



Further Reading & Additional Resources

- Center for Heirs' Property – heirsproperty.org
- Heirs' Property Practitioner Network – HPPN.info
- Land Trust Alliance – Google "Land Trust Alliance Heirs' Property Toolkit"
- NC A&T State University Heirs' Property Program
- Prairie View A&M Heirs' Property Program



Heirs' Property & The Uniform Partition of Heirs' Property Act

Affecting an estimated 9 million acres across The United States

How Can Heirs' Property Owners Access USDA Programs?

To access most USDA Farm Bill programs you must have a **farm number** and be considered a **farm operator** or **farm owner**. The 2018 Farm Bill created alternative pathways for operators on heirs' property to obtain a farm number and participate in these programs.

How you establish yourself as an operator or owner depends on your state and if they have enacted UHPA. Visit farmers.gov/working-with-us/heirs-property-eligibility for detailed information on this process.

Put your state assoc. logo here



Put your district logo here

NAME Soil & Water Conservation District

District Address

City, ST

districtwebsite.com

###-###-####





Understanding Heirs' Property

The USDA defines Heirs Property as “family-owned land that is jointly owned by descendants of a deceased person whose estate did not clear probate.” In essence, this means that the descendants, or heirs, have the right to use the property but there is not clearly established legal ownership of the parcel.

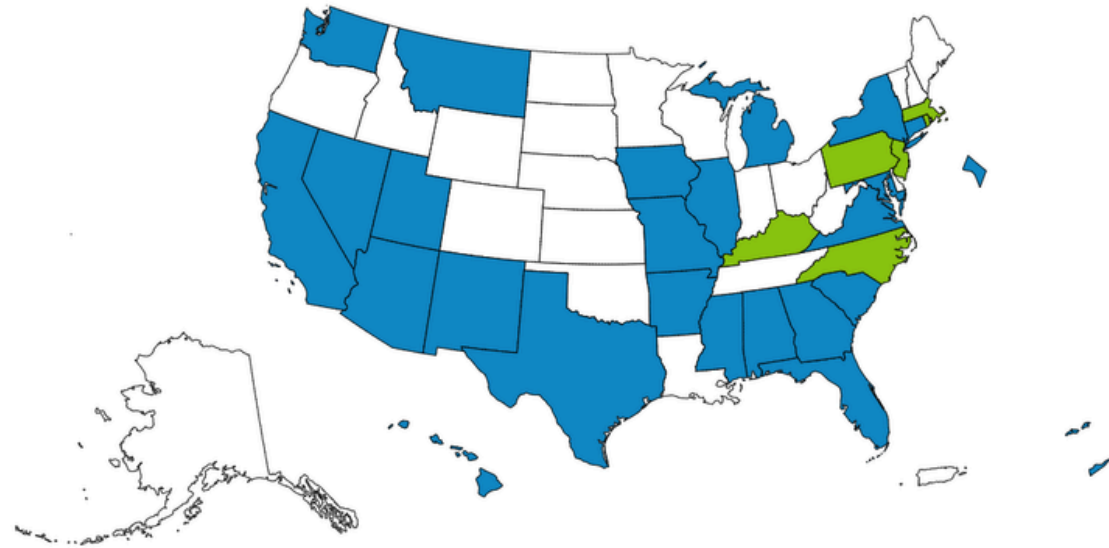
How Does This Happen?

This occurs when there is no will in place that names a beneficiary to which a piece of property will pass. This can become increasingly complicated over time as more heirs are added to the land inheritance each generation.

Why Does This Matter?

While the heirs all have equal interest and right to use the property, having no established ownership makes it difficult or impossible for the co-owners to participate in USDA Farm Bill programs offered by the NRCS and FSA. It can also leave the property vulnerable to a forced sale and subsequent development by a third party.

States that have adopted UHPA:
AL, AZ, AR, CA, CT, DC, FL, GA, HI, IL, IA, MD, MI, MS, MO, MT, NV, NJ, NM, NY, SC, TX, UT, VI, VA, WA



Enactment Map ● Introduced ● Enacted

From uniformlaws.org - 11/10/25

Uniform Partition of Heirs' Property Act (UPHPA)

The UHPA is a model law that helps preserve family wealth passed through generations in the form of real estate. UHPA does not solve all issues related to Heirs Property but it provides simple due process protections that shield all co-owners in the event of a forced sale.

It is not uncommon for an investor to acquire a small share of heirs property and use that to force a sale and acquire the entire parcel below market value. UHPA ensures all co-owners of a piece of property receive notice, an appraisal, and right of first refusal if one co-owner decides to force a sale. If co-owners do not choose to exercise their right and a sale is required, a commercially reasonable sale supervised by the court will take place. This ensures all parties receive their fair share of the proceeds.

