

Heirs' Property Frequently Asked Questions



Helping Families Obtain Clear Titles To Their Homes

What is Heirs' Property?

Heirs' property is property that is inherited without a will, estate plan, or court document from the owner who has passed away, causing unclear or disputed legal title ownership for the descendants.

What challenges do people experience if they have Heirs' Property?

With multiple heirs considered tenants of the inherited property, and the title remaining in the deceased family member's name, it is difficult to prove ownership. Proof of ownership is required to access home equity loans, tax rebates, homestead exemptions, and disaster recovery assistance programs – even if the heirs have continued to pay the property taxes.

Essentially, Heirs' Property prevents heirs from true homeownership and passing the home or property down to future generations to build future wealth. It also leaves the property vulnerable to real estate developers who may want to acquire the land.

How is Heirs' Property created?

If a family member dies without a will or court document passing their property to a specific heir or heirs, the property is then transferred to multiple family members by inheritance, who are now each considered a tenant with interest in the undivided land. Each heir has equal rights to use and occupy the land.

With a will, a property would be transferred to the person's spouse, children, or other specified heirs, giving those individuals legal ownership of the property.

Who inherits the Heirs' Property?

Living heirs entitled to property may include the spouse, biological and adopted children, grandparents, parents, siblings, cousins, and if any of the descendants are also deceased, the grandchildren, nieces and nephews. Florida intestate succession will ultimately determine who inherits the land, if there is no will or court document in place to specify inherited ownership.

How is LISC Jacksonville helping people with Heirs' Property?

LISC Jacksonville works to uplift our city's most vulnerable citizens and communities and has been at the forefront of addressing and resolving Heirs' Property issues in Duval County. LISC works to identify Heirs' Property homes, helps connect individuals with legal and property tax relief, and provides access to estate planning support to avert future home loss.

How is Three Rivers Legal Services helping people with Heirs' Property?

Three Rivers Legal Services educates homeowners about issues associated with Heirs' Property and helps people resolve Heirs' Property through legal services. Those services include providing representation in probate proceedings, quiet title, adverse possession matters, and other court requirements necessary to designate legal ownership. Three Rivers Legal Services also helps families prevent Heirs' Property by assisting with creating wills, estate plans, or other court documents that specify the distribution of assets upon their death.

What does probate mean?

Probate is the legal process of reviewing assets and determining the legal heirs when a person passes. After a death, the will needs to be proven valid so that property and other assets left behind are given to the heirs. Probate can be initiated whether a will is available or not.

What is a quiet title and adverse possession?

A quiet title action is a lawsuit that confirms or establishes the ownership of real estate. Adverse possession allows a person to become the owner of a property without a deed or inheritance, only if they meet the following requirements:

- Possession of the property is obvious to the public.
- Possession of the property must be continuous for at least 7 years.

What is intestate succession?

When a person dies without a will, estate plan, or court document, they die "intestate." This means that the state law will determine who inherits real estate and any other assets left behind.