



## This Little Piggy Owned Acres . . .

By George Fox, Attorney-at-Law

Ignoring property to be inherited is a problem which never goes away. It inevitably gets worse. As a model, consider what happened in the family of T.L. Piggy, Sr.

In 1950, T.L. (short for "This Little") went to market in East Cobb County. He liked some farm acreage and bought it for \$30,000.

**The family tree.** Before they died, T.L. and his wife L.L. (for "Little Lady") had three little piggies.

The first little Piggy ("Straw" was his name) died, but was survived by three piggy children of his own.

The second little Piggy (called "Sticks") never married and never had children. She came down with Alzheimer's two years ago.

The third little Piggy (nicknamed "Bricks") had no Will, nor did his spouse. When they both died, their son ("Bricks Jr.") and daughter ("Miss Piggy") -- grandchildren of T.L. and L.L. -- were alive.

Bricks Jr. is still alive, but Miss Piggy subsequently died, leaving a husband and a litter of eight.

### Meanwhile, back to the land.

After T.L. and L.L. died, their offspring decided to keep the farmland in the family. They also decided to deal with deeds and all that legal stuff later. Big mistake.

Years passed, and one day, Farmer Brown came to visit. He wanted to buy that land. The surviving Piggy heirs told Farmer Brown that the land was not for sale.

Farmer Brown then offered them \$30 million. They agreed to sell.

Farmer Brown's closing attorney huffed and puffed when she saw the contract. Why? The Piggy heirs could not sell the land -- and couldn't get the \$30 million -- until 27(!) deeds were prepared and then signed by the right pig heir, wherever he or she might be today.

This wouldn't have been necessary if one single document had been signed and recorded right after T.L.'s death. By waiting, the Piggy heirs needlessly complicated what they had to do to get the money.

### Why 27 deeds? Let's count.

For openers, Cobb County deed records still showed T.L. as the owner of the land. But he was dead, so he didn't own it; his heirs did.

So deeds had to be signed so courthouse records would show those heirs as the owners plus what percentage each owned. *Then* these heirs could sell the land to Farmer Brown. Consequently, the first deed

would have to be signed by T.L.'s estate representative.

But there weren't just three heirs -- Straw, Sticks and Bricks -- now.

By the time of Farmer Brown's offer, Straw had died. So Straw's one-third interest passed to his three children. How? Straw's estate representative signed three deeds, one to each of Straw's children.

With this move, at the closing of the \$30 million sale, Straw Piggy's three children would each sign a deed to Farmer Brown for their one-third of the sale proceeds.

Deeds so far? Seven.

Sister Sticks Piggy couldn't sign a deed because of her Alzheimer's. So the three Straw kids plus Bricks asked a court to appoint a conservator for their aunt and sister. (Only a conservator could legally sign a deed for Sticks.) New total: eight deeds and one court action.

Brother Bricks was dead, and he had two children. The first, Bricks Jr., was alive at the time of Farmer Brown's offer, so he could sign a deed for his 50%-of-Bricks' one-third ownership of the land. Now we're at nine deeds.

But Brother Bricks' second child, Miss Piggy, had died, too. She was survived by her husband plus a litter of eight. And she had no Will.

So nine more deeds had to be signed by Miss Piggy's estate representative to convey dead Miss Piggy's share to her husband and her litter. (New deed total: 18.)

And then Miss Piggy's widower had to be persuaded to sign a deed from himself to Farmer Brown. And the eight piglets each had to sign deeds, too.

So instead of one quick document when T.L. died, a pigsty of paperwork -- 27 deeds -- plus tracking down heirs, plus time, plus persuasion, plus at least one court action, were needed to get the Farmer Brown sale done.

Nobody went *whee whee whee* all the way home on this sale. There was nothing quick about it.

This situation isn't uncommon; we've done family transactions requiring as many as 78 signatures. But the hassle can be minimized or even avoided.

So if you're a part-owner of land coming through someone's estate, ask early for solutions.

# # #

**The Fox Law Firm, P.C.**

**[www.GaLaw.com](http://www.GaLaw.com) 404 256 0020**

A reminder: what's above is general information, not legal advice. Get legal counsel before acting on anything in it.

©2008, 2009