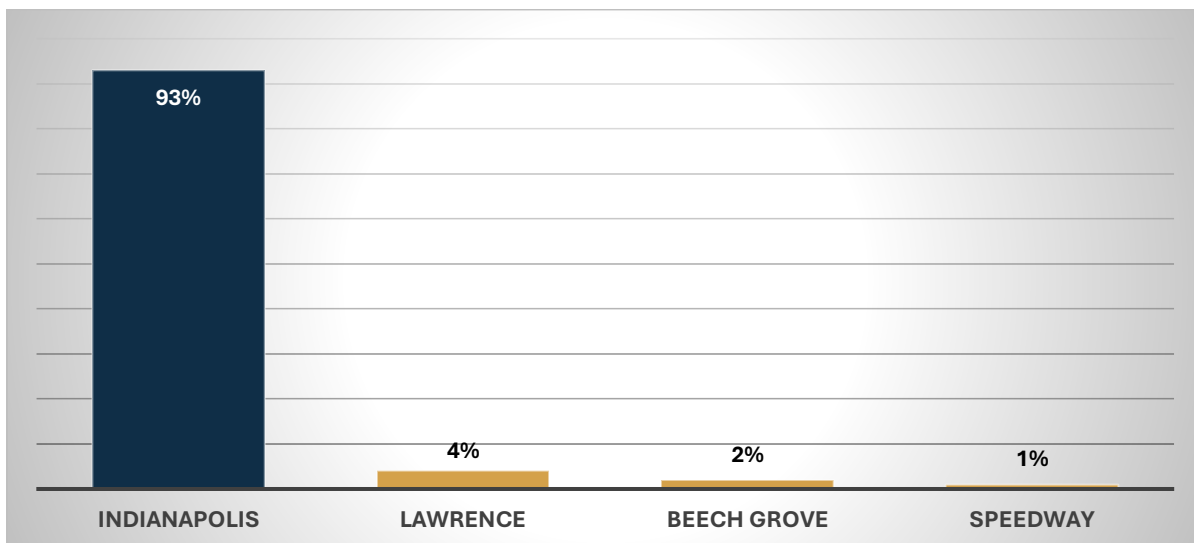
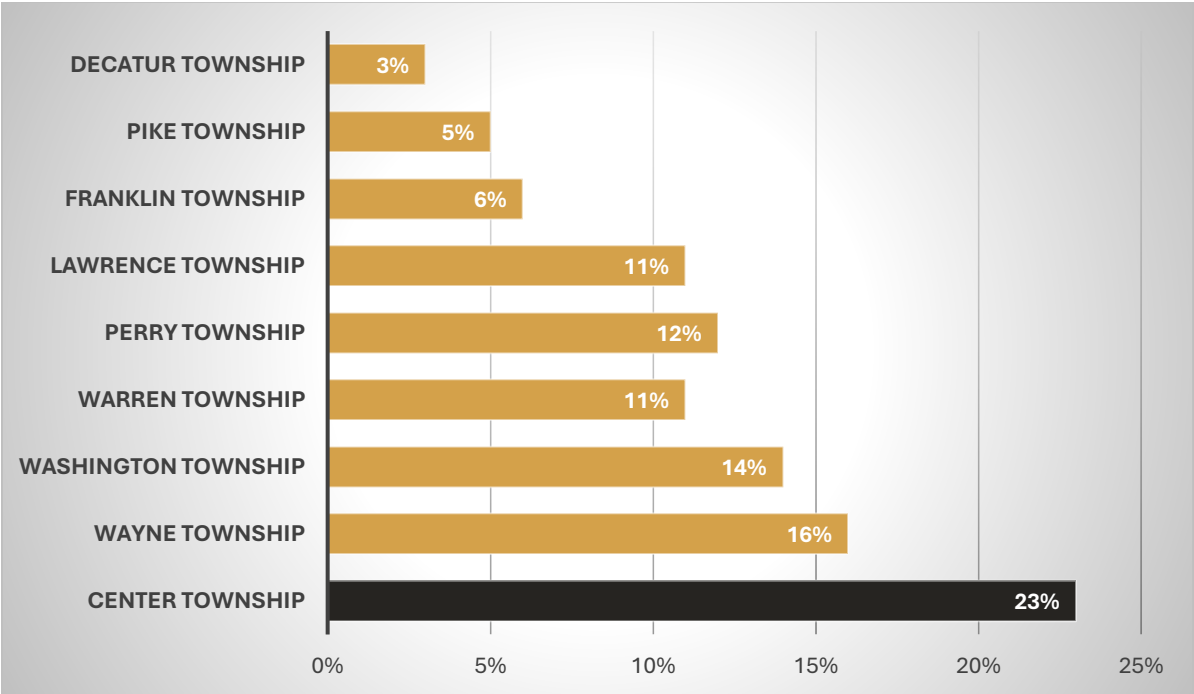


Figure 9 represents the distribution of at-risk properties across various townships in Marion County. Center Township had the highest concentration, accounting for 23% of all at-risk properties, followed by Wayne Township at 16%, and Washington Township at 14%. Perry Township and Warren Township each contributed 12% and 11%, respectively, to the total number of at-risk properties. Lawrence Township also had 11% of these properties. Franklin Township, Pike Township, and Decatur Township had smaller shares, with 6%, 5%, and 3%, respectively. Less than 1% of at-risk properties were found in Southport, Camby, and West Newton. This spread suggests that the at-risk of properties was more pronounced in the central and western parts of Marion County, particularly in Center and Wayne Townships, while the risk is relatively lower in the southern and outlying areas like Decatur and Pike Townships.

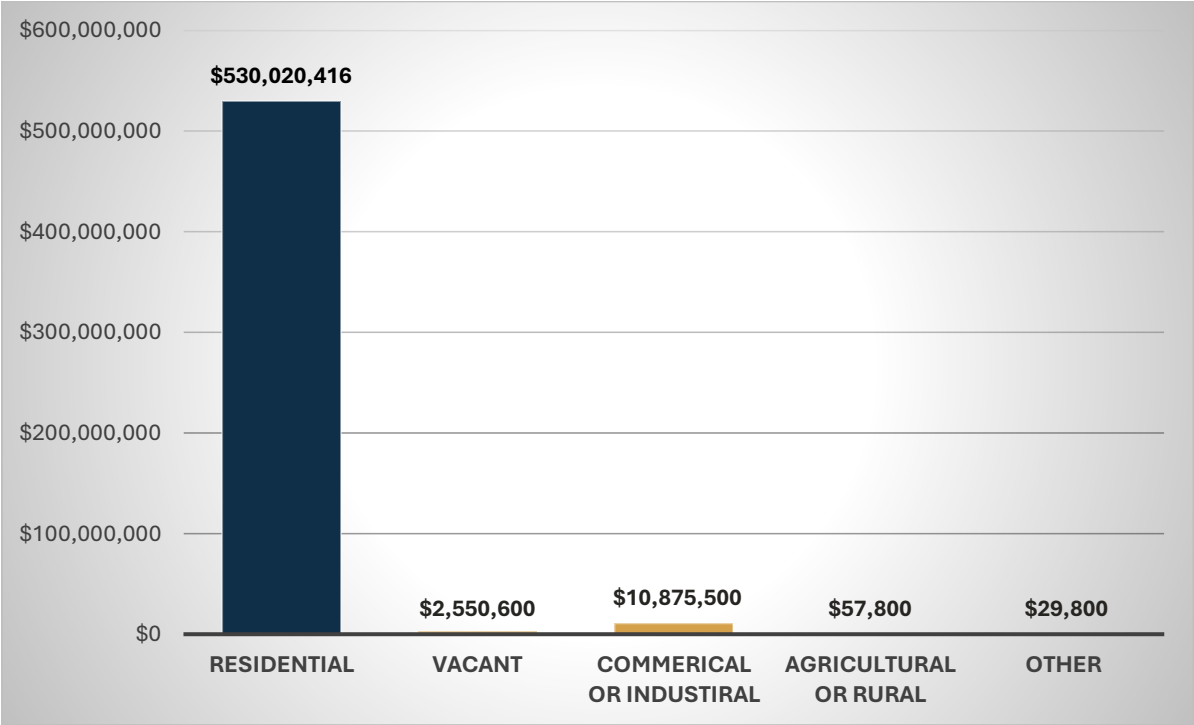
FIGURE 9. Township distribution of at-risk properties (N=3,181)



Estimated assessed value of at-risk property

In total, at-risk properties in Marion County were valued at \$543,504,316. Figure 10 presents the estimated value of properties at risk of becoming heirs' properties in Marion County, categorized by property type. Residential properties represented the vast majority of the total estimated value, at \$530,020,416, indicating that most of the economic risk is concentrated in residential real estate. Commercial and industrial properties accounted for \$10,875,500 of the total value, while vacant properties were valued at \$2,550,600. Agricultural or rural properties contributed a minimal amount of \$57,800, and properties classified as "Other" had an estimated value of \$29,800. This data underscores that the potential financial impact of at-risk was overwhelmingly tied to the residential sector, with other property types contributing relatively little to the total estimated value at risk.

