

HEIRS' PROPERTY

Understanding family land
ownership in Mississippi

A practical introduction for Mississippi farmers, gardeners, and family landowners

Learn what heirs' property is, why it matters, and what
steps can help protect family land.

Growing The Roots of Urban Farm Conservation in Mississippi



Funded by



Start with the words that explain how family land passes

HEIR

A person who has a legal right to inherit property after someone dies.

INTESTATE

The legal word for dying without a valid will.

HEIRS' PROPERTY

Family land owned together by relatives after an owner dies, often because ownership records were never formally updated.

PROBATE

The court process used to identify heirs, address debts, honor a will, and transfer property.

WILL

A legal document stating who should receive a person's property after death.

DEED & TITLE

A deed records a land transfer. Title means the legal right of ownership.

These words explain shared ownership and the path forward

CO-OWNER / COTENANT

One of two or more people who legally own the same property.

PARTITION & PARTITIONER

Partition is the court process to divide or sell jointly owned land. The partitioner—often called the petitioner or plaintiff—is the co-owner asking the court to start it.

UNDIVIDED INTEREST

A percentage of the whole tract—not ownership of one chosen corner or field.

FARM NUMBER

A USDA identifier used to connect a farm or tract with USDA records and programs.

CLEAR TITLE

Land records clearly identify the living legal owners and unresolved claims are addressed.

SUCCESSION PLAN

A written plan for who will own and manage the land in the next generation.

Heirs' property is family land with shared—but unclear—ownership

It usually develops when land passes to relatives without a will, without probate being completed, or without new deeds identifying the current owners.

A family may know who belongs to the land, while public records still show a deceased ancestor.

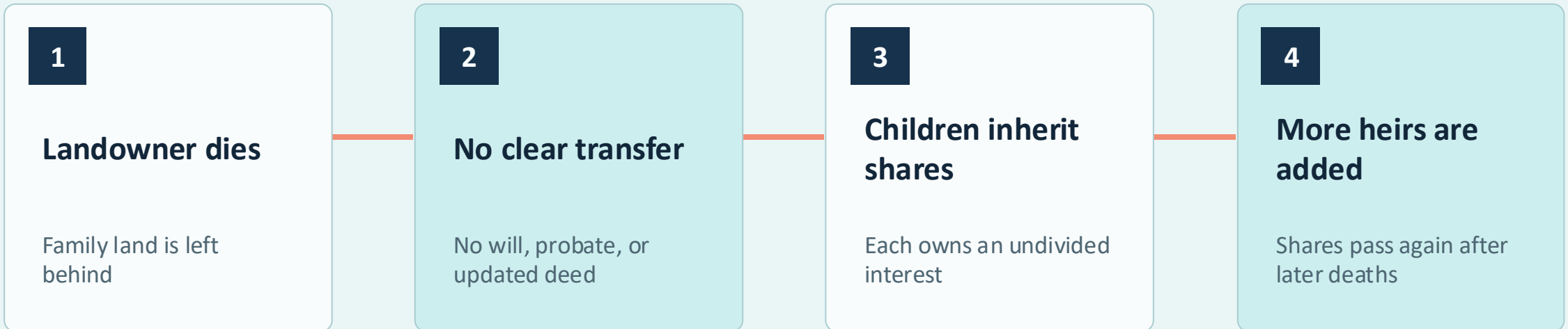
THE KEY IDEA

Every heir may own a percentage of the whole property—not a specific row, field, house, or corner.

WORD TO KNOW: HEIRS' PROPERTY

Family-owned land shared by descendants when ownership records were not fully updated.

One missing estate step can create generations of co-owners



Result: ownership becomes harder to document, decisions become harder to make, and the risk of land loss increases.

WORD TO KNOW: PROBATE

The court process that formally handles a person's estate and transfers property after death.

An undivided interest gives rights—but rarely total control

An heir generally has an ownership interest in the entire tract.

- May have a right to use and possess the property
- May transfer or sell their individual share
- May pass their share to their own heirs

Major decisions can require agreement, documentation, or court action.

