
Keeping your family home

Do you own a property and want to ensure you can pass it on to the next generation?

OR

Do you live in a family home that was purchased and passed down from a relative that is deceased?



If so, this document is for you!

This toolkit will help you learn more about the heirs' property system, highlight the impact heirs' properties have on families, illustrate how people can navigate the heirs' property system, and provide you with a list of resources to help you take action to protect your home.

Did you know?

A property that you inherit without a will is called an **heirs' property**. An heirs' property is a family-owned property passed down to family or other recipients without a will and formal legal proceedings to prove ownership.

With an heirs' property, ownership is unclear and creates challenges for your family to maintain or make better use of the property upon your death.

Why is this important?

Homeownership is an important accomplishment that creates opportunity for economic stability and wealth generation. Protecting your home from becoming an heirs' property is critically important to:

- preserving the family history/legacy of your home
- protecting future loss of generational wealth

A will helps ensure that your intended heir(s) can obtain legal ownership of your property as you intend. Legal ownership allows your heir(s) the ability to:

- Sell the property
- Obtain homeowner's insurance
- Access government assistance programs that can assist with home repairs, property tax payments, and aid in preventing property tax foreclosure

Based on the assessed home values in the assessor's data, a total of more than

\$268
million

is estimated to be locked in Detroit's 5,525 heirs' properties.¹

How can you protect the future of your home?

- **Talk with family about your intentions.** Discussing death is a difficult topic but important so you can plan for what happens to your home after death.
- **Seek legal aid** to prepare a will, set up a trust, and/or undergo an estate planning process.
- **Consider adding heirs to the deed** of the property when still alive to bypass probate.

According to a Gallup Poll, only

28%

of Americans of color have a will that describes how they would like their money and estate to be handled after death.²

¹ The Michigan Constitution requires properties to be uniformly assessed at 50% of the usual selling price. This estimate represents the assessed value of a property multiplied by two. However, the actual value, in reality, is likely higher.

² Jones, J. M. (2021, June). How Many Americans Have a Will? Retrieved from <https://news.gallup.com/poll/351500/how-many-americans-have-will.aspx>

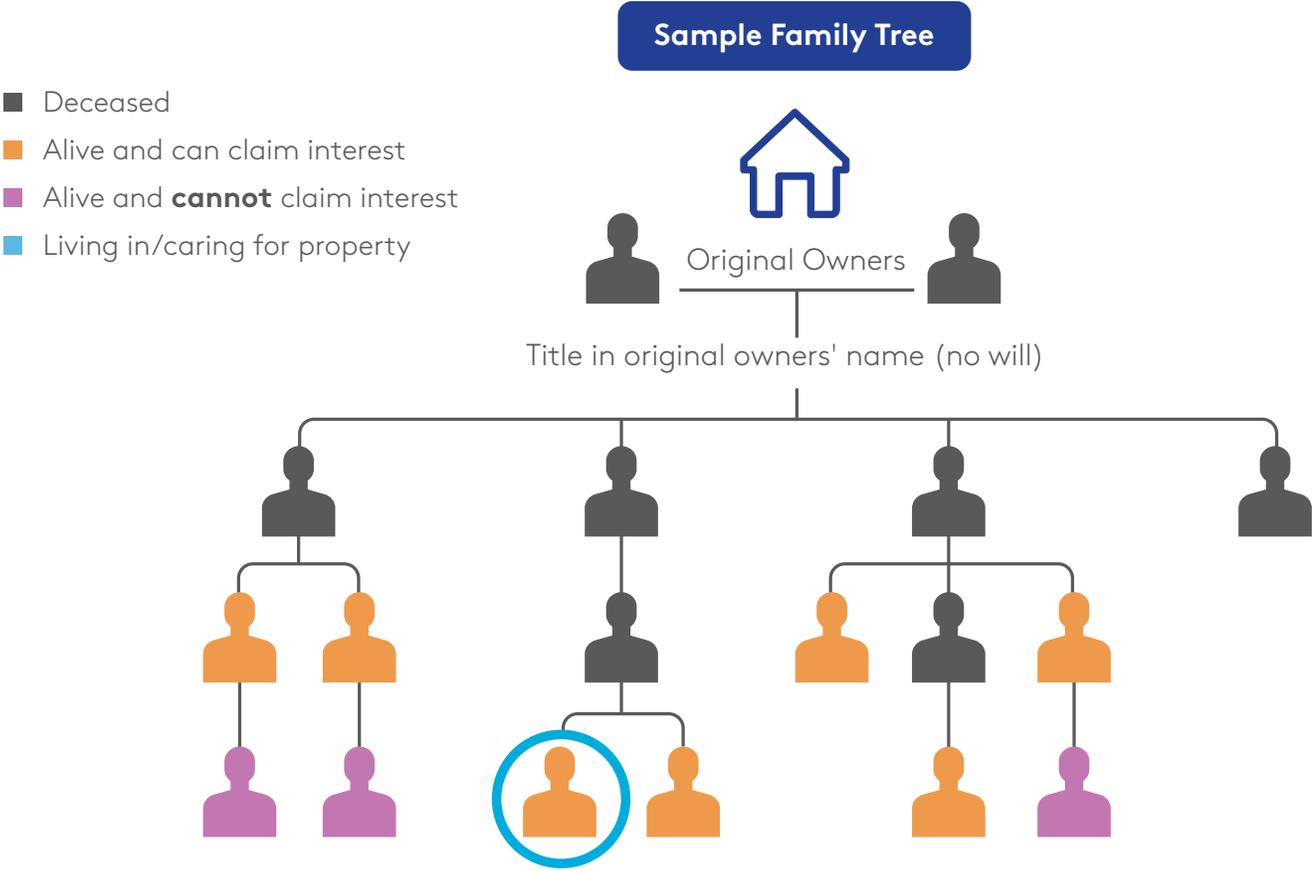
How do I find out if I legally own the property I inherited?

