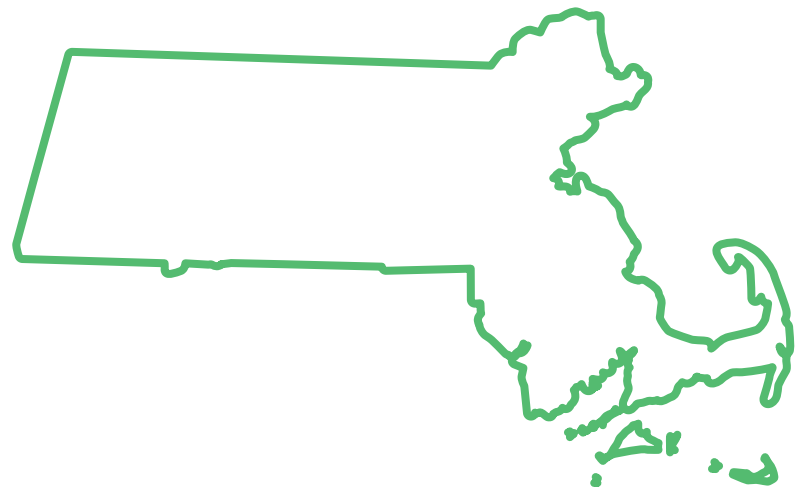


# HEIRS' PROPERTY:

Understanding the  
Legal Issues in

**Massachusetts**



*By Francine Miller*

August 2024

## Introduction

The purpose of this factsheet is to reduce the risk and prevent the loss of land and homes owned as heirs' property in Massachusetts. It examines state laws that are relevant to heirs' property owners in Massachusetts, and outlines steps they can take to resolve property issues before seeing an attorney.

It also explains relevant legal issues that arise in this context, including:

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

This resource may be useful to those owning heirs' property, as well as professionals assisting heirs' property owners, such as lawyers, nonprofit and community development advocates, and cooperative extension agents.



**For a glossary of legal terms used in this factsheet, refer to page 12.**

# 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, often without a will. Typically, it is created when land is transferred from someone who dies without a will to that person's spouse, children, or other heirs who then 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 land to multiple heirs without specifying which heirs get which section of the land.

When heirs' property is created, the heirs typically own all the property together (in legal terms, they own the property as "tenants in common"). In other words, they each own an interest in the undivided land rather than each heir owning an individual lot or piece of the land. In addition, unless the heirs go to the appropriate administrative agency or court in their jurisdiction and have the title or deed to the land changed to reflect their ownership, the land will remain in the name of the person who died.

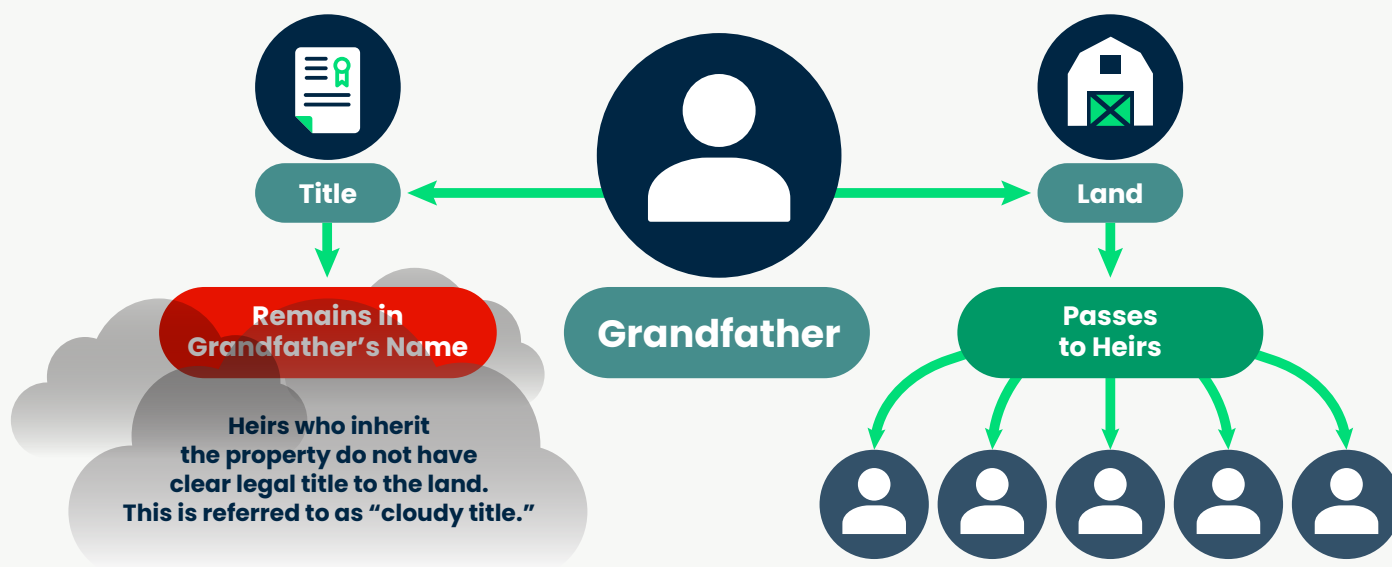
For the heirs, owning property as tenants in common without a clear title can lead to many challenges. Because it is often difficult for heirs to prove ownership, they may be unable to access loans and mortgages, apply for USDA grants or loans, and build wealth from the land by engaging in commercial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



