



Season 2 Episode 1— Whose Land Is It? Untangling Joint and Mixed Ownership

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Jamie Mardis

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Jamie Mardis

Welcome back to On the Heir with the airways are buzzing with stories of lands, legacy and lineage. I'm your host Jamie, and we're about to kick off season two. In season one, we laid the foundation for Understanding Air's property by exploring key topics like land and legacy, the uniform partition of Air's Property Act with legal expert Katie Keown, and the important role of environmental conservation.

Jamie Mardis

We also looked at how maps, research and technology can be powerful tools for managing family land. Along the way, we were honored to be joined by another special guest, Dr. Ryan Thomson, who joined forces for an episode on mapping and land research. Now, in season two, we are going beyond the basics to tackle real life challenges and opportunities that Heirs property owners face.

Jamie Mardis

We'll start by untangling joints in mixed ownership scenarios and move through key issues like decision making within families, building improvements on land without a clear title, and what happens when one heir wants to sell without a consensus. We are excited to welcome several expert guests this season who will share valuable insights.

Jamie Mardis

Other episodes will cover critical topics like access to land locked parcels, government and nonprofit resources that support large projects, and protecting your family's land from fraud and misuse.

Jamie Mardis

So get ready to groove with us as we explore the twists and turns of managing and preserving your family land. One episode at a time. I'm your host, Jamie, and together we'll keep your legacy strong and your land thriving. Now let's dance on this episode one. What exactly is joint and mixed ownership? Let's start by painting a clear picture.

Jamie Mardis

Imagine a big family farm, sprawling acres, deep roots stories passed down from generation to generation. When grandpa passes, he didn't leave a detailed will. Instead, the land gets passed down as is to his children, grandchildren, nieces, nephews, all of them. Now, joint ownership means that these family members share legal rights to the same piece of property. Everyone owns a piece of the whole, not a specific chunk.

Jamie Mardis

But here's the twist. Some heirs might have a clear title. That's a legal document, a deed that says that they own a specific parcel of land with well-defined boundaries and official records. Others might only have what's called an undivided interest. They own a percentage of the whole property, but not a specific physical portion. And then when you mix these together with some with clear titles, some with undivided interest, you get what we call mixed ownership.

Jamie Mardis

Mixed ownership is pretty common, especially in families where estate planning wasn't done formally or land was passed down informally through generations. Why is this important? Because the type of ownership you have directly affects what you can do with the land, and what others can do too. So why does ownership type matter? Why does this technical stuff matter? Because your ownership rights determine your power to make decisions about balance and your responsibilities too.

Jamie Mardis

Let's say you own 25% undivided interest in a 100 acre piece of land. Your family inherits it. You might think, well, I own a quarter of that land so I can do whatever I want on that quarter. But truth is, you don't have exclusive rights to any specific part of that land. You share the entire property with other owners.

Jamie Mardis

This means that if you want to plant a pecan orchard, but your cousin wants to rent the land out for hunting, you both have rights to use the whole property. Neither of you can exclude the other without a written agreement. And it gets even trickier when some family members own clear titles to specific parcels, while others only have those undivided interests.

Jamie Mardis

Imagine Aunt May owns 40 acres with a clear deed. The rest is owned jointly by her siblings. Aunt May wants to sell her portion. Can she do it without consulting the others? Maybe. Yeah. But what if the buyer wants to buy the whole property without everyone's agreement? It gets complicated fast. Ownership type also impacts who is responsible for taxes and upkeep.

Jamie Mardis

If one person stops paying property taxes, the entire property might be at risk for tax sale, potentially putting the whole family's legacy on the line. That's what understanding whether you have a joint or makes ownership matters, because it influences your rights, responsibilities and the risks that you face. Now let's share a story that's all too familiar. There's a family right here in Alabama who inherited a 150 acre tract of land that had been in the family for over a century.

Jamie Mardis

Some family members had clear titles to portions, but most owned undivided interest in the remainder. One day, one of the heirs decided to sell their share without telling the others. A developer bought that share, hoping to build houses, but because the land was co-owned, the developer found they couldn't access parts of the property and faced major pushback from the family.

Jamie Mardis

That's when the real trouble started. The developer found a partition action in court, asking the judge to either physically divide the land or order a sale. After months of legal wrangling, the court ordered the property sold at auction. The family tried to raise the money to buy it back, but the winning bid came from the developer. Within a year, bulldozers had replaced the family's old pecan trees, and a century old connection to the land was gone forever.

Jamie Mardis

This kind of situation isn't unusual. When ownership is unclear or mixed. It invites conflict, slows progress, and can even lead to losing the land that's been in your family for generations. Another challenge is property access. Sometimes parts of heirs property are called land locked, meaning there's no legal right of way or road to get to them. Imagine owning a beautiful plot of land, but you can't reach it except by crossing the neighbor's land.

Jamie Mardis

Navigating access issues adds another layer of complexity that families must be prepared for. And that's exactly why understanding your ownership, your rights, and the potential risk is so important, because the decisions you make today can be the difference between keeping your land or losing it. So what can families do to protect their land and their legacy when faced with joint or mixed ownership?

Jamie Mardis

Follow these steps. Step one open communication. I know, I know, family conversations about land can be emotional and tricky, but we fixed that in the last season, right? No. Okay. It's absolutely essential to talk openly about who owns what. What each person's goals are and how decisions will be made. Step two put agreements in writing. This doesn't mean you need fancy legal documents at the start.

Jamie Mardis

Even a clear, simple written agreement spelling out who pays taxes, who maintains the land, and how decisions are made can prevent future conflict. Step three. Consider partition options. Partition is a legal process to divide property physically or by sale. Sometimes families voluntarily agree to a partition to simplify ownership. Other times, courts get involved when there's disagreement. Step four work with professionals.

Jamie Mardis

Lawyers who specialize in heirs property, land planners, and mediators can help guide families through this process, helping protect the land and relationships. Step five plan for the future. If your family hasn't yet created wills, trust or estate plans, now is the time. Planning helps prevent heirs property issues for the next generation. As you think about your own family's land.

Jamie Mardis

Ask yourself who owns the land? Do I have clear title or undivided interest? Are all family members aware of their rights and responsibilities? Have we had honest conversations about this land's future? Understanding joint and mixed ownership is the foundation for protecting your family's legacy. Coming up next on episode two. Doctor Adam Rabinowitz will come to speak with us about natural disasters and heirs property.

Jamie Mardis

Storms, floods and fires. Don't wait for clear titles in the next episode of On the Heir. Doctor Adam Rabinowitz will walk us through how natural disasters can complicate heirs property ownership, and what land owners can do to protect and recover their land when disaster strikes. From preparation tips to navigating recovery challenges, this episode is packed with expert advice you won't want to miss.

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Jamie Mardis

Thanks for tuning in to On the Heir. Be sure to subscribe! Leave us a review and share your thoughts with this. Together, we'll continue to explore the fascinating world of heirs property. One episode at a time. Until then keep protecting your legacy.