FARMLAND ACCESS LEGAL TOOLKIT

Center for Agriculture & Food Systems
VERMONT LAW & GRADUATE SCHOOL

HEIRS' PROPERTY:

Understanding the Legal Issues in *Maryland*

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Introduction

The purpose of this factsheet is to prevent the loss of homes and land owned as heirs' property in Maryland by examining state laws relating to heirs' property owners and outlining steps they can take to resolve property issues before seeing an attorney.

It also explains important legal issues relevant to heirs' property, including:

1. **how to identify the legal heirs of the original ancestor who owned the home or land,**
2. **state partition law,**
3. **state law that permits the sale of land or homes due to unpaid property taxes or other fees, and**
4. **state law addressing adverse possession and condemnation**
   (these terms are defined in the glossary, below).

This resource may be useful to professionals assisting heirs' property owners, such as lawyers, social workers, community development supporters, and cooperative extension agents.

For a glossary of legal terms used in this factsheet, refer to page 15.

What is Heirs' Property?

Heirs' property (sometimes known as family land or family inherited property) is property that has been transferred to multiple family members by inheritance. Typically, it is created when property is transferred from someone who dies without a will to that person's spouse, children, or other heirs who have a legal right to the property. However, even if the person who died had a will, they may still create heirs' property if they leave a home or land to multiple heirs without specifying which heirs get which section of the property.

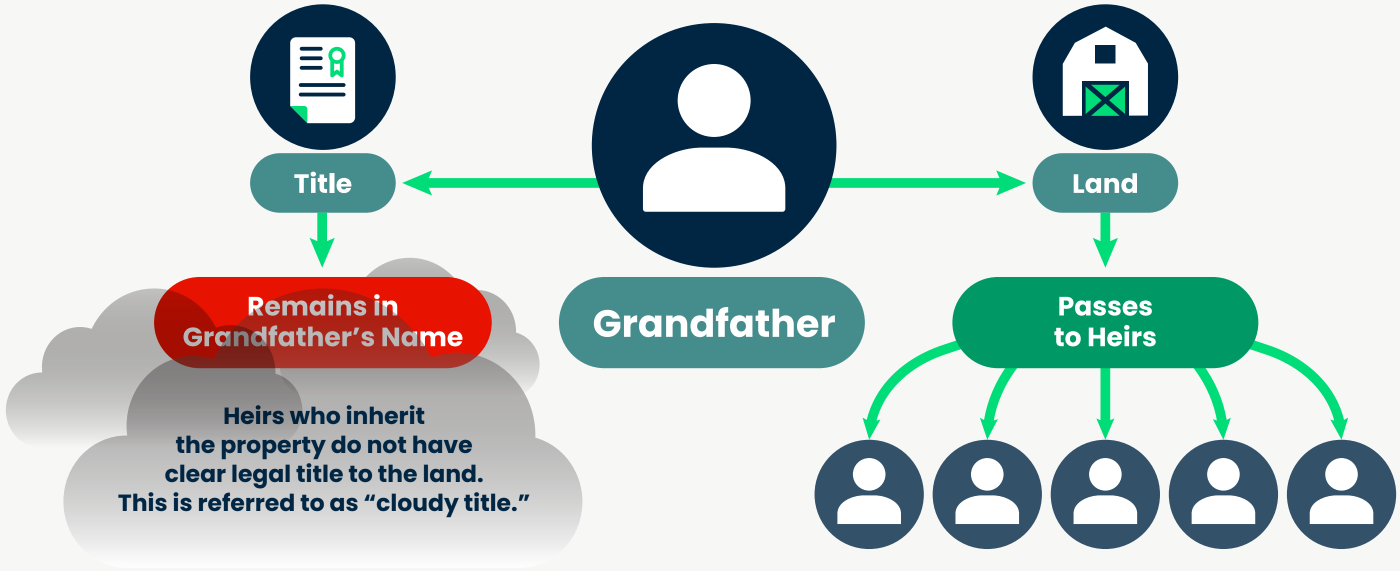
When heirs' property is created, the heirs own all the property together (in legal terms, they own the property as *tenants in common*). In other words, they each own an undivided portion of the land or home rather than a specific piece of the land or section of the home. In addition, unless the heirs go to the appropriate local government agency or court and have the title (or deed) to the property changed to reflect their ownership, the land or home will remain in the name of the person who died.

For the heirs, owning property as tenants in common without a clear title can lead to many challenges. Because it is difficult for heirs to prove ownership, they may be unable to access bank loans and mortgages for the property; apply for state, local, or federal grants or loans; or build wealth from the property by engaging in commercial activity, such as selling timber or other resources—all of which require proof of ownership. Owning property as tenants in common also leaves the property vulnerable to being acquired by real estate developers and dishonest actors.

Learn More Using the Farmland Access Legal Toolkit

For a more comprehensive overview of heirs' property issues, visit **farmlandaccess.org/heirs-property**.

Find additional advice for heirs' property owners, including how to proactively avoid and address legal challenges, at **farmlandaccess.org/suggestions-for-heirs-property-owners**.



Identifying Heirs

To resolve heirs' property issues, an important first step is tracing the ownership of the property from the original owner whose name appears on the deed to the current owners. Many attorneys and other professionals assisting heirs' property owners encourage the owners to build a family tree identifying all the heirs, deceased and living. Specifically, heirs' property owners will want to collect:

1. **the heirs' birth and death dates;**
2. **the county of death;**
3. **proof of whether the heirs died with a will; and**
4. **any current contact information for living heirs.**