## Learn More Using the Farmland Access Legal Toolkit

For a more comprehensive overview of heirs' property issues, visit [farmlandaccess.org/heirs-property](https://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](https://farmlandaccess.org/suggestions-for-heirs-property-owners).



# Identifying Heirs

To resolve heirs' property issues, an important first step is tracing the ownership of the land from the original titled owner to the current owners. Many practitioners encourage heirs' property 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. **information about the county of death,**
3. **proof of whether they died with a will, and**
4. **any current contact information for living heirs.**

The goal is to gather as much information as possible about anyone who may have at any time held any interest in the land, so it is important to identify all the heirs, all of whom might be entitled to an interest in the land.

When a person dies with a valid will, they die "testate" and their will determines who inherits their property.<sup>1</sup> When a person dies without a will, they die "intestate" and state law in which the land is located governing intestate succession determines who inherits that person's real estate and other assets.<sup>2</sup> Who inherits a person's land by intestate succession varies depending on which family members survive the decedent.

There are generally a number of types of living heirs entitled to inherit from a decedent, including: the spouse of the decedent; biological and adopted children, and their descendants; parents of the decedent; siblings of the decedent, and if they have died, their descendants (the decedent's nieces and nephews); and grandparents and cousins.

## Finding the Family (Genealogy) 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](https://www.ancestry.com), [myheritage.com](https://www.myheritage.com), [familysearch.org](https://www.familysearch.org) and [findagrave.com](https://www.findagrave.com). Family bibles can be a good source of information and can sometimes be used to show heirs. Local libraries can also be a great resource for genealogical records and research help.

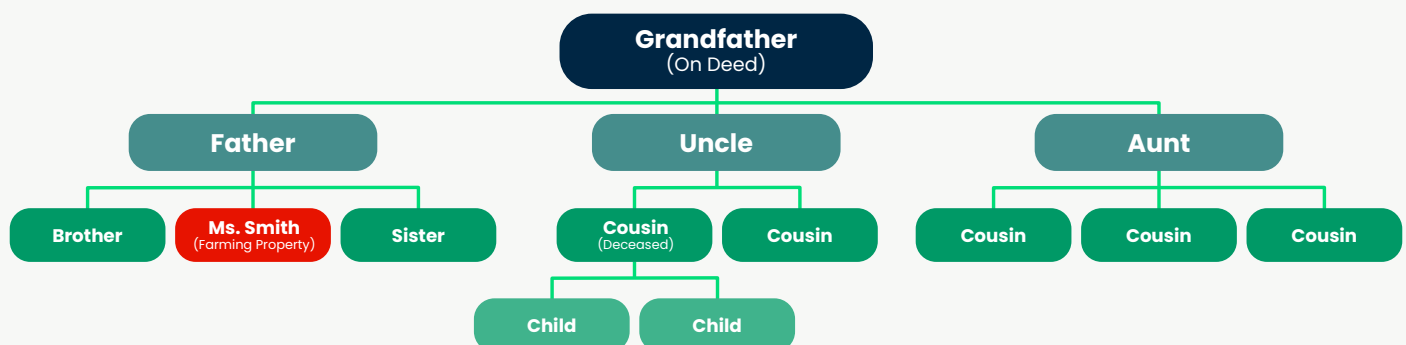
The Library of Congress has a Genealogy Research Guide for Massachusetts:

**Library of Congress Massachusetts Local History & Genealogy Resource Guide**  
[guides.loc.gov/massachusetts-local-history-genealogy/external-websites](https://guides.loc.gov/massachusetts-local-history-genealogy/external-websites)

The Boston Public Library also has a Genealogy Research Guide:

**Boston Public Library Genealogy Massachusetts Public Library**  
[guides.bpl.org/genealogymain](https://guides.bpl.org/genealogymain)

## An example of a simple family tree for Ms. Smith



## Land Records

Massachusetts has a unique system for maintaining its land records because it recognizes two types—recorded land and registered land. Recorded land is by far the most common system in Massachusetts and is most traditional in the United States. Recorded land titles are recorded and filed with the local Registry of Deeds in each county in the state. There are 21 separate Registries of Deeds and they each maintain their own online property records database, as is reflected on the Massachusetts Land Records website maintained by the state:

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### Secretary of the Commonwealth of Massachusetts [masslandrecords.com](https://www.mass.gov/info-details/masslandrecords-com)

An heirs' property owner can search those records online or in person to understand the property's history, including transfers of ownership, mortgages, liens and other claims against the property. For deeds to be recorded at the Registries of Deeds, there are minimum criteria that must be met, including the size of the paper and requirements regarding signatures and notaries.