FIGURE 10. Assessed value of at-risk properties (N=3,181)





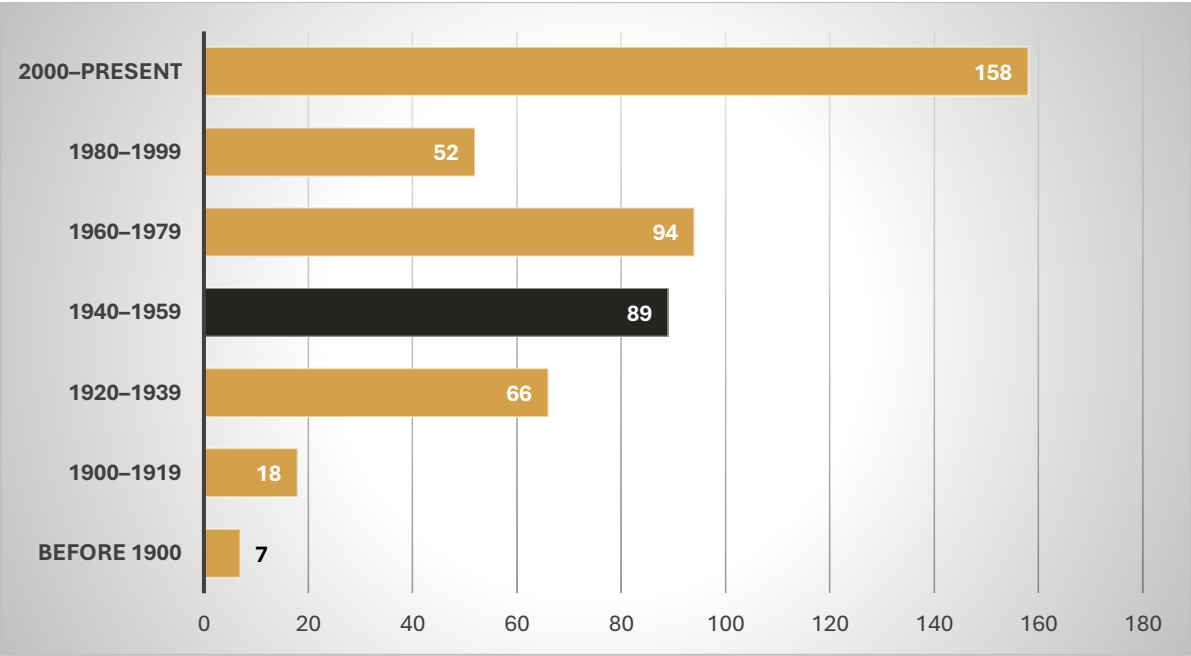
SECTION 4.
HEIRS' PROPERTY IN
ALLEN COUNTY

CURRENT HEIRS' PROPERTIES

Allen County had **484** confirmed heirs' properties. Figure 11 shows the distribution of heirs' properties in Allen County based on the periods in which they were built. The majority of these properties were constructed in the period from 2000 to the present, totaling 158, which indicates a trend towards more recent construction. The second-highest number of properties were built between 1960–1979, with 94 properties, followed closely by 89 properties from 1940–1959.

There were fewer properties from 1980–1999 (52 properties) and 1920 to 1939 (66 properties), showing a decline in construction during these times. The number of properties significantly dropped for those built in the early 20th century (18 properties from 1900 to 1919) and pre-1900 (7 properties), suggesting that very few older properties remain as heirs' properties in Allen County. Overall, the data reflects that the heirs' properties were primarily of recent construction, with diminishing numbers as the properties became older.

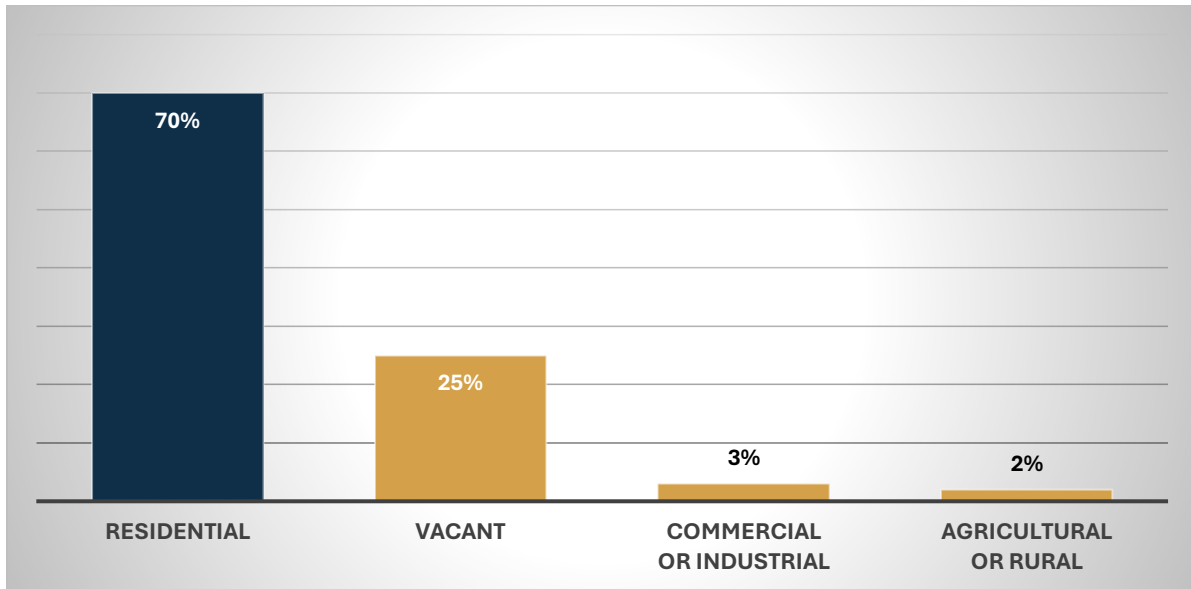
FIGURE 11. Number of heirs' properties by construction year (N=484)



Type of heirs' property

Figure 12 displays the distribution of heirs' properties in Allen County by property type. The vast majority, 70%, are categorized as residential, indicating that most heirs' properties are used for housing purposes. A significant portion, 25%, consisted of vacant land, suggesting that a quarter of the properties do not have any active use or structures. Only a small fraction of the properties was used for commercial or industrial purposes (3%), and an even smaller percentage (2%) was designated for agricultural or rural use. This spread suggests that heirs' properties in Allen County were primarily residential, with limited use for other types of development or land use.

FIGURE 12. Type of heirs' properties (N=484)



Distribution of heirs' property

In Allen County, heirs' properties were found in 93 of the 96 total census tracts. In each of the 93 tracts, the number of properties ranged from 1 to 20 (Map 4).

MAP 4. Number of heirs' properties (N=484)

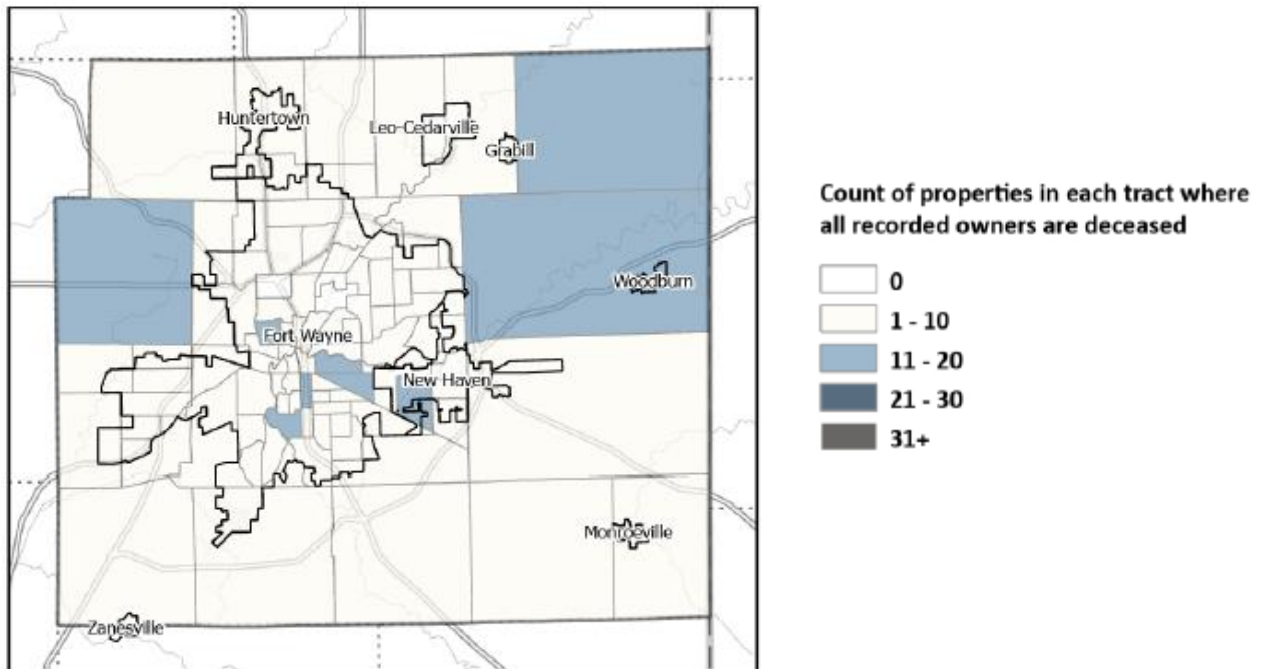


Table 3 presents the top 10 census tracts and corresponding neighborhoods in Allen County with the highest number of heirs' properties, ranked by total number:

- Census Tract 16 (**East Side and Harvester**) had the highest number of heirs' properties, with a total of 20.
- Census Tract 44 (**LaRez and Williams Park**) followed with 18 heirs' properties.
- Census Tract 43 (**Memorial Park**) and Census Tract 109 (**Bluecast and Woodburn**) both reported 15 heirs' properties.
- Census Tract 32 (**Harrison Hill and Fairfield Terrace—Belmont**) and Census Tract 8 (**Lincoln Park and North Highlands**) each had 12 heirs' properties.
- Census Tract 101 (**Harlan and Scipio**) also had 12 heirs' properties.
- Census Tract 105 (**Arcola, Lake, and Dunn Mill**) recorded 11 heirs' properties, as did Census Tract 112.02 (**New Haven**).
- Census Tract 113.04 (**Crown Colony and Branning Hills**) rounded out the list with 10 heirs' properties.

