



## Season 2 Episode 7—Access Problems: Land You Can't Reach

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#### Jamie Mardis

You're live with *On the Heir*, where the airwaves are buzzing with stories of land, legacy, and lineage. I'm your host, Jamie, and today we're diving into a challenge that can frustrate even the most dedicated heirs property owners: land that you own but you can't physically access.

Whether it's a woodland, farmland, or a family homestead, having land that you can't reach—or landlocked property—can create legal, practical, and financial headaches.

Today, we'll explore what landlocked property is, why it happens, what rights you may have. We'll also discuss how families can reclaim their access. Let's get into it.

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So, to understand land like property, we need to start with the basics. Landlocked property is land that has no legal access to a public road or easement. In heirs property situations, this often happens when land is divided informally, when property passes through multiple generations without a will, or when surrounding parcels are sold or developed.

Landlocked property can create major challenges, but here are the three most common:

- You can't reach the land for farming, timber management, or home use.
- Utility installation—like water or electricity—may be impossible without access rights.
- And finally, marketability of the land is limited, which could potentially reduce its value.

Even if you legally own the property, without a right-of-way or easement, you may need permission from neighboring landowners to enter. What? Yea- that's why understanding access rights is critical for heirs property owners. Now, before we get into this next segment, let me tell you guys that I am on your side. I'm on your side. But let's get into how heirs property owners can sometimes contribute to access issues.

### **Jamie Mardis**

Heirs property often complicates access because of undivided interest. Multiple heirs might own percentages of the land, but no one owns a defined parcel, making it difficult to negotiate access with neighbors or to establish easements.

Some common scenarios might include:

- A single heir attempts to build a driveway or gate but can't do so without agreement from other heirs.
- Access points through adjacent properties are blocked or unclear, causing disputes or legal challenges.
- Land is rendered effectively unusable without proper legal action or negotiation.

The lack of easement can impact everything from property maintenance to taxes and insurance. Families often underestimate how critical it is to resolve access issues before they become urgent problems

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Now, I'm not going fuss at you without leaving you some legal tools for reclaiming your access. All right. We back on the same side? Cool.

There are some legal avenues families can explore:

One being easements. An easement is a legal right to cross someone else's property. Easements can be negotiated privately or granted through court orders.

Next, you have property rights. In some cases, long-term use of a path across a neighbor's land can establish legal access.

Partition actions where in certain circumstances, courts can order a division of property to create access.

Or finally, conservation or development agreements. Sometimes government or nonprofit programs can assist in establishing access for land use projects.

Now each approach has its pros and its cons. Easements are often the fastest solution but they require cooperation. Legal action can be costly and time-consuming, so families should explore mediation or professional assistance first.

### **Jamie Mardis**

But to be honest, sometimes it's as simple as just talking to your neighbor. Try that out. So here are some practical steps families can take to address access issues:

Map your property: Know exactly where your land sits and where potential access points exist.

Communicate. I know I say that word a lot. I've been begging you to communicate with your family but now I'm going to beg you to communicate with your neighbors. Early conversations can prevent disputes and often open opportunities for agreements.

Get professional help: Attorneys, mediators, and surveyors can provide clarity and legal backing.

Plan ahead: Don't wait until you need to enter the property to figure out access. Preemptive action reduces risk and conflict.

And finally, document everything: Written agreements about access help protect the land for future generations.

Resolving access challenges not only protects the practical use of the land but also safeguards the family's legacy.

### **Jamie Mardis**

So before we go, ask yourself:

- Is any part of your family land inaccessible right now?
- Do all heirs agree on how access should be handled?
- What steps can your family take today to ensure safe, legal, and sustainable access?

The Alabama Heirs Property Alliance offers guidance, technical assistance, and resources to help families navigate landlocked parcels and easement issues. Visit [www.aces.edu/go/heirsproperty](http://www.aces.edu/go/heirsproperty) for support. Again, that's w-w-w-dot a-c-e-s dot edu/ go/heirsproperty.

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Thanks for tuning in to *On the Heir*. Be sure to subscribe. Leave a review and share your thoughts. Together we'll continue exploring the wonderful world of heirs property. One episode at a time. So, until next time, keep your agreements clear and your family legacy strong.