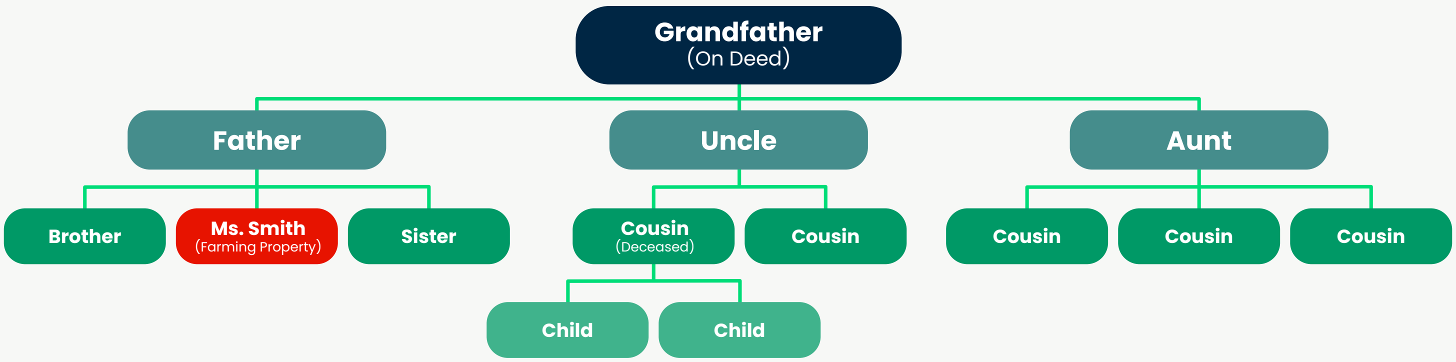
The goal is to gather information about anyone who may have held a legal interest in the family property at any point in time. Consequently, it is important to identify all the heirs who might be entitled to an interest in the property.

When a person dies with a will, they die "testate," and their will determines who inherits their property.[1] When a person dies without a will, they die "intestate" and state law addressing intestate succession determines who inherits that person's real estate, i.e., land and/or home and other assets.[2] Who inherits a person's land by intestate succession varies depending on which family members survive the decedent.

In Maryland, there are generally several types of living heirs entitled to inherit property from a decedent, including:

- the spouse or registered domestic partner of the decedent;
- biological and adopted children, and their heirs;
- parents of the decedent;
- siblings of the decedent, and if they have died, their heirs (the decedent's nieces and nephews); and
- grandparents and cousins.

An example of a simple family tree for Ms. Smith



Finding the Family (Genealogy) and Home and Land Records

Resources to help identify and locate heirs and build the family tree include genealogists and family history sites, such as **ancestry.com**, **myheritage.com**, and **familysearch.org** and **findagrave.com**. Family bibles and social media platforms can be a good source of information and can sometimes be used to identify heirs. Local libraries can also be a great resource for genealogical records and research help.

In Maryland, the following offices provide genealogy resources:

Maryland State Archives
Family Search and Register of Wills
350 Rowe Blvd.
Annapolis, MD 21401
Phone: 410-260-6400
Email: **msa.helpdesk@maryland.gov**
Website: **guide.msa.maryland.gov/pages/viewer.aspx?page=fsrw**

Enoch Pratt Free Library
Genealogy and Family History Research Guide
400 Cathedral Street
Baltimore, MD 21201
Phone: 410-396-5430
Website: **prattlibrary.org/research/guides/genealogy-and-family-history**

National Genealogical Society
PO Box 128
Annapolis Junction, MD 20701
Phone: 1-703-525-0050 or 1-800-473-0060
Email: **ngs@ngsgenealogy.org**
Website: **ngsgenealogy.org/family-history**

Finding home and land records, property tax or lien records, or foreclosure information can be challenging. In Maryland, property owners can visit the following offices to access free online information:

- Home and land records can be found online at the Maryland State Archives: **https://landrec.msa.maryland.gov/Pages/Login.aspx**. You will need to create an account in order to use the service.
- For property tax or lien records, visit the county or city finance office where the property is located: **https://dat.maryland.gov/realproperty/Pages/Local-Tax-Billing-Collection-Offices.aspx**.
- For tax sale foreclosure information, visit the Office of the State Tax Sale Ombudsman: **https://dat.maryland.gov/pages/tax-sale-information.aspx**.

Intestate Succession in Maryland[3]

The following chart describes which heirs may inherit property under Maryland intestate succession laws. If there are multiple generations involved, it will likely be important to work with an attorney to successfully identify all the current owners.

If a person dies with:	Here's who inherits:
a spouse or registered domestic partner (RDP) but no children	the spouse or RDP inherits everything
a spouse or RDP and children who are minors	the spouse or RDP inherits one-half of the estate and the children inherit the other half
a spouse or RDP, no minor children, but adult children who are not the children of the surviving spouse or RDP (e.g., children from a previous relationship)	the first $100,000 plus one-half of the estate goes to the spouse or RDP; the remaining balance of the estate is divided equally among the children
children but no spouse or RDP	the estate is divided equally among surviving children (or their heirs, if children are deceased)
parents but no spouse or children	the Parents inherit everything divided equally; if there is only one surviving parent, that parent inherits the entire estate
siblings but no parents, no spouse, and no children	the siblings (or their heirs) inherit everything
grandparents but no spouse, no children, no parents, and no siblings	each pair of grandparents (or their heirs) inherit one-half of the estate
no surviving blood relatives but stepchildren (children of a spouse married to decedent at time of death)	the estate is divided equally among surviving stepchildren or their heirs
no heirs	the estate will go to the State of Maryland

Life Estate Deeds

A life estate deed is a legal document in which a person transfers ownership of real property to one or more beneficiaries, referred to as remaindermen. The remainderman(men) is the person or people who will own the property after the person's death. The person making the transfer becomes a life tenant and has the right to live in and use the property for their lifetime.[4] The life tenant is responsible for maintaining the property and paying related expenses. When the life tenant dies, ownership of the property automatically transfers to the remainderman(men). A life estate deed helps avoid needing to transfer the property through the probate process.

In Maryland there are two types of life estate deeds: those with and without powers. A life estate deed with powers allows a life tenant to keep the right to sell, refinance, transfer, or mortgage the property without the consent of the remaindermen. Under a life estate deed without powers, a life tenant cannot sell, mortgage, or transfer the property without the consent of the remaindermen.

Creating a life estate deed is complex and typically requires consultation with an attorney.

Transfer-on-Death (TOD) Deeds

Effective October 1, 2026, Maryland real property owners are able to use Transfer on Death Deeds (TOD Deeds) to make it easier to transfer property upon death.[5] TOD Deeds are legal documents in which a person can transfer real property to one or more beneficiaries who become owners of the property upon the transferor's death. A TOD Deed is nontestamentary, meaning it does not require a formal will or probate process for the transfer of the property to take effect. However, to be effective, a property owner must complete a TOD Deed form, which must be recorded in the land records office of the county where the real property is located prior to the death of the transferor. The TOD Deed form must also state that the transfer to the beneficiary occurs at the transferor's death.