Registered land is a different title system in Massachusetts and follows a stricter review process by the "Land Court." The "Land Court" is a department of the Massachusetts' Trial Court system and is distinct from the Registries of Deeds.<sup>3</sup> Land is generally registered, rather than recorded, after the Land Court has issued a formal decision regarding a boundary or ownership dispute regarding the property.

To decide a dispute in Land Court, a court-appointed examiner will do a thorough title search. Then, after all interested parties have had the chance to be heard, the Land Court makes a decision regarding the ownership interests in the property. Once the Land Court has issued a decision regarding ownership interests in a parcel, a Certificate is issued, and the property becomes registered land. Questions about ownership of that parcel cannot be challenged again and all future documents regarding that land must be filed in Land Court.<sup>4</sup> Often, a new Certificate will be issued by the Land Court if the land is further transferred.

An heirs' property owner should search both recorded and registered land records. Additionally, heirs' property owners should search probate records to determine if there are any proceedings, judgments, or records related to the property. Certain historic probate records are online:

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### Massachusetts official website [mass.gov/how-to/get-access-to-historic-probate-records](https://www.mass.gov/info-details/how-to-get-access-to-historic-probate-records)

And one can search current or more recent proceedings in Family and Probate Court:  
[mass.gov/how-to/get-a-copy-of-a-probate-family-court-record](https://www.mass.gov/info-details/how-to-get-a-copy-of-a-probate-family-court-record)

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### Massachusetts death certificates

Death certificates are public record, so any member of the public can obtain a copy at the city or town clerk's office where the death occurred.

[mass.gov/death-certificates](https://www.mass.gov/info-details/death-certificates)

## Intestate Succession in Massachusetts<sup>5</sup>

The following chart describes some of the possibilities for who inherits property under Massachusetts intestate succession laws. If there are multiple generations involved, it will be important to work with an attorney who understands probate law to identify all the current owners.

If a person dies with:	Here's who inherits:
children but no spouse	the children inherit everything
a spouse but no children or parents	the spouse inherits everything
a spouse and children, all of whom are from the decedent and that spouse	the spouse inherits everything
a spouse and children, at least one of whom is a child of the surviving spouse but not a child of the decedent	<p>the spouse inherits the first \$100,000, plus 1/2 of the balance</p> <p>the children or their heirs if they've died inherit the balance (1/2) of the intestate property</p>
a spouse and children, at least one of whom is NOT a child of the surviving spouse	<p>the spouse inherits the first \$100,000 of the intestate property, plus ½ of the balance</p> <p>the children or their heirs if they've died inherit the balance (1/2) of the intestate property</p>
Spouse and parents but no descendants	<p>the spouse inherits the first \$200,000 of the intestate property, plus 2/3 of the balance</p> <p>parents inherit everything else</p>
siblings but no spouse, descendants, or parents	the siblings inherit everything

# Understanding Partition Law

Heirs who inherit property intestate (without a will) own it as tenants in common.<sup>6</sup> Tenants in common each own an *undivided* interest in the whole parcel of land, which means that none of the heirs can claim any specific piece of land. As tenants in common, each heir has equal rights to use and occupy the land.

**Heirs' property owners are especially vulnerable to losing their land because they are subject to partition actions to physically divide or sell the 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 the property: partition in kind or partition by sale. If a court orders partition in kind, the land is physically divided equitably and 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, usually by forced sale at an auction, and the owners of the property lost their family legacy and generally received a small percentage of what the land was worth, much less than the property's fair market value.<sup>7</sup> This has resulted in a tremendous amount of land loss by African Americans in the United States. Since 2010, there have been efforts to pass legislation at the state level to insure that heirs' property owners have certain due process rights, including that if the property is sold in a partition action, it is sold for fair market value, not at auction. That legislation, drafted by the Uniform Law Commission, is called the **Uniform Partition of Heirs' Property Act** (UPHPA). It provides a more equitable system for partition actions of heirs' property.

The UPHPA was introduced in Massachusetts in 2024 (H1744) but has not been enacted into law. The UPHPA would restructure the way partition sales occur by enacting certain procedural safeguards. First, the remaining co-tenants would be able to buy out the co-tenant that brought the partition action. Second, if there is no buyout, then there is a real preference for the court to divide rather than sell the property. Finally, if the property is to be sold rather than divided, the court would be required to have the property appraised for fair market value and sold in an open market sale instead of at auction, as is customarily the case.

