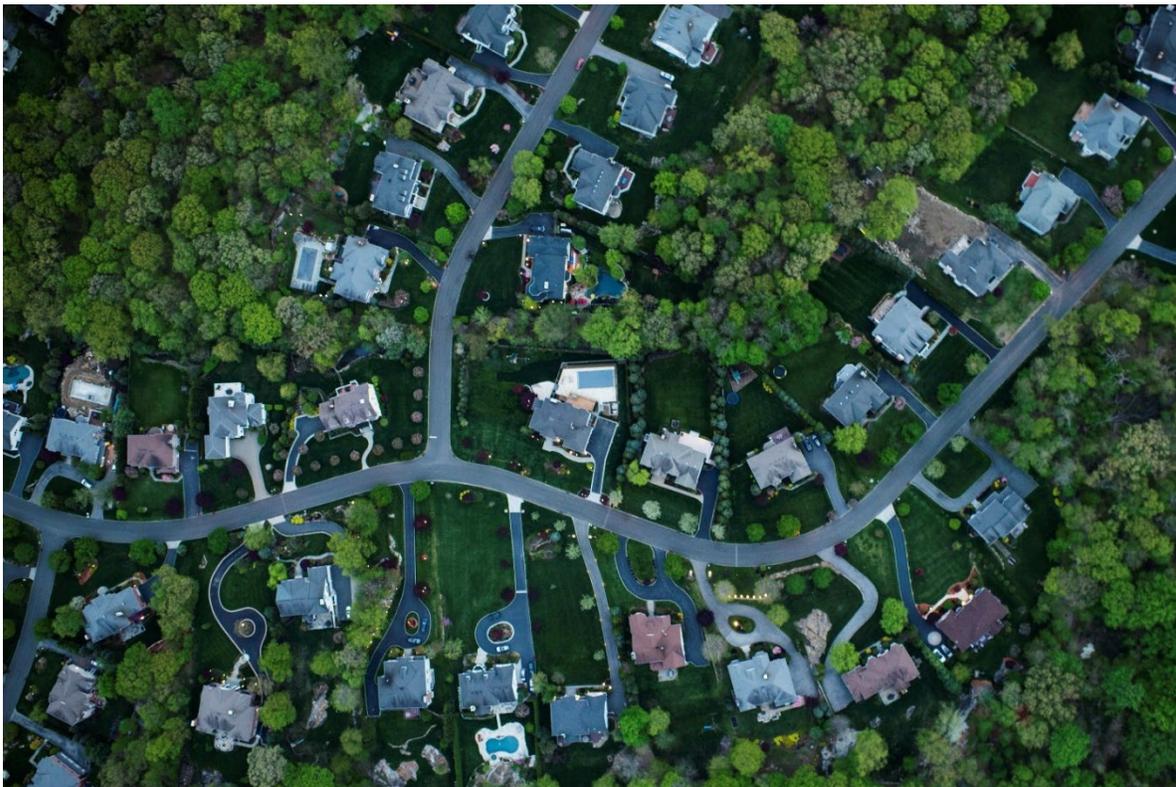




# **RURAL RESEARCH REPORT**



## **Understanding Ownership, Unlocking Investment**

**Clarifying the Legal Process for Title Resolution and Opportunities for  
Financial Funding for Heirs' Property**

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## **Clarifying the Legal Process for Title Resolution and Opportunities for Financial Funding for Heirs' Property**

The Housing Assistance Council

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January 2026

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HAC is solely responsible for the accuracy of the statements and interpretations contained in this document and such interpretations do not necessarily reflect the views of the Robert Wood Johnson Foundation or JPMorganChase.

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The Housing Assistance Council (HAC) is a national nonprofit corporation that helps build homes and communities across rural America. For over 50 years, HAC has supported local efforts to improve rural housing conditions.

HAC is an equal-opportunity employer and housing provider.