A TOD Deed does not affect, among other things, the transferor's right to transfer or encumber the property, so it is similar to a life estate deed with powers (described above). It also does not affect the transferor's or beneficiary's eligibility for any form of public assistance.[6] A TOD Deed can be revoked, in whole or in part, only during the transferor's lifetime by filing the required forms with the land records office of the county in which the property is located.[7]

Understanding Partition Law

Heirs who inherit a home or land intestate (without a will) own it as tenants in common.[8] Tenants in common each own an *undivided* interest in the home or parcel of land, which means that none of the heirs can claim any specific piece of the home or land. As tenants in common, each heir has equal rights to use and occupy the property.

Heirs' property owners are especially vulnerable to losing their property because they are subject to partition actions to physically divide or sell the home or land.

As co-owners of the property, any of the tenants in common can bring an action in court asking for partition of the property.

There are two ways a court can partition or divide heirs' property: *partition in kind* or *partition by sale*. If a court orders partition in kind, the property must be physically divided proportionate to the fractional interest and value of each co-owner's share. If the court orders partition by sale, it triggers a process that requires the property to be sold.

Historically, when a court ordered partition by sale, the property was sold to the public. This typically happened by a mandatory sale at an auction. Often, property owners lost their family legacies and generally received a small percentage of what the land was worth—far below the property's fair market value.[9]

Since 2010, there have been efforts to pass legislation at the state level to ensure that heirs' property owners have certain due process rights, or fair treatment, under the law in accordance with established rules and requirements. This includes protections to ensure that property sold in a partition action is sold for fair market value. That legislation, drafted by the Uniform Law Commission, is called the **Uniform Partition of Heirs Property Act** (UPHPA).

The UPHPA became effective in Maryland in 2022 as the Partition of Property Act.[10] The law made three major changes to Maryland's partition law:

1. **If a co-owner brings a partition action in court, the court must provide an opportunity for the other co-owners to buy out the co-owner who brought the partition action.**
2. **If there is no buyout of the co-owners' interests in the property, then the law provides a set of factors for the court to consider, such as the sentimental value of the property and family legacy, when determining whether to order a partition in kind and divide rather than sell the property.**
3. **If the court does not order a partition in kind, Maryland law requires the court to sell the property at fair market value and lays out a process for the property to be fairly appraised and sold, with proceeds distributed to all co-owners based on their respective shares.**

Court actions for partition should be avoided if possible. If a physical partition of the land is desired by all co-owners, they should attempt to divide the property voluntarily by agreement with the help of a surveyor and real estate attorney. However, in the case of a single-family home, partition is difficult and would likely result in the sale of the property and a division of the proceeds. If an heir receives notice of a partition action, they should immediately consult an attorney to protect the heirs' rights in the property. Partition sales can result in the forced sale of property and the loss of homes and land, wealth, and family legacy.[11]

Avoiding Sale of Property for Unpaid Taxes or Water and Sewer Bills

It is important for heirs' property owners to pay property taxes in full when they are due; failure to pay these taxes could lead to the loss of the heirs' home or land. The overdue amount becomes a lien (legal claim or debt), which may cause the local government authority to begin a process for collection of the taxes.[12] Heirs' property owners should not wait to clear title to the property before paying property taxes.

In practice, one or more of the heirs' property owners could pay the total amount of the annual property taxes due, including the portions owed by other heirs' property co-owners. Ideally, the other co-owners will reimburse the heirs who cover their share of the property taxes. If they do not, then the co-owner who paid the taxes could be reimbursed through the distribution of any income received from the property or from sale proceeds if the home or land is sold. Importantly, payment of taxes does not increase an heirs' ownership interest. Rather, it creates a claim for reimbursement from any heir who is not paying the taxes. Anyone who pays taxes on the property should keep tax bills and receipts so that they can request or claim reimbursement from other heirs.

In Maryland, homeowners' failure to pay sewer or water bills may also result in a lien and the sale of property by the local government authority. For example, Baltimore City officials may sell the tax lien on a property to a third party to collect a lien for unpaid water and sewer bills if: the lien is at least $350; the property is *not* a residential property or a property exempt from taxes; and the property owner owes at least three quarters (i.e., nine months) worth of payments.[13]

There are programs in Maryland to assist people with avoiding the sale of property for failure to pay property taxes or water and sewer bills. For example, the **Homeowners' Property Tax Credit Program** limits the amount of property taxes a homeowner must pay based on the annual income of their household.[14] Eligible homeowners must, among other things, have a net worth of less than $200,000 and a combined gross income of no more than $60,000.[15]

Also, state officials run a **Homeowner Protection Program** (HPP) that helps eligible, limited income homeowners keep their homes out of tax sales for three years while they pay back the taxes owed.[16] The HPP gives priority to homeowners who are at least 60 years old, currently receiving disability benefits from the federal Social Security Disability Insurance program or the federal Supplemental Security Income program, or has lived in their home for 10 years or more.[17]

Baltimore City also has a **Tax Deferral Program** that allows homeowners to defer a property tax sale for a year if they meet certain criteria.[18]

Maryland law allows counties and Baltimore City to create an **installment payment program for homeowners who owe property taxes**.[19] Enrollment in this program helps homeowners avoid the sale of their home for overdue property taxes. Heirs' property homeowners should check with their local governments to see if such a program exists in the county or city where the home is located. For example, Baltimore City has a **Residential Property Tax Payment Plan Program** for property tax arrears.[20]

Some Baltimore City residents who are homeowners or tenants with overdue water bills may enroll in the Water4All Discount Program.[21] The program allows individuals from low-income households to receive a monthly discount on their water and sewer bills based on a percentage of their annual income. Each one time payment of a discounted water and sewer bill will be credited toward any owed water bills.[22] Property homeowners and tenants may visit the program's website to determine eligibility and apply for the program.[23]

How the Tax Sale Foreclosure Process Works in Maryland

In Maryland, property tax bills are generally due on July 1 and become delinquent if they are not paid by October 1.[24] Maryland law provides that unpaid property taxes become a lien on the property until those taxes are paid.[25] The local tax collector must sell the lien within the time designated by the local law of a county or city.[26] There are a few exceptions. A tax collector may not sell the lien if the total taxes owed are:

1. **less than $250 in a year;**
2. **less than $750 for non-owner-occupied residential property;**[27]
3. **less than $1,000 for an owner-occupied residential property and residential property occupied by an heir of a deceased owner;**[28] **and**
4. **only a lien on Baltimore City property for unpaid water and sewer bills.**[29]

Property tax sales are held during a public auction, and the property is sold to the highest bidder.[30] Local tax collectors must mail notice of a tax sale to property owners via certified mail at least 30 days before their property is first advertised for sale.[31] The written notice must include information about the tax sale process and a description of programs that are available to assist certain homeowners who are having difficulty paying owed taxes.[32] Thirty days after the initial mailing, local tax collectors must publish in a newspaper with general circulation a notice that the property will be sold in public auction. They must publish the notice in the newspaper once a week for four consecutive weeks.[33]

After the tax sale, the purchaser receives a tax lien certificate indicating the purchase of the property, the amount of taxes owed as of the sale, a statement that the property may be redeemed (bought back) by the owner, and the time when the purchaser has the right to file a foreclosure action against the property owner if the owner does not pay off the debt within the local government's timeframe.[34] Purchasers of the tax sale certificate cannot institute a foreclosure action until at least six months from the date of the sale, and property owners may redeem their property until it is formally foreclosed by a court.[35]

For example, in Baltimore City, the tax sale process timeline follows: In February of each year, city officials send final bills and legal notices to property owners with unpaid property taxes and other bills, such as water bills.[36] In March, city officials publish a list of properties with delinquent tax accounts in local newspapers.[37] In early April, city officials mail letters to homeowners providing information about the upcoming tax sale.[38] Property owners have until April 30 to pay all unpaid tax bills to stop the tax sale.[39] Thereafter, city officials hold an annual tax sale auction in mid-May.[40] In late July, city officials mail letters to property owners notifying them that their property was sold in a tax sale and owners have a right to redeem the property through payment of the tax and other liens owed before the purchaser of the property files an action to foreclose the property.[41]

Potential Tax Savings for Agricultural Land

Heirs' property owners of agricultural land may benefit from tax exemptions or credits for property taxes due. Maryland has several tax programs where agricultural landowners might be eligible for benefits. However, many of these benefits might require a clear title of ownership. Tax credits require applications through the Maryland State Department of Assessments and Taxation (SDAT) or local assessor's offices.

Agricultural Land Use Assessment[42]

Property owners may request through SDAT that qualifying land be assessed based on its agricultural use rather than full market value. In Maryland, land that is actively used for agricultural purposes must be valued based on its use value.[43] The agricultural use value is lower than fair market price. Eligibility is based on zoning, present and past use of the land, productivity, and gross income from agricultural activity, and the land must be actively used for agricultural purposes. The sale or conversion of agricultural land may result in an Agricultural Transfer Tax unless agricultural use is continued for an additional five years from a sale.

Agricultural Land Property Tax Credit[44]

Land that is placed under a permanent agricultural preservation easement may qualify for county property tax credits. The governing body of a county may grant a tax credit in an amount not exceeding 75 percent of the county property tax. These easements are administered by the Maryland Agricultural Land Preservation Foundation (MALPF). Counties may offer additional credits or incentives tied to county agricultural preservation programs. Easements require inspections and verification of compliance. These benefits will only apply while the easement remains in place.

Urban Agricultural Property Tax Credit[45]

Some counties, such as Montgomery and Prince George's counties, and Baltimore City offer five-year credits for small urban farms of five acres or less. For purposes of this tax credit, Maryland defines an urban agricultural property as one that is "not assessed as agricultural land under Sec. 8-209 of [Maryland's Tax-Property Article]" and "used for urban agricultural purposes."[46] It is important to note that rules and eligibility for this tax credit vary significantly by county, so landowners should confirm details with their local tax offices.

"Agricultural purposes" includes "indoor and outdoor crop production activities, including the use of mulch or cover crops to ensure maximum productivity and minimize runoff and weed production; production of value-added agricultural products, beekeeping, composting, and hydroponics and soilless or controlled-environment crop production, environmental mitigation activities, including stormwater abatement and groundwater protection; community development activities, including recreational activities, food donations, and food preparation and canning classes; economic development activities, including employment and training opportunities, and direct sales to restaurants and institutions; and temporary produce stands used for the sale of produce raised on the premises; and educational and agritourism activities."[47]

In Baltimore City, a property owner must meet the following conditions to qualify for an urban agricultural property tax credit:

- land must be used for "urban agricultural purposes;"
- land cannot be used for any other purpose besides urban agriculture (the use of a residential dwelling on the urban farm property would disqualify the farm from the Baltimore City tax credit program); and
- the land must generate at least $5,000 in gross revenue per year from agricultural products.[48]

In Montgomery County there are several requirements needed for owners to meet the urban agricultural property tax credit:

- the size of the land must be between a half-acre and three acres, and the land must be zoned as residential;
- the property can be used only for urban agricultural purposes;

- the owner of the property must receive more than $5,000 in gross revenue per year from agricultural products; and
- the property must be within 1,000 feet of a Metro Station Policy Area.[49]

Prince George's County also offers an urban agricultural tax credit under the following requirements:

- the land must be used for agricultural purposes;
- the size of the production area must be between one-eighth of an acre and five acres;
- the land cannot be used for any other for-profit purposes unless a waiver is granted; and
- the owner of the property must receive gross revenue from its products of at least $2,500 per tax year.[50] Startup properties in Prince George's County may be eligible for a waiver of up to two years for a declared natural disaster or drought.

Homestead Property Tax Credit[51]

The homestead credit limits the amount of assessment increase on which a homeowner will pay property taxes in that tax year on the portion of property actually used as the owner's principal residence, including properties that are agriculturally assessed. A one-time application is required, including a requirement for having clear title to the property, and the law limits the increase in taxable assessments each year to 10 percent or less for homeowners, resulting in substantial savings over time.