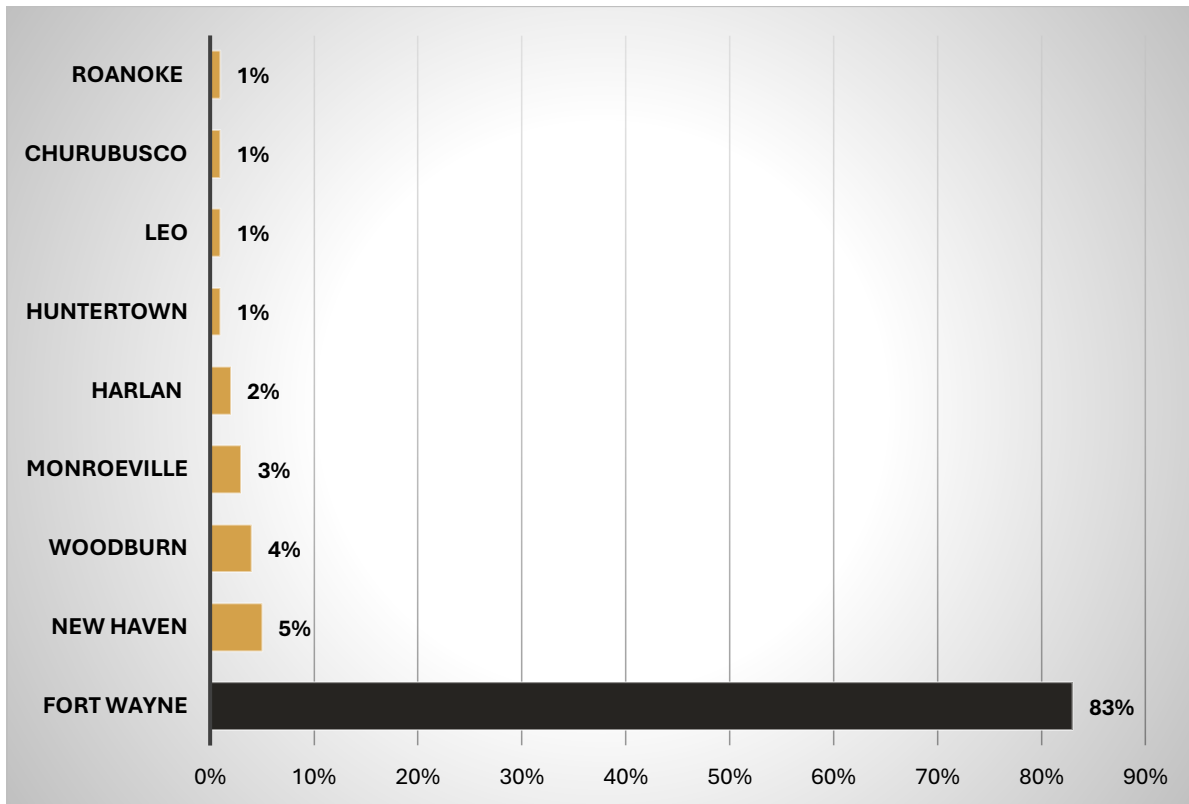
TABLE 3. Top 10 neighborhoods with heirs' properties

Census Tract	Neighborhood	Total Number
16	East Side and Harvester	20
44	LaRez and Williams Park	18
43	Memorial Park	15
109	Bluecast and Woodburn	15
32	Harrison Hill and Fairfield Terrace – Belmont	12
8	Lincoln Park and North Highlands	12
101	Harlan and Scipio	12
105	Arcola, Lake, and Dunn Mill	11
112.02	New Haven	11
113.04	Crown Colony and Branning Hills	10

City-wide distribution of heirs' property

The majority of heirs' properties, 83%, were located in Fort Wayne, indicating a significant concentration within the county's largest city. New Haven followed with 5% of the properties, while Woodburn accounted for 4%. Monroeville had 3% of the properties, and Harlan represented 2%. The remaining cities—Huntertown, Leo, Churubusco, and Roanoke—each had 1% of the heirs' properties (Figure 13). All other towns not shown on the chart had 1% or less of heirs' property. This distribution shows that heirs' properties were predominantly located in Fort Wayne, with much smaller percentages scattered across other cities in Allen County.

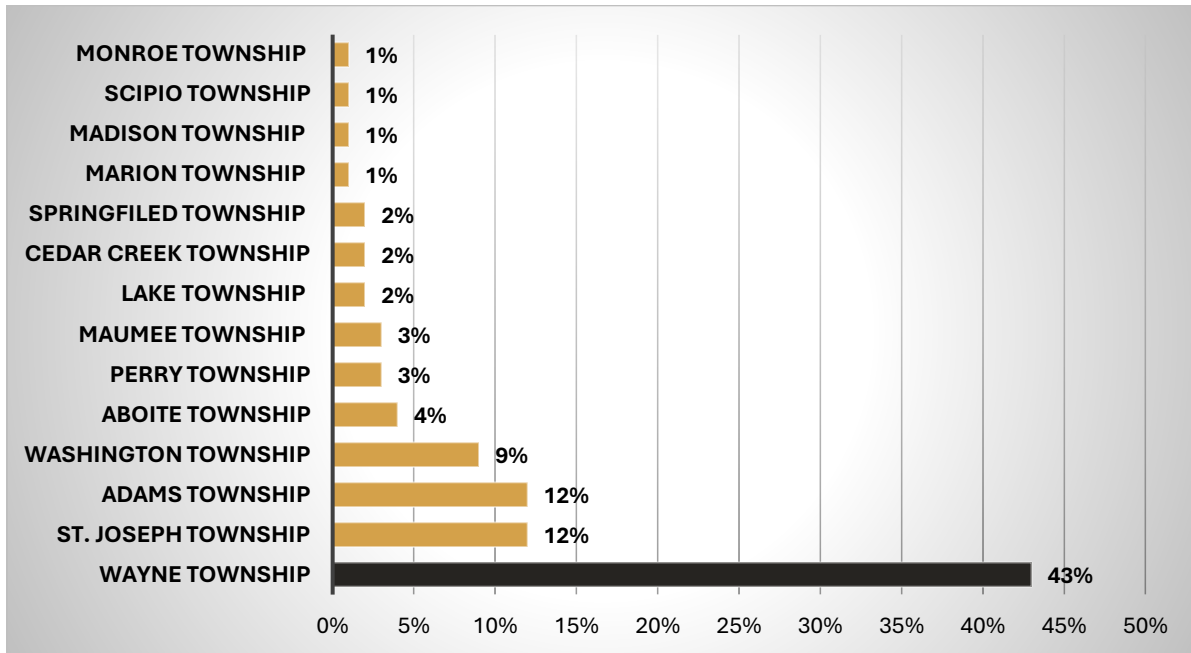
FIGURE 13. City-wide distribution of heirs' properties (N=484)



Township distribution of heirs' property

Wayne Township had the highest percentage, with 43% of the heirs' properties, indicating a significant concentration in this area. St. Joseph Township and Adams Township each held 12% of the properties, showing a moderate distribution. Washington Township followed with 9%, and Aboite Township had 4%. Perry Township and Maumee Township each accounted for 3%, while Lake Township, Cedar Creek Township, and Springfield Township each held 2%. The remaining townships—Marion, Madison, Scipio, and Monroe—each had 1% of the properties (Figure 14). All other towns not captured on the chart had 1% or less of heirs' property. This data highlights that the majority of heirs' properties were concentrated in Wayne Township, with a notable number also present in St. Joseph and Adams Townships, while other townships had much smaller shares.

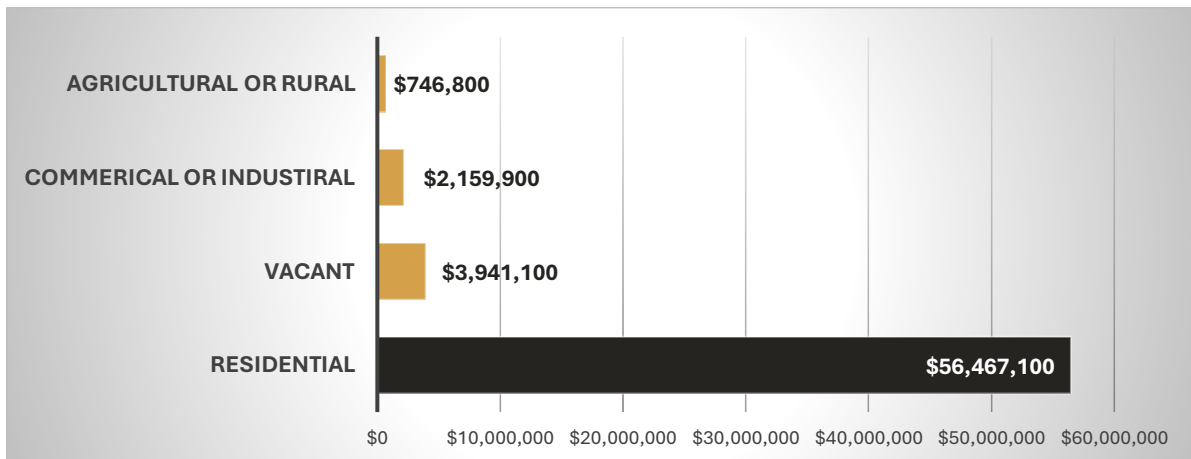
Figure 14. Township distribution of heirs' properties (N = 484)