# Executive Summary

**Heirs' property is a form of communal landownership that can be created when a property is inherited without a formal transfer of title.** If a property owner dies without a will or estate plan or leaves their property to multiple owners, or if their will is not properly probated, their descendants will inherit the property together as heirs' property, and the title will be considered tangled or unclear. Heirs' property owners have undivided, shared interests in their property, and every heir has the right to use the property or prevent other heirs from making significant changes to the property. Historically, heirs' properties have been created because of a lack of access to the legal system, misunderstandings about the risks of heirs' property ownership, and families' desires to hold land communally.

**Heirs' property ownership can affect property owners' ability to access capital, build generational wealth, and achieve housing stability for themselves and their families.**

While heirs' property is a legally valid form of property ownership, it is not recognized by the financial mainstream as eligible for lending, collateral, or other methods of economic benefit. It is also difficult for heirs' property owners to secure disaster relief or home repair funds without a clear title to their property.

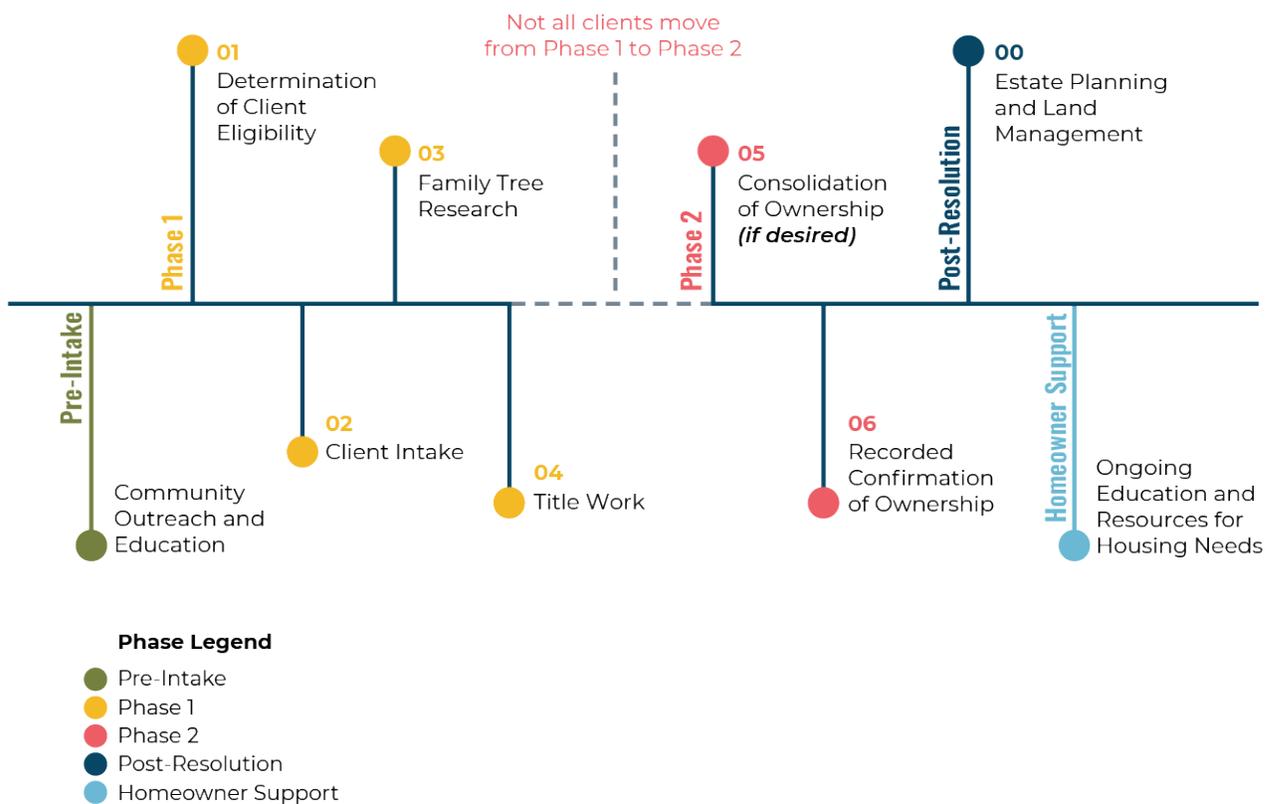
**Predatory practices by investors, developers, or others looking to acquire land, including subdivision and forced sales, threaten the stability of heirs' properties.** The legal process of partition can be used to subdivide an heirs' property physically among the owners, or a partition sale can be forced, and the entire property will be sold. Proceeds from the sale are divided among the heirs, after any legal fees are paid out of the total sum. Predatory actions can be taken to force the sale of heirs' property from outside the family, if a third party purchases the share of one owner and begins the partition process.