Avoiding Sale of Homes for Failure to Pay Ground Rent

In Maryland, a person may own a home but not the land on which the home sits.* Another person or entity, known as the ground lease holder, may own the land and charge the homeowner a fee to rent the land, known as ground rent.[52] In existence since Maryland's colonial era,[53] ground rent leases typically last for 99 years and renew indefinitely.[54] The annual payments for ground rent range from $50 to $100.[55] Heirs' property homeowners may determine whether their homes have ground leases by obtaining a copy of the deed for the home.[56]

If a ground lease is included in a deed, homeowners may search online for the identity of the ground lease holder in the Maryland State Department of Assessments and Taxation (SDAT) Ground Rent Registry.[57] Maryland law requires ground lease holders to register their leases with SDAT by submitting a registration form.[58] If they fail to do so, they cannot collect any ground rent payments or fees or bring any civil action against the homeowner.[59] The owner of a home or land that is not registered does not have to hold more than three years of back ground rent.[60] If the homeowner believes that an unregistered ground lease holder is collecting payments and fees in violation of the law, then the homeowner may submit an affidavit to SDAT explaining why they believe that the unregistered ground lease holder violated the law.[61]

If a home, including a home held as heirs' property, is subject to a ground lease and the homeowner fails to pay ground rent, then the ground lease holder may put a lien on the home for payment of the ground rent. The ground lease owner cannot demand more than three years of owed ground rent. If the homeowner does not pay the owed ground rent, then the ground lease owner may file an action in court to recover the back rent[62] and ultimately file an action to take possession of the home.[63] If the court rules in favor of the ground lease holder, then the homeowner has six months to pay the past due ground rent and any late fees or other costs.[64]

Maryland law allows homeowners to redeem, or purchase, from the ground lease holder the land on which their home sits. By law, ground leases made on or after April 9, 1884 are redeemable.[65] A homeowner can redeem the ground rent by paying a one-time lump sum by set formula.[66] Upon redemption, the homeowner obtains full ownership of the home and land and the ground rent is extinguished.[67]

*The ground rent discussed in this section is more akin to a landlord/tenant relationship than a community land trust arrangement, in which a person owns a home and leases the land on which the home sits, as a way to create more affordabile homes.

Avoiding Adverse Possession and Eminent Domain/Condemnation

Heirs' property owners must remain alert when managing their property to make sure that they do not lose their property to a person who does not own it or to a government official through adverse possession or eminent domain (also known as condemnation).

Adverse Possession

Adverse possession is a legal doctrine that permits a person who does not own a home or land to acquire ownership if they file an action in court and meet certain criteria. In practice, this means that a trespasser—or even a neighboring property owner—may gradually build a strong legal claim to heirs' property if the legal owners fail to effectively manage the property.

Under adverse possession, a person may claim ownership of property they do not own if they occupy and use the property in a manner that satisfies specific legal requirements. Maryland law and court decisions generally require that possession of the property be:

- **Actual:** The claimant must exercise control over the property, such as by maintaining, and/or making improvements to it.[68]
- **Open and notorious:** The claimant's use of the property must be visible and obvious, so that the owner would be on notice of the possession.[69]
- **Exclusive:** The claimant must possess the land for their own use and benefit.[70]
- **Continuous or uninterrupted for the statutory period:** The property must be maintained without significant interruption for the duration prescribed by law, which in Maryland is 20 years.[71]
- **Hostile, under claim of title or ownership:** The claimant possesses the property without the permission of the owner and without recognition of the owner's right to the property.[72]

If a person claiming adverse possession of property believes they meet all of the above criteria, they may file a lawsuit in the circuit court for the county where the property is located to legally establish ownership of property.[73]

To reduce these risks, heirs' property owners should take proactive measures. These include posting "No Trespassing" signs, maintaining visible evidence of regular use of the property, and, when regular in-person inspection of the property is not feasible, hiring a property manager to conduct routine visits to the property. Such actions help ensure that the property remains legally protected and secure.

Eminent Domain or Condemnation

Condemnation occurs when a local, state, or federal government forces a homeowner or landowner to sell their property to the government. The governmental unit must show that the purchase of property is for public use or purpose.

The Maryland Constitution allows government officials to take private property for public use with just compensation to the property owner, as agreed to by the parties or awarded by a court.[74] Under Maryland law, public use is defined broadly as public benefit and can include public permission to use the property taken as well as community development or redevelopment.[75] Just compensation is defined as the fair market value of the property at the time it is taken.[76] Government officials must file condemnation actions in court within four years of the date of the administrative or legislative authorization to acquire a private property.[77]

Maryland law allows government officials in Baltimore City and Baltimore, Montgomery, and Cecil counties to take private property in a "quick-take" procedure, in which property can be seized immediately upon payment of the fair market value to the owner.[78] Although the government may take the property immediately, owners may dispute the amount the government paid them for the property in a court proceeding.[79] "Quick-take" condemnations are closely reviewed by courts; state or local government officials must provide specific evidence to show they have an immediate need for the property.[80]

Agricultural and Homeowner Mediation Services

Family disputes are unfortunately common with heirs' property. There are often multiple generations of heirs who must come to an agreement, which can be difficult. The USDA Farm Service Agency (FSA) runs an Agricultural Mediation Program, which, depending on the state, can be used by heirs' property owners to mediate family disputes. The FSA provides funding to relevant state agencies to support mediation between individuals involved in many kinds of disputes related to agricultural issues. These include USDA decisions on loans, conservation programs, wetland determinations, and rural water loan programs; lease issues between landlords and tenants; family farm transition issues; farmer-neighbor disputes; and family disputes regarding heirs' property.

If family members co-owning heirs' property cannot reach agreement, agricultural mediation services may be able to help. In Maryland, families can reach out to:

Center for Dispute Resolution at the University of Maryland Carey School of Law
University of Maryland Extension Farm Succession Coordination

Phone: 410-706-4272 or 301-405-3296
Website: **cdrum.org** and **extension.umd.edu/resource/farm-succession-coordination/**

In Maryland, there are several organizations that provide mediation services to community members for heirs' property issues involving both home and land ownership. The Mediation Clinic at Maryland Carey Law provides mediation to help people communicate and resolve conflict, and includes mediators trained on agricultural issues. Larger groups of heirs may need to request group facilitation services. The University of Maryland Extension also offers Farm Succession Coordination sessions to farm families. Succession Coordination Sessions provide tools and structure for families undergoing the transition planning process, which typically occurs when major changes occur in a farm business or within the family itself, such as the owning generation going into retirement.