Estimated assessed value of heirs' property

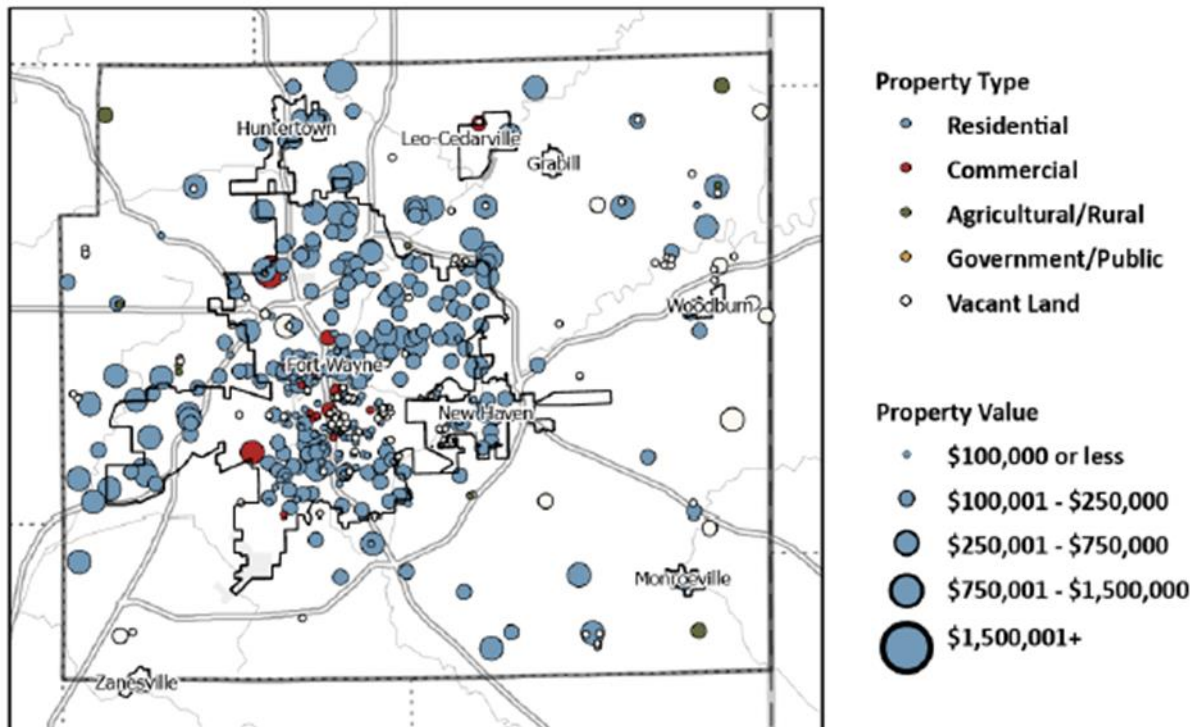
Figure 15 presents the estimated assessed value of heirs' properties in Allen County across different property types. Residential properties had the highest estimated value, totaling \$56,467,100. Vacant properties had a significantly lower total assessed value of \$3,941,100, indicating that these properties contributed less in terms of economic value compared to residential ones. Commercial/industrial properties were valued at \$2,159,900, representing a small portion of the total value, while agricultural/rural properties had the lowest estimated value at \$746,800. This distribution suggests that the economic impact of heirs' properties in Allen County was mainly driven by their use as residential spaces, with much smaller contributions from other types of properties.

FIGURE 15. Value of heirs' properties (N=484)



Map 5 illustrates the spatial distribution of heirs' properties in Marion County, categorized by property type and estimated value.

MAP 5. Spatial distribution of heirs' properties in Allen County, by property type and estimated value (N=484)



Type and estimated value of properties where all recorded owners are deceased

Property types

- Residential properties (blue circles) were the most prevalent across Allen County, with a concentration in and around Fort Wayne, suggesting a high number of heirs' properties in residential neighborhoods.
- Commercial properties (red squares) were sparsely distributed and primarily located in the city centers of Fort Wayne and its surrounding areas.
- Agricultural/Rural properties (green circles) were more frequent in the outskirts of Allen County, such as near Leo-Cedarville, Woodburn, and Monroeville, indicating the presence of heirs' properties on farmland or rural land.
- Government/Public properties (yellow diamonds) and Vacant land (white diamonds) were scattered, but fewer in comparison to other property types.

Property values

- Properties valued at \$100,000 or less (small light blue circles) were highly concentrated within Fort Wayne, likely reflecting residential neighborhoods with lower property values.
- Properties valued between \$100,001–\$250,000 (medium-sized blue circles) were spread throughout the county, but more concentrated in suburban neighborhoods.
- Properties valued between \$250,001–\$750,000 (larger blue circles) appeared in more affluent suburban or rural areas, especially around Hometown and Leo-Cedarville.
- The highest-value properties (\$750,001–\$1,500,000 and \$1,500,001+) were rare, with only a few scattered in affluent suburban regions or rural areas in the periphery of Fort Wayne.

Key takeaways

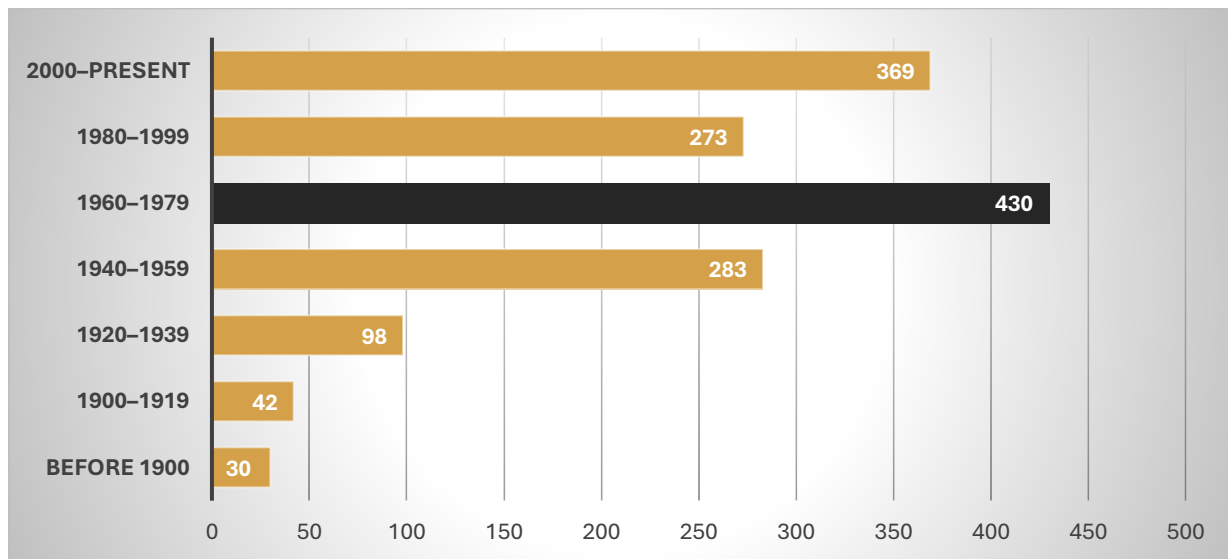
- Fort Wayne served as a central hub for residential heirs' properties, with a focus on lower to mid-value properties.
- Higher-value properties (\$750,000 and above) were scarce and appeared primarily in rural or affluent suburban areas, such as near Hometown and Leo-Cedarville.
- Rural heirs' properties were notably present in agricultural zones near Woodburn, Monroeville, and Leo-Cedarville.
- There was a significant number of **lower-value residential properties**, which may represent the most vulnerable properties at risk for legal or succession issues

AT-RISK PROPERTIES

The research team calculated **1,525** risk properties in Allen County, which was **3 times** more than the amount of confirmed heir's properties.

Figure 16 shows the number of at-risk properties in Allen County, categorized by the year of their construction. Properties built between 1960–1979 had the highest risk, with 430 properties falling into this category, indicating that mid-20th-century properties are particularly vulnerable. This is followed by 369 properties built from 2000 to the present, suggesting that even newer properties are at risk. There was a significant number of at-risk properties (283) constructed between 1940–1959, and the numbers progressively declined for older properties, with 273 for those built from 1980–1999, 98 from 1920–1939, 42 from 1900–1919, and 30 for those built before 1900. This trend suggests that while older properties do face risks, a significant proportion of at-risk properties are those constructed in the mid to late 20th century, possibly reflecting demographic shifts, economic factors, or patterns in property inheritance and ownership over time.

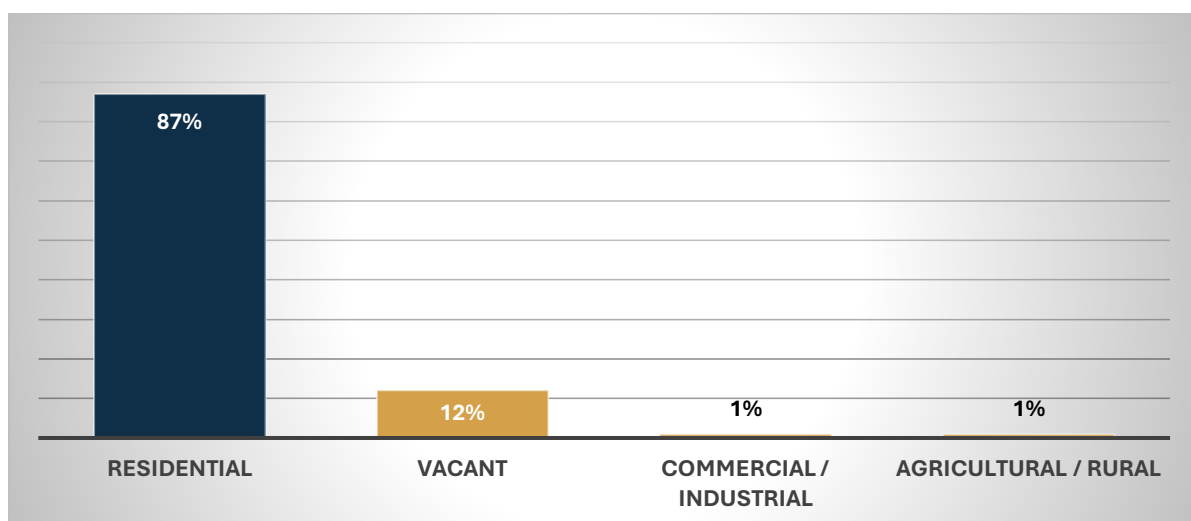
FIGURE 16. Number of at-risk properties by construction year (N=1,525)



Type of at-risk property

Figure 17 reveals that the vast majority of at-risk properties in Allen County were residential, accounting for 87% of the total at-risk properties. This indicates that most properties potentially facing legal or ownership challenges are homes where people live, reflecting the significant impact this issue may have on residents and their families. Vacant properties made up 12% of the at-risk category, suggesting that these unused or unoccupied properties are also susceptible to becoming heirs' properties, possibly due to neglect or abandonment. Commercial or industrial and agricultural or rural properties each represented only 1% of the at-risk properties, indicating that the problem is far less common among these types of properties. Overall, the data suggests that residential properties were the most vulnerable to the risks associated with unclear ownership and inheritance in Allen County.

FIGURE 17. Type of at-risk properties (N=1,525)



Distribution of at-risk property

The research team found at-risk properties in 94 of the 96 census tracts in Allen County (Map 6).