**Communal land stewardship practices on Native lands and in U.S. territories are challenged by individualistic land ownership laws.** In communities and cultures that value land as a shared resource rather than an individual commodity, many of the obstacles faced by heirs' property owners are also prevalent. Members of Tribes or Native communities that hold land communally are often unable to build wealth through land ownership, secure mortgages for homes, or use land as leverage for economic mobility.

**The Housing Assistance Council has conducted qualitative research to better understand the process of resolving title issues related to heirs' property ownership.** This project explores the necessity of providing access to capital for heirs and opportunities for effective financial support throughout the title resolution process. Research included interviews with 69 attorneys, funders, and other professionals who work on land tenure issues, who provided a broad understanding of what title resolution means, and what the process of reaching resolution looks like across geographies. Opportunities for effective investment to support heirs' property owners were identified throughout the title resolution process.

**Attorneys shared similar steps taken to achieve clients' goals related to title work.** To illustrate the general title resolution process, the steps are organized into two main phases. Phase 1 involves completing title work, which includes identifying all the heirs and establishing the property's chain of title. Most attorneys reported following similar steps during this phase. The steps in phase 2 include confirming ownership, which involves updating property records to accurately reflect all living heirs with claim to the property, and consolidating ownership to fewer heirs, potentially a single owner. The laws and requirements for confirming and consolidating ownership vary widely across jurisdictions. Attorneys noted that the point at which a case closes depends on the clients' goals and capacity, the attorneys' capacity, and the scope of legal services provided.

### Resolution Process Timeline



**Figure 1.** Outline of the steps taken during the process of title resolution. Pre-Intake and Homeowner Support steps are ongoing and take place outside of the legal process of title resolution. These steps are necessary for a comprehensive support network for heirs' property owners.

**While much of the process involves legal steps that must be taken by an attorney, some of the complex steps to title resolution include non-legal work.** This work includes researching the heirs' family tree, notifying other known and unknown heirs about the property, and negotiating with other owners to determine the use of the property. Some of these steps are simplified if an heir has already identified all other heirs to the property, if the family is in agreement, or if there are only a few heirs to the property.

**Funding for heirs' property work includes more than legal assistance to clear title.** Interviews revealed that practitioners are in need of funds for every step of the resolution process, including but not limited to family tree and genealogy research, mediation, court and administrative fees, and estate planning and entity formation. Much of the non-legal work involved in title resolution can be completed by community organizations or other entities, and attorneys reported encouraging their clients to seek help elsewhere for non-legal steps.

**"Title resolution" does not have a clear definition.** Attorneys, funders, and others all provided multiple varying definitions of what "title resolution" or "clear title" is. For many practitioners, resolution is defined as achieving the goals of their clients, which may or may not include individual ownership and a legally clear title. It is common for families to desire collective ownership of their property, rather than to consolidate all of the property rights to a single individual. Because of this, many interviewed attorneys shared that their clients do not always complete all steps of the resolution process, opting instead to close their case after identifying all of the heirs to the property.

**The title resolution process varies by practitioner, state, and region.** This report outlines a broad overview of the legal process of title resolution, as shared by attorneys across the United States, Puerto Rico, the Commonwealth of the Northern Mariana Islands, and Tribal lands. However, all states, municipalities, and Tribes have their own processes for inheritance, property transfer, and title resolution. This report is intended to inform high-level conversations about opportunities for financial intervention in the title resolution process and is general in its description of legal processes.