Community Meditation Centers

Several counties across Maryland operate community mediation centers dedicated to serving the needs of their residents. These centers aim to make conflict-resolution services accessible to everyone, and many offer mediation at no cost to participants. Because services and availability vary by location, Maryland residents are encouraged to explore the mediation resources offered in their own counties.

Check to see if your local county has mediation services: **mdcourts.gov/sites/default/files/import/macro/pdfs/mdcommunitymediationcenters.pdf**

Baltimore Community Mediation Center

The Baltimore Community Mediation Center provides free mediation services to individuals living in Baltimore City, offering a supportive environment for resolving personal, family, and community disputes. The center's vision is to provide non-judgmental ways for Baltimore City community members to be empowered to make decisions and peacefully change their lives, families, and communities.

communitymediation.org/mediation

Private Mediator

Community members can hire private mediators for a fee to help them resolve conflicts. Maryland has a directory of private mediators: **courts.state.md.us/macro/mediatordirectory**

Additional Resources

Organizations in Maryland Supporting Heirs' Property Owners

Maryland Volunteer Lawyers Service
Website: **mvlslaw.org**

Maryland Pro Bono Resource Center
Website: **https://probonomd.org**

Shore Legal
Website: **shorelegal.org**

The SOS Fund (Stop Oppressive Seizures Fund):
Website: **thesosfund.com/**

Visit farmlandaccess.org for more resources related to accessing, transferring, and conserving farmland.

For a list of national organizations helping heirs' property owners, visit farmlandaccess.org/heirs-property/#organizationsprovidingassistance

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Glossary

The following definitions are from multiple sources and are not specific to any particular state law. Of course, any statutory definitions (terms defined in the laws of a particular state) would apply in any legal proceeding in that state.

Adverse possession
A legal doctrine that describes when someone occupies property for a period of time and then claims legal rights to it.

Ancestor
A person from whom someone is descended, a direct blood relative.

Clearing title
The legal process of proving and obtaining a deed for the current owners of heirs' property.

Condemnation/eminent domain
The right of a government or its agent to take private property for a public purpose, with compensation to the property owner (such as a public utility company taking land so they can build power lines).

Co-tenants
Those who own heirs' property with others. In a partition action under the Uniform Partition of Heirs Property Act, the co-tenants are all the co-owners of heirs' property, regardless of the size of the fractional interest owned. See also the definition of tenants in common.

Decedent
A person who has died; decedent is also often referred to as "the deceased."

Deed
A legal document, usually recorded in a town, city, or county office that keeps land records, often used to show the legal owner(s) of a piece of property.

Estate
The real property (e.g., land and buildings) and personal property (e.g., clothing, furniture, cars, cash, etc.) of a person who has died. In probate settings, the estate includes the total assets (things one owns) and liabilities (debts) of a person who has died.

Ground rent
A fee charged by a ground lease holder who owns the land on which a house sits (most common in Baltimore City and surrounding counties). The owner of the house pays ground rent to the ground lease holder.[81]

Heirs
People who are entitled under state intestate law to inherit property from someone who has died, either directly (parent, child, or grandchild) or indirectly (aunts, uncles, or cousins). This includes anyone legally adopted.

Intestate
A person dies "intestate" when they die without a valid will.

Intestate real estate
Land and other property (such as houses or buildings) owned by the decedent when they died and not addressed in a will, and which does not pass to anyone based on language in the deed itself, such as a joint right of survivorship clause (see the definition for joint tenants).

Intestate succession
State laws addressing who inherits property from someone who dies without a will (or when a will is found to be invalid), or any property that was not included in the decedent's will.

Joint tenants
Two or more owners of equal shares of property who have a right of survivorship, meaning that if one joint tenant dies their share goes to the other joint tenant(s) in equal shares.

Life estate deed
A legal document that transfers ownership of real property from one person to one or more named beneficiaries, known as the remaindermen. The person who transfers ownership keeps possession and use of the property for life, creating a life estate. The remaindermen receive the property upon the death of the life tenant.

Partition
A court action that a co-tenant could file to request the sale or division of land or a home. See definition of co-tenants.

Probate
The legal process for handling the estate of a decedent whether there is a will or not.

Registered domestic partners
Individuals in Maryland who are in a committed relationship but not married and who would have the same intestate succession rights as a surviving spouse if one of the partners dies without a will. Domestic partners must submit required paperwork to a county's Register of Wills office to be identified as registered domestic partners.[82]

Tax lien
A state or local government's right to attach a debt to real property for payment of property taxes, fees, and related obligations. In Maryland, failure to pay water or sewer bills may also be a basis for attaching a tax lien to real property.

Tax sale foreclosure
A legal process used by a county, city, or town when there are unpaid taxes. The county, city, or town sells the debt (or tax lien) to a third party (often an investor), who then forecloses on the home.

Tenants in common
People who each own an individual, undivided interest in property (also known as co-tenants), but not necessarily equal interests. (See the definition of co-tenants.)

Testate
A person dies "testate" when they have a valid will.

Title
Legally recognized ownership rights in land or a home. A deed is the most common way to determine who has title to property. (See definition of deed.)

Transfer-on-Death (TOD) Deed
A legal document used by an owner to transfer real property to one or more beneficiaries upon the transferor's death. A TOD deed is effective if, prior to the death of the transferor, it is recorded in the land records of the county where the property is located.

Undivided interest
An interest in a property that is held in common with more than one person. These interests can be unequal; that is, the value of each interest can vary.

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The **Center for Agriculture and Food Systems** (CAFS) is a research-based center at Vermont Law and Graduate School that produces original scholarly research in the field of food and agricultural law and policy to serve the broadest range of food system stakeholders. With local, regional, national, and international partners, CAFS addresses food system challenges related to food and nutrition security and affordability, farmland access, food system workers, farm viability, local economies, and public health, among others. CAFS works closely with its partners to provide law and policy support and develop resources that respond to their needs. Through CAFS's Food and Agriculture Clinic and Research Assistant program, Vermont Law and Graduate School students work directly on projects alongside partners nationwide, engaging in innovative work that spans the food system.