MAP 6. Number of at-risk properties (N=1,525)

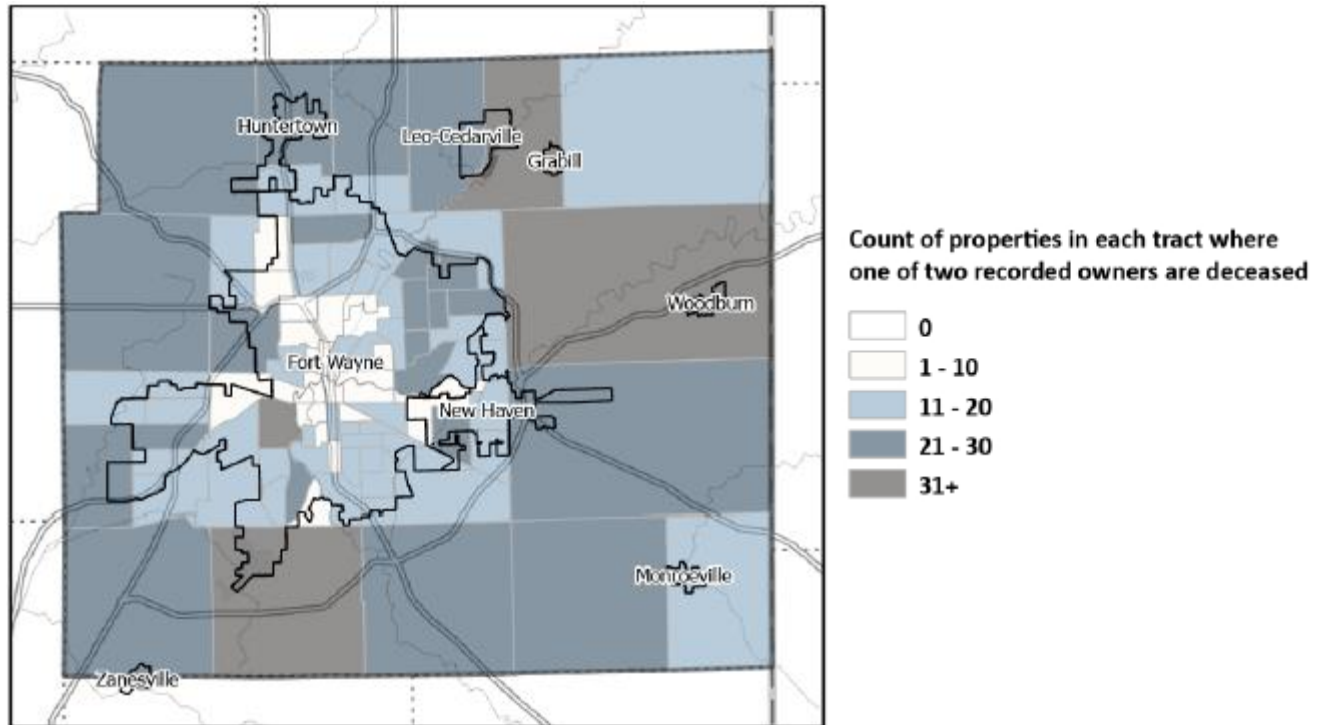


Table 4 highlights the top ten neighborhoods in Allen County with the highest number of at-risk properties, indicating areas where properties are most vulnerable to becoming heirs' properties.

- Census Tract 109 (**Five-Points, Bluecast, and Woodburn**) had the largest number of at-risk properties, totaling 40.
- Census Tract 117.02 (**Yoder**) followed closely with 36 at-risk properties.
- Census Tracts 22 (**Wildwood Park, Westfield, and Indian Village**) and 102.02 (**Gabill, East Leo-Cedarville, and Hursh**) each reported 31 at-risk properties.
- Census Tracts 103.06 (**Huntertown**) and 102.01 (**Cedar Shore and West Leo-Cedarville**) both had 30 at-risk properties.
- Census Tract 118.01 (**Hessen Cassel and Middletown**) recorded 29 at-risk properties.
- Census Tract 106.01 (**Steeplechase and Bass-Leesburg**) had 28 at-risk properties.
- Census Tracts 116.09 (**North Aboite, Forest Ridge, Woodside**) and 110 (**Maples and Zulu**) each reported 27 at-risk properties.

TABLE 4. Top 10 neighborhoods with highest number of at-risk properties (N=1,525)

Census Tract	Neighborhood	Total Number
109	Five-Points, Bluecast, and Woodburn	40
117.02	Yoder	36
22	Wildwood Park, Westfield, and Indian Village	31
102.02	Gabill, East Leo-Cedarville, and Hursh	31
103.06	Huntertown	30
102.01	Cedar Shore and West Leo-Cedarville	30
118.01	Hessen Cassel and Middletown	29
106.01	Steeplechase and Bass-Leesburg	28
116.09	North Aboite, Forest Ridge, Woodside	27
110	Maples and Zulu	27

City-wide distribution of at-risk property

FIGURE 18. City-wide distribution of at-risk properties (N=1,525)

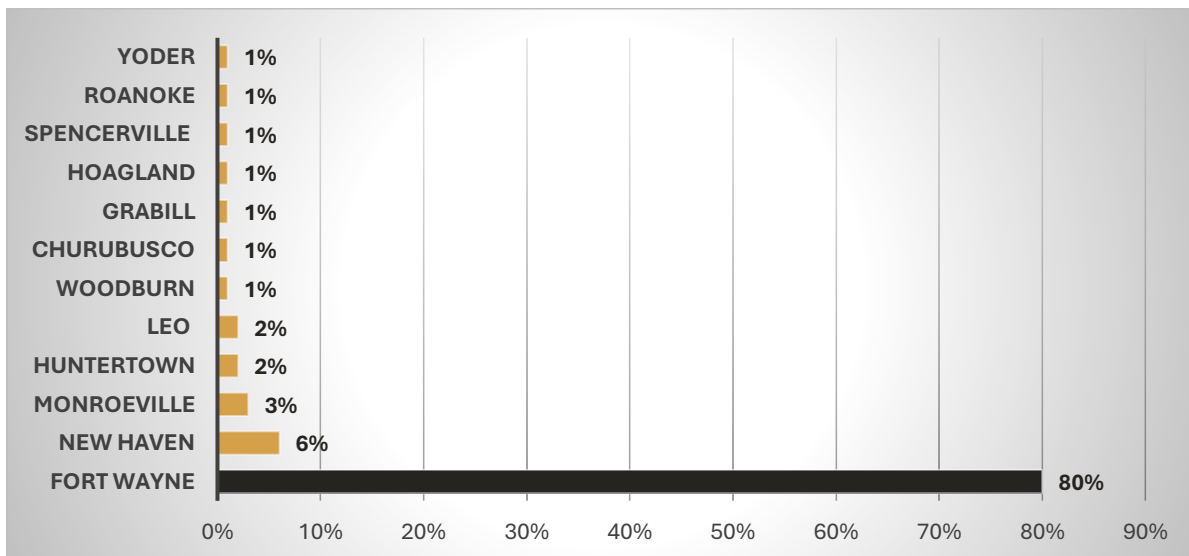


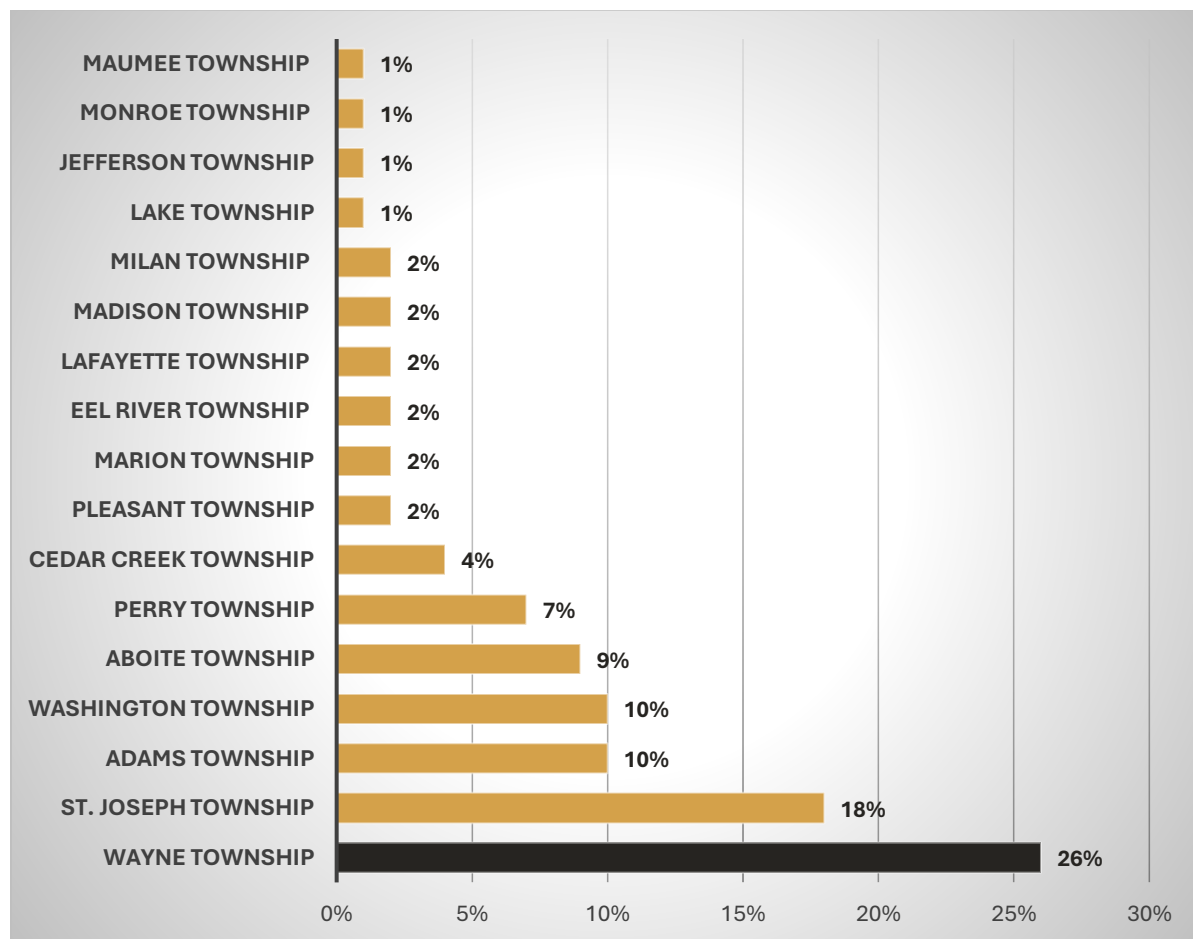
Figure 18 shows that the majority of at-risk properties in Allen County were concentrated in Fort Wayne, which accounts for 80% of all such properties. New Haven follows at a distant second with 6% while smaller towns like Monroeville (3%), Huntertown (2%), and Leo (2%) also had a few at-risk properties, though their numbers are relatively minimal. Other towns, including Woodburn, Churubusco, Grabill,

Hoagland, Spencerville, Roanoke, and Yoder, each accounted for only 1% of the total at-risk properties. The towns not shown on the map had less than 1% of heirs' property. This distribution highlights that while the issue of at-risk properties affects multiple areas within Allen County, it is predominantly concentrated in Fort Wayne.