- Take time to determine the (ownership/tax/liens) status of your home. Consider title search services to understand the status of the property.
- Understand and document the family tree and be aware of heirship rights.
- Document your connection to the property that can serve as proof of occupancy through tax documents or home repair bills.

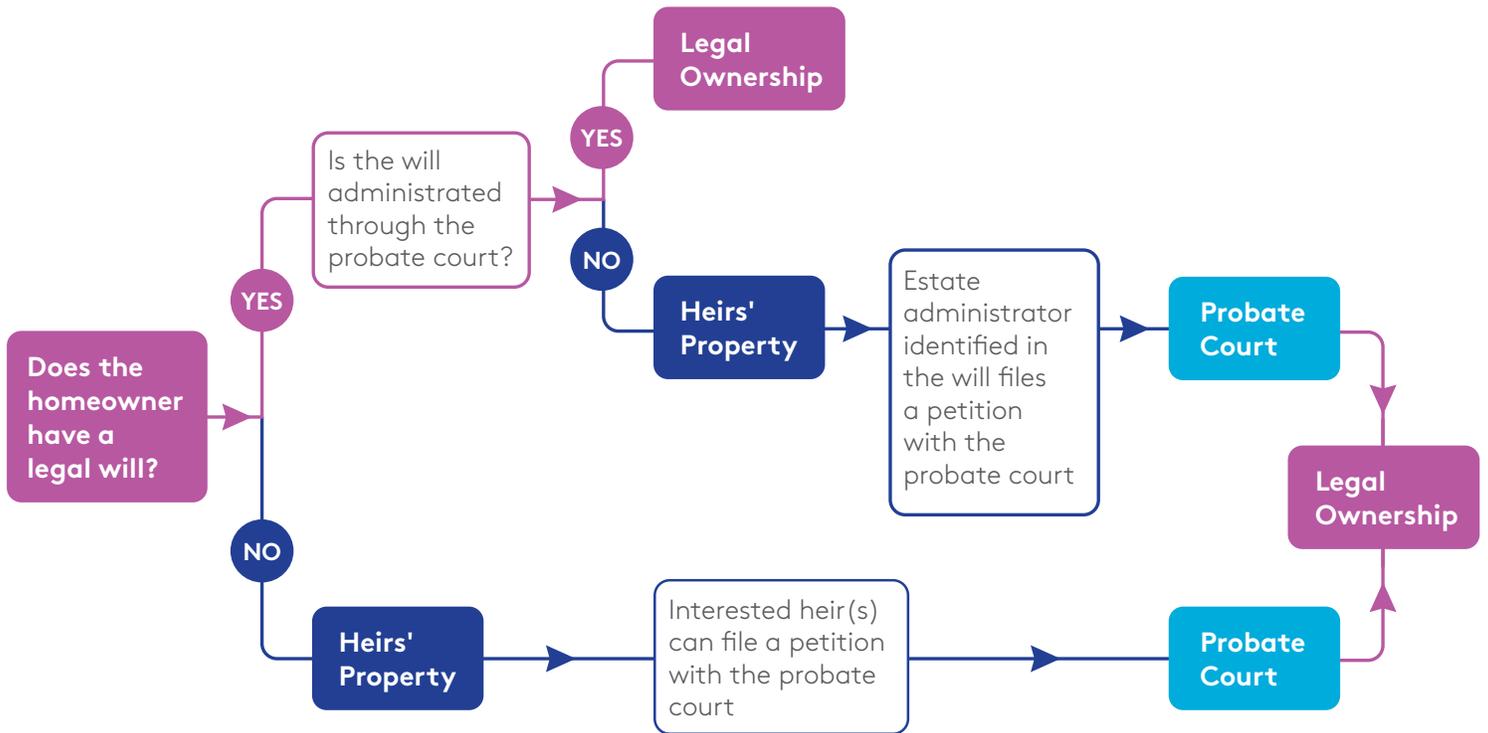


Example of what can happen to a property without a will or trust

This sample family illustrates how complex an heirs' property can become. If the person living in and caring for the home wanted to take equity from the home to update and renovate the home, they would be ineligible due to the home being titled to the original owners, who are deceased. If the person living in and caring for the property wanted to attempt to gain legal ownership, they would need to go to probate court to determine their eligibility to own the home. Due to the state's intestate succession laws, the person that has been living in and caring for the home could lose the home through the court system to other family members.



What happens to a property I own when I pass away?



What is probate court?

A legal process that determines the distribution of a person's assets and settles their debts after they pass away. The court handles all the administration concerning the deceased estate, validates their will, and appoints an executor.

What is intestate succession?

State laws addressing property inheritance in the absence of a will, when the will is found invalid, or when a property is not included in a will. It serves as a "default will" that gets administered by the state.

Resources

Legal aid

- [Michigan Legal Help](#) has tools and information to help you understand and manage your legal problems including wills and life planning resources.
 Website: <https://michiganlegalhelp.org/resources/wills-and-life-planning>
- [Lakeshore Legal Aid](#) is a nonprofit law firm providing a wide range of free civil legal services to low-income people and seniors.
 Contact: (888) 783-8190
 Website: <https://lakeshorelegalaid.org>
- [Michigan Legal Services](#) is a nonprofit organization helping individuals who own heirs' properties and are in threat of being tax foreclosed.