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Endnotes

1 It is important to file a deceased person's will along with a petition to probate the will with the local court where the person resided and where the property is located as soon as possible after the person has died.

2 Estate planning and will making are critical to avoid the challenges for heirs' property owners outlined above. For more information on the importance of wills and estate planning *see* the Farmland Access Legal Toolkit. *Heirs' Property*, Ctr. Agric. & Food Syss., https://farmlandaccess.org/heirs-property/#challenges (last visited May 8, 2026); see also, Wills, Ctr. Agric. & Food Syss., https://farmlandaccess.org/wills/ (last visited May 8, 2026) and Maryland Office of the Register of Wills, Publications, Guides, Forms, and Links . https://registers.maryland.gov/main/publications.html (last visited May 8, 2026).

3 *See*, Md. Code Ann., Estates and Trusts, §§ 3-102 – 3-112.

4 *See generally*, *Berrett v. Stanford Fire Ins. Co.*, 166 Md. App. 321 (2005).

5 *See*, Maryland Transfer on Death Deed Act, House Bill 738/Senate Bill 651, 2026 Session of the Maryland General Assembly, codified at Md. Code Ann., Real Property §§ 14-1001, et seq.

6 *Id.* at § 14-1007.

7 *Id.* at § 14–1008.

8 Heirs who inherit property through a valid will may also own the property as tenants in common if it is left to them without designation of the specific land or home each heir receives.

9 Thomas W. Mitchell, *Historic Partition Law Reform: A Game Changer for Heirs' Property Owners*, Tex. A&M Univ. Sch. L. 74 (June 12, 2019), https://papers.ssrn.com/sol3/papers.cfm?abstract_id=3403088.

10 *See*, Md. Code Ann. Real Prop., §§ 14-701 – 14-713.

11 Alice Reznickova, Lost Inheritance: *Black Farmers Face an Uncertain Future without Heirs' Property Reform*, Union of Concerned Scientists, (June 27, 2023), https://www.ucs.org/resources/lost-inheritance.

12 *See*, Md. Code Ann., Tax – Property, § 14-804 and §14-808.

13 Md. Code Ann., Tax – Property, §14-849.1.

14 Md. Code Ann., Tax – Property, § 9-104 (2024). *See also*, Md Dep't of Assessments and Tax'n, *Homeowners' Property Tax Credit Program*, https://dat.maryland.gov/realproperty/pages/homeowners'-property-tax-credit-program.aspx (last visited May 20, 2026).

15 *Id.*

16 *See*, Md. Code Ann., Tax – Property, §§ 14-885 to 14-887. *See also*, *State Tax Sale Ombudsman - Homeowner Protection Program*, Md Dep't of Assessments and Tax'n, https://dat.maryland.gov/Pages/hpp.aspx (last visited May 11, 2026). To be eligible, a property owner must live in the home, and the home must have an assessed value of $300,000 or less. Md. Code Ann, Tax – Property, §14-885(a)(1)(i). The homeowner must also have a combined annual income of $60,000 or less with the total value of their assets at $200,000 or less, excluding the value of the property. Md. Code Ann, Tax – Property, §14-885(a)(1)(ii)-(2).

17 Md. Code Ann, Tax – Property, §14-885(b). *See also*, *State Tax Sale Ombudsman - Homeowner Protection Program*," Dep't of Assessments and Tax'n, https://dat.maryland.gov/Pages/hpp.aspx (last visited May 11, 2026).

18 Baltimore City Department of Housing and Community Development, T*ax Sale Coordination and Prevention Services*, https://dhcd.baltimorecity.gov/hho/tax-sale-prevention (last visited May 11, 2026). A homeowner is eligible for the program if the assessed value of their home is $250,000 or less and the property subject to the tax sale is a primary residence in which the homeowner has lived for at least 15 years. *Id.* Additionally, the homeowner must satisfy at least one of the following criteria: has a total annual household income of $36,000 or less; is at least 65 years old and has an annual income of $75,000 or less; or is an adult currently receiving disability benefits from either the federal Social Security Disability Insurance Program or the Supplemental Security Income Program and has an annual earned income of $75,000 or less. *Id.*

19 Md. Code Ann, Tax - Property, §10-209.

20 *See*, Baltimore City Ordinance 26-0152 (April 27, 2026), https://baltimore.legistar.com/View.ashx?M=F&ID=15416910&GUID=13D2C3A9-6A8F-4DBA-86D6-E6E9365E0320 (last visited May 11, 2026). *See also*, Mayor Brandon M. Scott, *Mayor Brandon M. Scott Announces Property Tax Payment Plans Enrollment Is Now Open*, April 28, 2026, https://www.baltimorecity.gov/mayor/news-media/press-releases/2026-04-28-

mayor-brandon-m-scott-announces-property-tax-payment-plans-enrollment-is-now-open (last visited May 11, 2026).

21 Baltimore City Ordinance 20-336, Art. 24, §§ 2-6 to 2-15, Water-for-All Program, https://codes.baltimorecity.gov/us/md/cities/baltimore/code/24/2-6 (last visited May 11, 2026).

22 *Id.* at § 2-13.

23 Baltimore City, *Water4All Discount Program*, https://cityservices.baltimorecity.gov/Water4All/ (last visited May 11, 2026).

24 Md Code Ann., Tax - Property, §10-102. Maryland law requires county and municipal governments to use semiannual property tax payment schedules for owner-occupied residential property and business property. *See*, Md. Code, Tax – Property, §10-204.3. In Baltimore City, for example, the first installment of property taxes for owner-occupied residential property is due on July 1 and becomes delinquent on October 1. The second is due on December 1 and becomes delinquent on January 1. *See* Real Property FAQ," Balt. City Dep't of Fin., https://finance.baltimorecity.gov/bureaus/collections/property#:~:text=Semi%2Dannual%20billing%20is%20applicable,past%20due%20on%20January%201 (last visited Oct. 16, 2025).

25 Md Code Ann., Tax - Property, §14-804(a).

26 Md Code Ann., Tax - Property, §14-808(a).

27 Md Code Ann., Tax - Property, §14-811(a)(1) and (b)(1).

28 *Id.* at §14-811(a)(2) (Jan. 2026).