Township distribution of at-risk property

Figure 19 shows the distribution of at-risk properties across townships in Allen County was heavily concentrated in a few key areas. Wayne Township had the highest proportion, with 26% of all at-risk properties, indicating it is the most significantly affected area. St. Joseph Township followed with 18%, and both Adams Township and Washington Township each had 10%, suggesting these areas also face considerable challenges related to property ownership and inheritance issues. Aboite Township had 9%, while Perry Township accounted for 7% of the at-risk properties. The remaining townships, such as Cedar Creek (4%), Pleasant, Marion, Eel River, Lafayette, Madison, and Milan (each at 2%), and Lake, Jefferson, Monroe, and Maumee (each at 1%), showed a relatively smaller share of at-risk properties. Overall, the distribution revealed that the problem is most pronounced in a few central townships like Wayne and St. Joseph, while the issue was less prevalent in other, more outlying areas.

FIGURE 19. Township distribution of at-risk properties (N=1,525)



Estimated assessed value of at-risk property

Figure 20 shows that the total assessed value of at-risk properties in Allen County amounted to \$283,337,696, with the overwhelming majority of this value coming from residential properties, which accounted for \$277,590,496. This indicates that residential properties are not only the most numerous among at-risk properties but also the most valuable, representing nearly all of the total assessed value. Vacant properties contributed \$3,504,500 to the total, a distant second in value, followed by commercial/industrial properties at \$1,486,500. Agricultural/rural properties were assessed at \$746,800, and a small amount, \$9,400, was attributed to properties classified as "other." This distribution highlights that the financial impact of at-risk properties was primarily concentrated in the residential sector, underscoring the potential economic challenges these properties pose for individual homeowners and the community.

FIGURE 20. Value of at-risk properties (N=1,525)





SECTION 5. RECOMMENDATIONS

OVERVIEW

Resolving and preventing heirs' property issues for Hoosiers is vital for ensuring legal and financial stability for individuals, families, and communities. Addressing these issues can help preserve property value and ensure it is properly managed and passed down to future generations.

This section outlines potential solutions for tackling heirs' property challenges. It draws on insights and suggestions from focus group participants and highlights organizations, programs, and policies currently working to address these issues. The recommendations will focus on two main areas:

- Resolving existing heirs' property issues by clarifying ownership and resolving disputes through legal and administrative processes.
- Preventing future heirs' property issues by encouraging proactive estate planning and increasing access to legal education.

Notably, effectively managing heirs' property issues requires both programmatic and policy-based strategies. This section provides a comprehensive approach to mitigating the challenges of heirs' property for Hoosiers across Marion County and Allen County.

RESOLVE EXISTING HEIRS' PROPERTY

Resolving current heirs' properties effectively involves addressing the complexities of fragmented ownership, ensuring clear title arrangements, and implementing policies that facilitate the transfer of property titles.

Targeted programs & resources for affected neighborhoods

Implementing targeted programming and outreach to neighborhoods affected by heirs' property can provide crucial education, resources, and legal support. It can facilitate the resolution of ownership issues and improving access to necessary assistance. By focusing on the top 10 neighborhoods that have high rates of heirs' property in Marion County and Allen County, outreach efforts can educate property owners about the complexities of heirs' property, including the importance of clear titles and effective estate planning. Additionally, these programs can connect affected individuals with specialized legal assistance, such as pro bono or affordable services, to help navigate disputes and clear titles.

In addition, identifying and engaging community-based organizations and leaders in these efforts ensures that solutions are adapted to the specific needs and dynamics of affected neighborhoods, fostering a collaborative approach to resolving property issues. Ultimately, the key is to engage community-based organizations and leaders in disproportionately affected neighborhoods in Marion County and Allen County through building trust and buy-in from community members.

Spotlight

LISC Jacksonville

Local Initiatives Support Corporation Jacksonville (LISC Jacksonville) actively works to resolve heirs' property issues in neighborhoods with a high concentration of such properties by collaborating closely with legal aid organizations and community-based groups. Their approach involves providing essential legal assistance to impacted families, such as clearing property titles and creating wills, through partnerships with local legal aid organizations. Additionally, LISC works with community-based organizations to build trust, raise awareness, and connect affected families with resources and support. This collaborative network ensures that families receive both the legal guidance and community support necessary to secure their property rights (LISC Jacksonville).

FHLB Atlanta Heirs' Property Family Wealth Protection Fund

The Federal Home Loan Bank of Atlanta (FHLB Atlanta) Heirs' Property Family Wealth Protection Fund provides financial support to a wide range of organizations that help families resolve heirs' property issues. The program awards grants to community organizations, governments, tribal entities, and municipalities to assist families in clearing titles, navigating probate processes, and obtaining legal documentation related to property ownership. The fund provides:

Financial Assistance:	Financial resources to help families manage legal fees, property taxes, and other costs associated with resolving ownership issues.
Legal Support:	It offers access to legal assistance, helping families navigate the complexities of property law and ensuring they can establish clear titles.
Education and Resources:	The fund provides educational resources to inform families about their rights and options regarding heirs' property. This can empower them to make informed decisions.
Community Partnerships:	The program often collaborates with local organizations and legal aid groups to deliver comprehensive support to families.

FHLB Atlanta Heirs' Property Family Wealth Protection Program uses a multi-pronged approach to prevent property loss and support community stability by ensuring that affected families have the necessary resources to address heirs' property challenges effectively (Federal Home Loan Bank Atlanta, 2024).

Increase affordable or pro-bono legal services

Affordable or pro bono legal services play a crucial role in resolving heirs' property issues by providing essential legal assistance to individuals who might otherwise lack access to necessary resources. Increasing funding for legal aid lawyers can significantly aid in resolving heirs' property issues by expanding access to important legal support for underserved populations. Legal aid organizations can provide free or low-cost legal services to those who cannot afford private representation. Well-known legal aid organizations like Indiana Legal Services and the Neighborhood Christian Legal Clinic operate in

Marion County and Allen County. However, these organizations lack the funding and capacity needed to effectively address current heirs' property or at-risk property issues in both counties.

With more funding, these organizations can hire more attorneys, offer specialized training on property and estate issues, and extend their services to a broader group of clients. This enhanced capacity enables legal aid lawyers to assist more individuals in navigating the legal intricacies of property ownership, resolving disputes among heirs, and clearing title issues. By providing legal guidance, representation, and education, increased funding helps ensure that all parties can address and resolve heirs' property concerns effectively, promoting fair and equitable solutions and reducing the potential for prolonged legal battles and property mismanagement.

Spotlight

LISC Jacksonville

LISC Jacksonville helps families dealing with heirs' property issues by providing funding and technical support to legal aid organizations and community partners. This support is designed to increase the availability and accessibility of affordable or pro bono legal services for families who need assistance in resolving heirs' property disputes. The organization provides:

Direct Grants and Financial assistance:	Direct grants and financial assistance to legal aid organizations, enabling them to expand their capacity to provide free or low-cost legal services to families facing heirs' property issues. These grants can be used to hire additional staff, including attorneys and paralegals, who specialize in property law and estate planning. Funding also covers the operational costs of running workshops, clinics, and outreach programs aimed at educating families about their legal rights and the steps necessary to protect their property.
Funding for Capacity-Building Initiatives:	Funding for capacity-building initiatives that enhance the effectiveness of local legal aid organizations and community partners. This financial support helps organizations upgrade their technology, streamline administrative processes, and improve their infrastructure, allowing them to serve more clients efficiently and effectively.
Technical Support:	Technical support by offering training and professional development opportunities for legal aid staff and community partners. These programs cover a range of topics, including property law, probate processes, mediation techniques, and community outreach strategies. By equipping legal professionals with the specialized knowledge and skills needed to handle heirs' property cases, LISC Jacksonville helps ensure that families receive high-quality legal assistance tailored to their needs (LISC Jacksonville, n.d.).

Awareness of financial support & disaster relief programs

Individuals with heirs' properties often face significant challenges accessing Federal Emergency Management Agency (FEMA) support and home repair programs. According to the National Consumer Law Center (NCLC), the surviving heirs of heirs' property can receive disaster relief funds through Individual Assistance (IA) grants. These grants help individuals and households recover from a disaster. Grants can cover expenses like temporary housing, home repairs, replacement of essential household items, and other disaster-related needs.

However, to receive FEMA assistance, heirs must demonstrate that they have a legal right to the property or have a recognized claim to it. Because heirs' property often lacks clear ownership or title documentation, FEMA updated its policy in 2021 to make it easier for heirs' property owners to qualify for disaster assistance. FEMA now accepts a range of alternative documents to prove ownership or occupancy, such as:

Proof of Residency:	Documents showing that the applicant lived in the disaster-damaged home, such as utility bills, government-issued identification, voter registration cards, pay stubs, or official mail sent to the address.
Heirship Affidavits:	A notarized statement from an heir, other family members, or a local official stating the applicant's right to the property. This affidavit may need to be supported by other evidence or documentation that verifies the applicant's connection to the deceased owner.
Letter from a Local Government Official or Organization:	A letter from a local government agency, court, or nonprofit organization familiar with the property's situation can help verify the heir's relationship to the property.
Court Documents:	Probate documents, court orders, or legal documents proving the individual's status as an heir.
Self-Declarative Statement:	In some cases, FEMA allows survivors to provide a signed statement attesting to their ownership or occupancy when other documentation is not available.