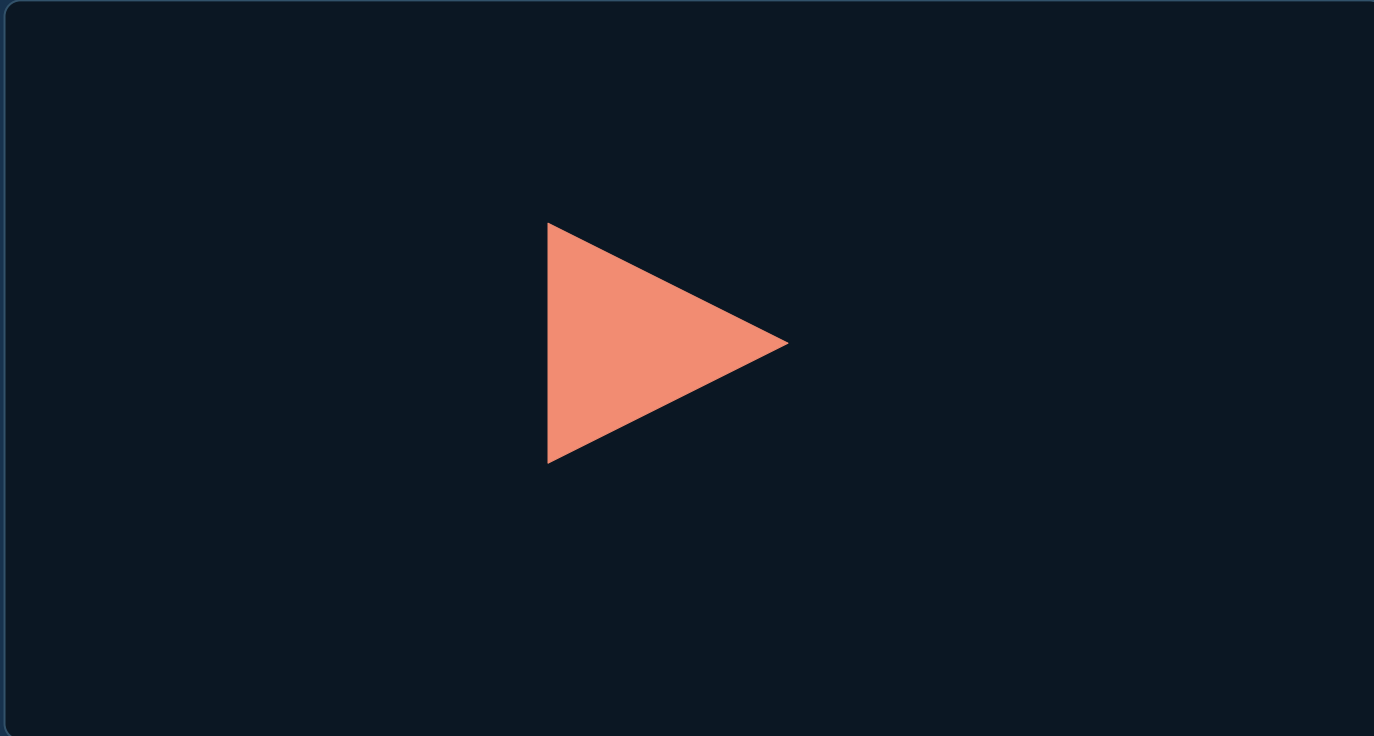
- Selling the entire property
- Borrowing against the land
- Signing long-term leases
- Harvesting timber or dividing income

Exact rights depend on the deed, estate history, agreements, and court orders.

WORD TO KNOW: UNDIVIDED INTEREST

Your share is part of the entire tract—not a specific garden row, field, or corner.

VIDEO: How Property Law Is Used to appropriate Black Land



VICE NEWS • YOUTUBE

Before we continue...

Listen for how unclear ownership, forced partition sales, and legal costs can threaten Black family land.

VIDEO LINK ON NEXT LINE

youtu.be/ls3P_Fic07I

Playback requires internet access.

Unclear title can slow down a promising farm plan

FARM DECISION	QUESTION HEIRS MUST ANSWER
Fencing, wells, or tunnels	Who approves the improvement—and who owns it later?
Loans and collateral	A lender may require clear, marketable title.
USDA programs	A farm number may be possible, but documentation is still needed.
Leases and markets	Buyers or partners may want authority from all owners.
Taxes and upkeep	One person may pay while every heir still owns a share.

Mississippi law adds protections when heirs' property is partitioned

Mississippi's Uniform Partition of Heir Property Act applies to covered partition actions filed on or after July 1, 2020.

- NOTICE** — Extra notice requirements can help alert family members.
- VALUE** — The court determines property value, often using an appraisal.
- BUYOUT** — Other co-owners may have an opportunity to buy the partitioner's share.
- DIVIDE FIRST** — The court considers physically dividing the land when practical.
- ORDERLY SALE** — If sale is required, the Act provides procedures aimed at a fairer sale.

Protection does not mean the land can never be sold. Respond quickly to every court notice.

Example: four siblings inherit a 20-acre Mississippi tract

THE FAMILY

Each sibling owns 25% of the whole 20 acres.

No sibling automatically owns a separate five-acre corner unless the land is legally divided or conveyed that way.

One sibling wants a vegetable farm.

- A family agreement can address access, costs, income, insurance, and improvements.
- A survey and title review can show what the records actually say.
- An attorney can advise whether probate, an heirship determination, deeds, partition, an LLC, or a trust fits the family's goals.

Start with the records and the people—before spending heavily on the land.

Heirs' property does not automatically block a USDA farm number

USDA allows alternative documentation for an heirs' property operator who cannot provide a recorded deed or lease.

- 1** Contact the local USDA Service Center
- 2** Explain that the operation is on heirs' property
- 3** Ask which alternative documents can show general control
- 4** Complete owner, operator, and farm-record forms
- 5** **Keep working toward clear title for long-term stability**

WORD TO KNOW: FARM NUMBER

A free USDA identifier for farm records and program access; it is not a deed or proof of ownership.

Use a six-step plan to understand and strengthen the title

1

Collect

Deeds, wills, death certificates, tax records, surveys

2

Map the family

Create a family tree and identify every possible heir

3

Check records

Review the deed and tax parcel with the chancery clerk

4

Talk together

Agree on goals, use, expenses, income, and decision rules

5

Get legal help

Ask a Mississippi real-property or probate attorney to review options

6

Protect the future

Use an estate and succession plan; update it as life changes

Start with records, family conversation, and qualified help

MISSISSIPPI HELP

Mississippi Center for Justice
Heirs' Property Hotline: 877-952-4347
HP@mscenterforjustice.org

Mississippi State University Extension
extension.msstate.edu
Contact your county Extension office

FARM & LAND RECORDS

County Chancery Clerk
Deeds, probate filings, and land records

USDA Service Center
farmers.gov/service-center-locator
Farm records and program access

Bring every document you already have.