29 *Id.* at §14-811(b)(3).

30 Md. Code Ann., Tax - Property, §14-817(a) (2026).

31 Md. Code Ann., Tax - Property, §14-812.

32 *Id.*

33 Md. Code Ann., Tax - Property, §14-813.

34 Md. Code Ann., Tax - Property, §14-820.

35 Md. Code Ann., Tax - Property, §§ 14-817.1; 14-827 – 14-832; 14-833 – 14-836.

36 *See*, City of Baltimore, *Tax Sale Process*, https://taxsale.baltimorecity.gov/tax-sale-process (last visited May 11, 2026).

37 *Id.*

38 *Id.*

39 *Id.*

40 *Id.*

41 *Id. See also*, Md. Code Ann., Tax-Property, §14-817.1 and §14-827. For more information about county foreclosure timelines, see *Office of the State Tax Sale Ombudsman*, Dep't of Assessments and Tax'n, https://dat.maryland.gov/pages/tax-sale-information.aspx (last visited Dec. 5, 2025).

42 Md Code Ann, Tax – Property, §8-209 (2026).

43 *Id.*

44 Md Code Ann., Tax - Property §9-206 (1986).

45 Md Code Ann., Tax - Property §9-253 (2021).

46 *Id.* at §9-253(a)(2).

47 *Id.* at §9-253(a)(3).

48 *See* Baltimore City, MD Code, Art. 28, § 10-19, https://codes.baltimorecity.gov/us/md/cities/baltimore/code/28/10-19 (last visited May 11, 2026).

49 Montgomery County, MD Code § 52-111, Urban Agricultural Tax Credit (2017), https://codelibrary.amlegal.com/codes/montgomerycounty/latest/montgomeryco_md/0-0-0-152520 (last visited May 11, 2026).

50 *See*, Prince George's County, MD., Council Bill No. CB-74-2015, *See also*, Prince George's Soil Conservation District, *Urban Agriculture Property Tax Credit Guidelines & procedures* (Revised Sept. 9, 2024), https://www.pgscd.org/wp-content/uploads/2024/09/Urban-Ag-Property-Tax-Credit-Guidelines-customers-rev-9.2024-2.pdf (last visited May 11, 2026).

51 Md Code Ann., Tax - Property §9-105 (2024).

52 *See*, Regina Strait, Esq., Contributor, *Understanding Ground Rent in Maryland*, People's Law Library of Maryland (April 2026), peoples-law.org/understanding-ground-rent-maryland. [Hereinafter *Understanding Ground Rent*]. *See also*, Md. Code Ann., Real Prop., § 8-801 (2023).

53 See, Jason R. Jurjevich and Dillon Mahmoudi, *The Ground Rent Machine: The Story of Race, Housing, and the Financialization of Land in Baltimore*, 114:7 Annals Ass'n Am. Geographers, 1508 (2024), https://www.tandfonline.com/doi/epdf/10.1080/24694452.2024.2353172.

54 *Understanding Ground Rent, supra* note 52.

55 *Id.*

56 *Id.*

57 *See*, Md. Code Ann., Real Prop. § 8-703 (2023)

(requiring SDAT to maintain an online registry of properties with ground leases). *See also*, SDAT Real Property Data Search, https://sdat.dat.maryland.gov/RealProperty/Pages/.

58 Md. Code Ann., Real Prop,. § 8-704 (2020) (requiring ground lease holders to complete and submit a registration form for ground lease properties.).

59 Md. Code Ann., Real Prop., §§ 8-707(a) (2023).

60 *Id.*

61 Md. Code Ann., Real Prop., § 8-707(b).

62 Md. Code Ann., Real Prop., § 8-806 (2020).

63 Md. Code Ann., Real Prop., §8-807(c) – (f) (2023).

64 Md. Code Ann., Real Prop., § 8-807(i).

65 Md. Code Ann., Real Prop., § 8-805(a) (2023).

66 Md. Code Ann., Real Prop., § 8-804(a)(2023); id. § 8-110(a)(2)(2023) (setting the statutory redemption formula as an amount equal to the annual ground rent multiplied by a capitalization rate of 6 percent). See also, Maryland Volunteer Lawyers Service, *What is Ground Rent?*, https://mvlslaw.org/wp-content/uploads/2023/04/What-is-Ground-Rent-Factsheet-draft-1.pdf.

67 Md. Code Ann., Real Prop., § 8-804.

68 *Senez v. Collins*, 182 Md. App. 300, 328 (2008) (concluding that "appellant's maintenance of the disputed area and the boat ramp was a paradigmatic example of the type of use that cases have recognized as establishing actual possession.").

69 *Id.* at 324–25.

70 *Id.* at 325.

71 *See*, Md Code Ann, Cts. & Jud. Proc., §5-103 (1999). *See, also*, *Costello v. Staubitz*, 300 Md. 60, 67 (1984) .

72 *Senez*, 182 Md. App. at 339-40.

73 Md Code Ann., Real Prop., §14-108 (2016).

74 Md. Const. art. III. § 40.

75 *See Green v. High Ridge Ass'n, Inc. v. Godlewski*, 346 Md. 65, 73 (1997)(internal citations omitted); *See, e.g.*, Md. Const. Art. XI-B, § 1 (stating that by public local law, the Mayor and City Council of Baltimore City may acquire land and property by purchase, lease, gift, condemnation or other legal means for development or redevelopment).

76 Md Code Ann., Real Prop., §§12-103 (1974) and 12-105 (2016).

77 Md. Code Ann., Real Prop., § 12-105.1 (2007).

78 Md. Const. Art. III. § 40A.

79 *Makowski v. Mayor & City Council of Baltimore*, 439 Md. 169, 189 (2014)(explaining that in a quick take proceeding, the state or local government may take possession of the property once it submits payment for the property to the court; the court may consider any disputes about the amount paid after the government takes the property.)

80 *Id.* at 190-91.

81 Md. Code Ann., Real Prop., §§ 8-701 and 8-801.

82 Md. Code Ann., Estates and Trusts, § 2-214. *See also*, Maryland Register of Wills, *Registered Domestic Partnerships in Maryland*, https://registers.maryland.gov/main/publications/Domestic%20Partnership%20Registration.pdf