Indiana accepts these alternative documents to prove occupancy or ownership for heirs seeking disaster relief funding through FEMA. However, families may not be aware of FEMA's alternative documents or how to navigate the disaster relief process due to a combination of factors: lack of public awareness and outreach, confusing or inconsistent information, distrust of government agencies, the complexities of navigating bureaucratic procedures, and barriers in accessing legal and technical assistance.

To improve awareness and help people navigate FEMA's disaster relief process, it is important to enhance public outreach, provide targeted education, simplify the application process, increase access to legal aid and technical support, and foster trust between communities and relief agencies.

Spotlight

Center for Heirs' Property Preservation

The Center for Heirs' Property Preservation (CHPP) focuses on helping families secure their heirs' property and retain ownership. They provide education on land rights, heirs' property laws, and the importance of clear title documentation. They also offer workshops and technical assistance on navigating FEMA disaster relief programs and using alternative documentation to prove ownership or occupancy. Although CHPP is based in South Carolina, it collaborates with other organizations across the U.S. to share best practices and offer support (Center for Heirs' Property Preservation , n.d.).

Legal Services Corporation

Legal Services Corporation (LSC) funds local legal aid organizations that help heirs' property owners with legal documentation, estate planning, and access to disaster relief. LSC-supported organizations often offer training, legal clinics, and workshops to educate communities on how to navigate FEMA's processes using alternative documentation. Although LSC itself does not directly offer these services, it supports local legal aid providers across the U.S. that provide this type of assistance through its Legal Aid Resource Center.

Leverage existing mediation programs

Mediation programs can help resolve heirs' property issues by providing a structured, non-adversarial process for heirs to negotiate and settle disputes over property ownership. These programs require all involved parties to participate in mediation before resorting to litigation. Mediation encourages open communication among heirs, helping them reach mutually beneficial agreements on property management, ownership, or sale. This approach can prevent long, costly legal battles and can help preserve family relationships by fostering a collaborative rather than combative environment.

Mediation also helps educate heirs about their legal rights and options and promotes awareness of the importance of estate planning and formal property transfers. By resolving disputes outside the courtroom, these programs help ensure that heirs maintain control over their property and sustain family wealth over generations.

Spotlight

American Bar Association (ABA) Dispute Resolution Section

This division of the ABA focuses on improving the resolution of heirs' property disputes through mediation. It offers crucial resources, training, and public education to help legal professionals become proficient mediators. The section works with local legal aid organizations, bar associations, and community groups to support mediation programs addressing heirs' property issues.

The local affiliate, the **Indiana State Bar Association (ISBA) Alternative Dispute Resolution (ADR)** section, is also committed to promoting and enhancing mediation practices. However, the research team was unable to determine the specific mediation services provided by the ADR section, particularly whether they address heirs' rights issues. If the ADR section does not currently offer mediation services related to

heirs' rights, it could benefit from leveraging the ABA's training and resources to better support county-level bar associations.

Additionally, the ABA Dispute Resolution Section, in collaboration with the ISBA ADR, could provide mediation advocacy, training, and resources to legal professionals at the Marion County Bar Association and the Allen County Bar Association. These trained professionals could then partner with statewide legal aid clinics, such as Indiana Legal Services or the Neighborhood Christian Legal Clinic, to offer pro-bono mediation services for families dealing with heirs' property disputes.

Federation of Southern Cooperatives Land Assistance Fund

The Federation of Southern Cooperatives Land Assistance Fund provides mediation services to help resolve heirs' property issues primarily among African American landowners in the southern United States. Their mediation services facilitate discussions among family members who are co-owners of heirs' property. They help families communicate effectively, address conflicts, and reach agreements on issues such as property management, sale, leasing, or dividing the land among heirs. As part of their mediation services, the Federation also educates heirs' property owners on legal rights, estate planning, and the benefits of mediation. They conduct workshops and training sessions to inform landowners about the options available for resolving property disputes, including mediation as an alternative to litigation (Federation of Southern Cooperatives Land Assistance Fund, n.d.).

Pass the Uniform Partition of Heirs Property Act

The Uniform Partition of Heirs Property Act (UPHPA) is a law designed to protect owners of heirs' property from losing their homes due to partition sales. In a partition sale, one co-owner of the property (even if they own just a small share) can ask the court to sell the entire property, forcing the other co-owners to give up their share, even if they want to keep it. This often leads to unfair sales at low prices, causing families to lose land that's been in their family for generations.

The UPHPA offers protections by:

Giving co-owners a right of first refusal:	Allows co-owners to buy out the person who wants to sell their share before the property is sold to outsiders.
Requiring fair market value:	If a sale happens, the property must be sold for its fair market value, not at a discounted price.
Considering family ties:	The court takes into account the sentimental and historical value of the property to the family before ordering a sale.

In 2024, the National Consumer Law Center (Berko & Mancini, 2024) reported that 23 states and territories have enacted the Uniform Partition of Heirs Property Act (UPHPA), with six additional states considering its adoption. However, Indiana has not yet enacted this important legislation. Passing the UPHPA in Indiana would help safeguard owners of heirs' property by promoting fairer partition procedures and preventing the forced sale of family-owned land at undervalued prices.

PREVENT HEIRS' PROPERTY ISSUES

Education on wills & estate planning

Increasing education around wills and estate planning is crucial in preventing heirs' property issues by ensuring that Hoosiers are informed and prepared to make decisions about their assets in advance. By understanding the principles of estate planning, Hoosiers can create clear and legally binding wills that specify how their property should be distributed upon their death. This proactive approach prevents conflicts and confusion among heirs but also promotes a smoother transition of assets, safeguarding the family's financial well-being and preserving the intended legacy.

Several education strategies can be employed to increase awareness about the value of wills and estate planning. Some of these include public awareness campaigns, integrating estate planning education into existing homebuyer and home repair services, and partnerships with trusted community leaders and influencers.

Implement public awareness campaigns

These can play a pivotal role in increasing knowledge about the benefits of estate planning and wills by leveraging various strategies designed to reach and engage a broad audience. One possible method is informative outreach using multiple media channels. Public campaigns that utilize television, radio, social media, and print can broadcast crucial information about estate planning, highlighting its importance and practical benefits. By featuring real-life stories and scenarios for diverse audiences in culturally competent ways, these campaigns can vividly illustrate the positive impacts of having a will and the potential complications of not having one, making the information more relatable and compelling.

In addition, simplifying complex legal concepts through easy-to-understand resources should be a key component of public campaigns. Guides, checklists, and online tools that break down the estate planning process into manageable steps can help demystify the subject for Hoosiers. By presenting information in clear, accessible terms, these resources make it easier for individuals to understand the importance of creating a will and the benefits of comprehensive estate planning.

Spotlight

Georgia Heirs Property Law Center

The Georgia Heirs Property Law Center runs various public awareness and outreach efforts to educate families and communities about the risks and solutions related to heirs' property. Their outreach empowers families to retain their land and avoid legal challenges like partition sales. The Center regularly organizes stakeholder meetings across Georgia, bringing together community members, legal professionals, and local organizations to raise awareness about the risks of heirs' property issues. These meetings offer legal education, practical solutions, and collaborative discussions to help families secure clear titles, prevent forced sales, and resolve disputes (Georgia Heirs Property Law Center , n.d.).

In addition to stakeholder meetings, the Center engages with the broader public through media campaigns, social media, and public events to highlight the systemic challenges associated with heirs' property and to advocate for legal reforms. Their outreach focuses on storytelling, sharing real-life examples of families who have successfully navigated heirs' property issues with the Center's help.

Integrate estate planning education into services

Seamlessly incorporating essential information into existing services that people already engage with is another key strategy for preventing heirs' property issues. This can be achieved by embedding estate planning components into real estate transactions, community support programs, financial advisory services, and healthcare consultations.

Title companies

Title companies, which play a crucial role in managing property transactions, can offer educational materials and workshops on wills and estate planning as part of their closing processes. By providing clients with information on how to structure property ownership and ensure that titles are properly transferred or updated, title companies can help prevent future disputes among heirs.

Realtors

Realtors, who frequently work with clients buying or selling property, can incorporate estate planning discussions into their consultations. By advising clients on the implications of property transfers, including how to address estate planning in the context of real estate transactions, realtors can guide homeowners in making informed decisions that protect their assets and ensure smooth transitions. This proactive approach not only enhances the value of their services but also helps clients understand the importance of integrating estate planning into their real estate decisions, ultimately reducing the risk of heirs' property conflicts.

Community-based organizations

Community-based organizations, such as local nonprofits, faith-based groups, and social service agencies, can incorporate estate planning education into their existing programs and outreach efforts. These organizations can offer workshops, seminars, and informational sessions on estate planning topics, tailored to the specific needs and concerns of their community members. For instance, during homebuyer education workshops, these organizations can include segments on estate planning, highlighting the importance of creating wills, understanding property titles, and planning for the future of their homes. Additionally, they can partner with legal professionals or estate planners to provide these educational services or provide clients with materials or referrals to reputable estate planning professionals as part of their homebuyer support packages. This integration not only raises awareness but also empowers community members with the knowledge and tools needed to manage their estates effectively, reducing the likelihood of disputes among heirs and ensuring that property and assets are handled according to their wishes.

Financial advisors

Financial advisors can incorporate discussions on estate planning into routine financial consultations, ensuring that clients understand how their financial decisions impact their estate. This can include reviewing and updating wills, discussing the benefits of trusts, and advising on strategies to minimize estate taxes and manage inheritance. Additionally, financial advisors can provide clients with resources or referrals to estate planning attorneys and specialists, facilitating a comprehensive approach to managing their assets. By making estate planning an integral part of financial planning discussions, advisors help clients make informed decisions about their estates, thereby reducing the potential for disputes among heirs and ensuring that their wishes are clearly documented and legally upheld.