 Contact: (313) 964-4130
 Website: <https://www.milegalservices.org>
- [United Community Housing Coalition](#) partners with Michigan Legal Services to assist low-income with heirs' properties issues.
 Contact: (313) 963-3310 or help@uchcdetroit.org
 Website: <https://www.uchcdetroit.org>
- [Detroit Bar Association Volunteer Legal Services](#) offers pro bono legal clinics focusing on Elder, Bankruptcy, Civil Rights and Estate Planning.
 Contact: (313) 961-6120 Ext. 20
 Website: <https://www.detroitlawyer.org/clinic/>
- [Elder Law of Michigan \(ELM\)](#) is a nonprofit organization that promotes and protects the rights, health and economic well-being of older adults and people with disabilities by providing information, advocacy, legal advice and professional services.
 Contact: (866) 400-9164 or info@elderlawofmi.org
 Website: <https://michiganlegalhelp.org/find-lawyer/elder-law-of-michigan>

Title Search or Clouded Title

- [The Register of Deeds](#) provides accurate archives of the county land records, including information on deeds, mortgages, land contracts, financing statements, and liens. It is best to schedule an appointment for service.
 Contact: (313) 224-5860
 Website: <https://www.waynecounty.com/elected/deeds/home.aspx>
- [Wayne County Land Bank](#) can help clear clouded titles and make them clear through their Land Bank Quiet Title Program Contact Wayne County Land Bank.
 Contact: (313) 967-3669 or wclbinquiries@waynecounty.com
 Website: <https://waynecountylandbank.com/programs/quiet-title/>

Probate Court

- [The Wayne County Probate Court](#) website offers information and details on everything related to a probate case.

 Contact: (313) 224-5706

 Website: <https://www.wcpc.us/probate-information.html#1>

The Birth & Death Records Division

- [The Birth and Death Records Division](#) maintains the birth and death records for cities and townships in Wayne County. Requests for Death Certificates must include the following information: Full Name at Death; City of Death; Date of Death. You must make an appointment online to process a request for death records.

 Contact: (313) 202-7190

 Website: <https://www.waynecounty.com/elected/clerk/death-certificates.aspx>



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