

# Heirs defy history of Black land loss

HILTON HEAD ISLAND, S.C. (AP) - The land is beautiful, and valuable: 21 acres on Hilton Head Island, along a creek with vistas of sunsets and docks where shrimp boats tie up.

Matthew Jones paid \$225 for this parcel — a pittance now, but a fortune for a former slave in the 1880s. And through the years, through the generations, the land only grew in value, until Jones' descendants were sitting on a gold mine.

But would they be able to keep it? Or would divisions in the family force them to sell, perhaps for less than they might earn otherwise?

Many Black families have lost their land under similar circumstances, through partition sales ordered by courts. In a 2001 series "Torn From the Land," The Associated Press documented scores of land takings in 13 Southern and border states over the past 160 years.

But it appears this will not happen to the Jones parcel. With the help of a South Carolina corporation, Matthew Jones' 180 heirs have formed a limited liability corporation to develop their property on this upscale resort island. Gateway Development plans to help them build a 26-unit condominium complex with tennis courts on the land their forefather bought.

The Hilton Head property, if sold outright, could fetch \$4.5 million.

"By developing it, the income would be \$16 million, and they will retain the heritage of the land," said Adolph "A.D." Brown, a developer who is Jones' great-great-grandson. He is president of Gateway and the Jones Family LLC.

The Jones parcel is heirs' property — land that has passed down through a family for years without a will. After generations, dozens or scores of descendants may have a claim to it.

With no clear title, any heir can seek his or her share of the value of the property. Since the land can't be split into dozens of pieces, judges often order the sale of the entire parcel and split the proceeds. Sometimes third parties such as developers buy an interest from a single heir and then take the others to court to force such a sale.

Blacks have been especially victimized by the process, because they have been less likely to file wills. And as Blacks migrated, many lost ties to the land and to

family they left behind, and were willing to collect a few dollars for tracts they'd never seen.

Several states — Alabama, North Carolina and Georgia, among them — have instituted laws to protect heirs from losing their land. South Carolina has passed a new law that gives family members the right of first refusal to buy out their relatives' interests if they are pressing to sell. The land is appraised, and they are given 45 days to pay fair market value.

Gateway is promoting another solution — limited liability companies. Family members form corporations that own the land, and become shareholders; any relative who wants to sell must do so to another family member or to the company itself.

That's the path chosen by the heirs of Matthew Jones.

Adolph Brown was born and raised in New York, but his mother is from South Carolina. He recalls how, many years ago, another parcel of family land on Hilton Head Island — handed down through his grandmother's side of the family — sold at a partition sale for pennies on the dollar. Then, he heard that the Jones' land was in peril.

"I got word that some of the heirs were restless and wanted to sell," Brown said. "But I said, 'I'm not going to let happen to this piece what happened to the last piece.'"

Some of the family members had approached attorney Horace Jones to help them clear title to the property so it could be sold. Brown suggested that instead of selling, the family consolidate the title and form a limited liability corporation to develop the tract.

The effort involved tracking down descendants across the country.

"The good thing is the family was large but they kept in touch with each other [through reunions]," said Jones.

Brown knew this was probably the last chance for the Jones heirs to come together and keep their property. In the future, he said, there would be too many descendants to agree.

"If we miss this shot, I estimate in the next generation there will be 500 people, and it will never fly," he said. "It was unbelievable at 180 people. If we miss this chance and it goes to the next generation, it will end up sold on the courthouse steps."

Gateway was formed as a

result of Brown's discussions with Jones regarding the family land, with Jones becoming the company's vice president for business and legal affairs. The company works largely with Blacks on development projects.

While other owners of heirs' property have formed limited liability corporations, Jennie Stephens, executive director of the Center for Heirs' Property Preservation, says she knows of no other development firms working with heirs the way Gateway

does.

The company has helped create similar corporations for about eight other heirs' families, Jones said. Among the developments that have resulted are a 36-unit condo complex on Hilton Head and a planned 49-unit single-family subdivision in nearby Bluffton. Many heirs think, "Let's do nothing, and we'll hold onto the property," Brown said.

But as coastal real estate becomes more valuable, the likelihood of a partition sale

grows as people want to pull their money out of the land. Not only will the Jones family retain their land, they expect to have an ongoing income from the development of the property. And Brown said the development model to preserve heirs' property along the South Carolina coast might also help New Orleans recover from the ravages of Hurricane Katrina.

"A lot of those people have set up their lives somewhere else," said Brown. "This guy's house is washed

away and he has no insurance and he's in Minneapolis and not coming back."

If property owners formed limited liability corporations encompassing, say, a city block in New Orleans, there would be more incentive for developers to get involved in the massive work of rebuilding, he said.

"It helps the city recovery and those who are displaced know they will get a check" for their property which, if it can't be rebuilt, would likely be lost at tax sales, he said.

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