Healthcare providers

Healthcare providers can introduce estate planning discussions during routine consultations. During healthcare visits, particularly for older adults or those with chronic conditions, healthcare providers can initiate conversations about the importance of estate planning, including creating wills, designating power of attorney, and making advance healthcare directives. By incorporating estate planning discussions into routine health assessments, providers can highlight how these legal tools can align with a patient's health care preferences and end-of-life wishes. They can offer brochures, informational materials, or referrals to estate planning professionals as part of their patient care resources. This approach ensures that estate planning is considered in conjunction with health decisions, empowering patients and their families to make informed choices that prevent future property disputes and ensure that their legal and medical wishes are respected.

Develop partnerships with community leaders & influencers

Community leaders and influencers, such as local clergy, educators, and public figures, often have established relationships and a strong influence within their communities. By collaborating with these individuals, organizations can co-host educational events, webinars, or workshops on estate planning topics. These leaders can use their platforms to share personal stories, highlight the importance of having a will, and discuss the benefits of proper estate planning. Additionally, they can advocate for estate planning resources through social media posts, community newsletters, or public speaking engagements. This approach helps to demystify estate planning, making the information more accessible and relatable, and encourages community members to take proactive steps in managing their estates, thereby reducing the risk of disputes among heirs and ensuring that their wishes are documented and honored.

Spotlight

Federation of Southern Cooperatives Land Assistance Fund

The Federation of Southern Cooperatives Land Assistance Fund partners with local leaders, particularly in rural African American communities, to educate landowners about heirs' property. By building strong relationships with church leaders, civic organizations, and agricultural influencers, they raise awareness and offer essential legal and financial resources. These collaborations help the organization extend its outreach and establish trust, ensuring that families receive direct support to protect their land from forced sales and legal complications.

Work with estate planning attorney to create a living trust

A living trust, in simple terms, is a legal arrangement where an individual transfers their assets—like home, bank accounts, and investments—into a trust that they control while they are alive. This individual acts as the trustee, managing the assets as usual, but they also name a successor trustee who will take over if they become unable to manage things or after they pass away. The main benefit of a living trust is that it helps avoid the lengthy and often costly probate process. By placing assets in a living trust, they can be transferred directly to the designated beneficiaries without going through probate, which means fewer delays and disputes among heirs.

However, establishing a living trust can be expensive because it requires the assistance of an attorney and potentially ongoing maintenance fees. The National Council on Aging estimates that the legal fees for creating a living trust range from \$1,500–\$3,000, averaging up to \$7,000 when lifetime maintenance costs are taken into consideration, making this strategy unreachable for Hoosiers with limited resources (Riva, 2024).

Use simplified probate processes

A simplified probate process is a streamlined legal procedure for settling a deceased person’s estate with less court involvement and paperwork. The simplified probate process for real estate, also called a “Summary of Administration” is designed to facilitate a quicker and more efficient transfer of property without the complexities of a full probate procedure. This process is particularly beneficial for smaller estates or straightforward cases where the estate’s total value, including real estate, is relatively modest. In Indiana, if the estate’s value is \$100,000 or less, it may qualify for this simplified procedure.

Instead of undergoing the traditional probate process, which involves multiple court hearings and detailed oversight, the simplified process allows the use of an affidavit. This affidavit is a sworn statement filed with the county recorder’s office, affirming that the estate has been managed according to legal requirements and that all debts and taxes have been settled. The use of this affidavit helps to expedite the transfer of real estate to heirs or beneficiaries.

The simplified process significantly reduces court involvement and administrative burden. By using the affidavit, the executor or personal representative can bypass many of the formalities associated with full probate, making the transfer of property more straightforward. This approach is particularly advantageous for heirs and beneficiaries, as it helps to streamline the distribution of assets and speeds up the process of settling the estate.

Use Transfer on Death deed

A Transfer on Death (TOD) deed, also known as a beneficiary deed, is a legal document that allows property owners to name one or more people to inherit their property when they die, without going through probate. Indiana is one of 24 states in the U.S. that has enacted this option. By using a TOD deed, property owners can simplify the transfer of real estate to their beneficiaries and avoid the time and expense of probate.

CONCLUSION

Heir property issues, which arise when land is inherited without a clear legal title or formal probate process, present significant challenges for many families, particularly in rural and historically marginalized communities. These properties often passed down informally through generations, create complex legal dilemmas because ownership is typically divided among numerous heirs, who may not all be identified or in agreement on how to manage or dispose of the land. The lack of a clear title can prevent property owners from accessing financing, grants, or government assistance, and it leaves the property vulnerable to forced sales and land loss through partition sales.

At the heart of the challenge is the fact that many people do not recognize the need for formal estate planning or assume that informal agreements among family members are sufficient to preserve ownership and prevent disputes. This lack of planning often stems from historical distrust of legal systems, economic hardship, and a lack of access to legal resources. Additionally, there is a common misconception that family land will always remain within the family regardless of legal formalities, which can delay necessary legal action until conflicts or crises arise. These misunderstandings can create significant barriers to resolving heirs' property issues and maintaining generational wealth.

Addressing and resolving heirs' property issues requires a multifaceted approach that involves education, legal intervention, and policy reform. Community outreach and education efforts can raise awareness about the importance of estate planning, the consequences of unresolved heirs' property, and the availability of legal assistance. Legal tools such as wills, trusts, and affidavits of heirship can provide clearer paths to resolve ownership and prevent disputes among heirs. Policy changes, such as reforms to probate laws and support for mediation and alternative dispute resolution, can make it easier for families to clarify ownership and reach agreements without resorting to costly litigation. Moreover, organizations can advocate for increased funding for legal aid services and the development of resources tailored to those dealing with heirs' property challenges. By combining these strategies, communities can work toward preserving family land, preventing displacement, and promoting economic stability for future generations.

Ultimately, resolving heirs' property issues requires a combination of proactive planning, legal education, and supportive policy frameworks. By dispelling common misconceptions about property ownership and inheritance, and by providing accessible resources for legal clarity and protection, communities can better safeguard their properties, ensuring they remain valuable assets for future generations.

REFERENCES

- Berko, N., & Mancini, S. (2024). *Keeping it in the Family: Legal Strategies to Address the Challenge of Heir's Property and Prevent Home Loss*. National Consumer Law Center.
- Center for Community Progress . (2024). *Why Heirs' Property is a Problem for Vacancy and Abandonment*. Retrieved from <https://communityprogress.org/blog/what-is-heirs-property/>
- Center for Heirs' Property Preservation . (n.d.). *Protect Your Land*. Retrieved from <https://www.heirsproperty.org/protect-your-land>
- Cooksey, S., Carter, S., & Tran, S. (2024). *Sustaining Family Wealth through Heirs' Property Resolutions*. Retrieved from Federal Housing Finance Agency : <https://www.fhfa.gov/blog/statistics/sustaining-family-wealth-through-heirs-property-resolutions>
- Cooney, K., Strauss, L., & Sheridan, L. (2023, December). *A Methodological Approach to Estimate Residential Heirs' Property in the United States* . Retrieved from https://www.fanniemae.com/sites/g/files/koqyhd191/files/2023-12/heirs-property-research-report_0.pdf
- Division, N. A. (2012). *Social Benefits of Homeownership and Stable Housing*.
- Federal Home Loan Bank Atlanta . (2024). *FHL Bank Atlanta Announces \$5 Million Heirs' Property Family Wealth Protection Fund* . Retrieved from <https://corp.fhlbatl.com/who-we-are/news/fhlbank-atlanta-announces-5-million-heirs-property-family-wealth-protection-fund/>
- Federation of Southern Cooperatives Land Assistance Fund . (n.d.). *Mediation*. Retrieved from <https://www.federation.coop/mediation>
- Georgia Heirs Property Law Center . (n.d.). Retrieved from <https://www.gaheirsproperty.org/>
- LiSC Jacksonville. (n.d.). *Heirs' Property Toolkit*. Retrieved from <https://www.liscjaxhptoolkit.org/>
- LiSC Jacksonville. (n.d.). *Heirs' Property Toolkit* . Retrieved from <https://www.liscjaxhptoolkit.org/>
- Lustabder, R. (2024, July). *2024 Wills and Estate Planning Study*. Retrieved from <https://www.caring.com/caregivers/estate-planning/wills-survey/>
- Randolph, M. (2024). *Indiana Probate: An Overview*. Retrieved from Nolo: <https://www.nolo.com/legal-encyclopedia/indiana-probate-an-overview.html>
- Realtors, N. A. (2012). *Social Benefits of Homeownership and Stable Housing* .

Reznickova, A. (2023). *Lost Inheritance: Black Farmers Face an Uncertain Future Without Heirs' Property Reforms*. Retrieved from www.ucsusa.org/resources/lost-inheritance
<https://doi.org/10.47923/2023.15127>

Riva, M. (2024, September). *Living Trust vs. Will: Key Differences* . Retrieved from National Council on Aging: <https://www.ncoa.org/adviser/estate-planning/living-trust-vs-will/>

Yun, L., & Evangelou, N. (2016). *Social Benefits of Homeownership and Stable Housing*. Retrieved from <https://www.nar.realtor/sites/default/files/documents/Homeownership-Stable-Housing2016.pdf>

Zinn, A. (2023). *What is Heirs' Property, and Why Does it Matter for Equitable Homeownership?* Retrieved from Urban Institute : <https://housingmatters.urban.org/articles/what-heirs-property-and-why-does-it-matter-equitable-homeownership>

ABOUT US



Black Onyx Management is the management consulting firm that leads private and public sector organizations through the process to make their business practices more equitable. We start with research. We focus on understanding the perspective of local communities. Then, we build programs that put that research into action. When organizations work with us, they get:

- **Expertise** that leads to hitting outcomes through equitable means. We do this through strategy mapping sessions to help define unknowns and create plans.
- **Data** that leads to improvements and developing systems. We conduct action-oriented analysis, environmental scans, gap and segmentation Analyses and policy analysis.
- **Perspective and engagement** from local communities. We lead community engagement sessions to capture community feedback to make plans representative.
- **Programs** that are designed, built, then managed on an ongoing basis. We do operations planning, tracking and reporting and issues management.



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