Currently, in Massachusetts, a landowner who is a tenant in common may bring a lawsuit against their co-tenants to divide or sell the land either in the Land Court or the Probate and Family Court where the land is located.<sup>8</sup> The complaint must include a request for either a partition in kind or partition by public or private sale and include the names of all other owners and anyone else who has an interest in the property.

In Massachusetts, there is a preference for partition in kind by physically dividing the property if that can be done without inconvenience to the owners.<sup>9</sup> A partition in kind can only be conducted if the court determines it is possible to physically divide a property into lots or parcels of nearly equal value. If such a division is possible, the court determines that there is no apparent injury to the parties due to the physical partition. If the court finds that the property cannot be physically divided, the court can order a sale of the property or a "set-off," which allows for a buy-out by the other owners of the property.<sup>10</sup> The value of the property is determined by disinterested commissioners.

If the property is partitioned by sale, it can be sold by private sale or public auction.<sup>11</sup> The court may appoint a disinterested commissioner to oversee the sale of the property and distribute the proceeds, which will be divided among the heirs in proportion to their interest in the property. The court may also consider each

owner's contributions to the property – financial or otherwise – to ensure fair distribution of the funds.

**Court actions for partition should be avoided**

**if possible.** If one of the co-owners has an interest in purchasing the interests of the other co-owners of the land, the parties can try to agree to a purchase price and a sale can occur. If 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. If sale of

the land is desired by all co-owners, they should attempt to agree on a process for the sale of the land, which can generally be accomplished by agreeing on a broker to market and sell the land. However, if an heir receives a notice of a partition action, they should immediately consult an attorney to protect their rights in the land. Historically, partition sales have been devastating to African American landowners, resulting in forced sales of millions of acres of property and the loss of a tremendous amount of land, wealth, and family legacy.

## Avoiding Tax Sales

It is very important for heirs' property owners to make sure property taxes are paid in full because tax sales can lead to loss of land. Property becomes subject to a tax sale when a landowner fails to pay annual property taxes on time. The overdue amount generally becomes a tax lien, which may cause the local government authority to begin a process to sell the land.

Note that in many families, one or more of the heirs pay the total amount of the annual property taxes due, including the portions owed by other co-owners. Ideally, the other co-owners reimburse the family members who pay the taxes. If no reimbursement is made, the co-owner who paid the taxes can get reimbursed through voluntary repayment, distribution of income received from the property, or sale proceeds if the land is sold. Importantly, payment of taxes does not increase a co-owner's ownership interest. Rather, it creates a claim for reimbursement from any co-owner 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.



## How Tax Sales Work in Massachusetts

If the property is sold at a tax sale, the purchaser will be given the deed. If instead of being sold, the city or town wants to take ownership of the property (a tax taking), it must give fourteen (14) days' notice, and then the city or town takes title to the property. However, in either circumstance, the deed and title are subject to the right of redemption.<sup>12</sup>

To redeem the property, the homeowner must either pay the purchaser in the case of a sale, or the city or town if there was a taking. The property owner must pay the amount owed, plus interest and costs. Typically, the owner has six months after the sale or taking to pay the debt and keep the property.<sup>13</sup> This will include any outstanding real estate taxes, water/sewer bills, interest, and any other costs and fees incurred by the legal process.<sup>14</sup>

If the owner does not redeem the property within six months, the purchaser or city/town can bring a petition with the Land Court to foreclose the owner's right to redeem.<sup>15</sup> If the owner makes an offer to redeem in the answer to the petition, the Land Court will set a date when the redemption must be completed.<sup>16</sup> However, if the debt is not paid and the foreclosure is completed, the buyer or city/town gains full ownership of the property.



## Potential Tax Savings for Agricultural Land

Heirs' property owners of agricultural land should consider the potential for financial savings by receiving an agricultural exemption for property taxes due. To qualify for tax savings on agricultural land in Massachusetts, three conditions must be met: (1) the farmland must be at least five contiguous acres actively devoted to agriculture and/or horticulture; (2) the farm operator must make at least \$500 in annual gross sales from farming operations; and (3) the land must have been devoted to agriculture and/or horticulture use for the year in which the tax savings is applied for and at least two prior to obtaining the classification.<sup>17</sup>

Although the landowner must still pay annual property taxes on the land, the tax rate is based on the value of the land as agricultural land rather than its fair market value (which is likely based on its use for development). The value of the land is established by a statewide farmland valuation advisory commission and the local board of assessors.<sup>18</sup>



# Avoiding Adverse Possession and Condemnation

Heirs' property owners must also manage and monitor their land to ensure the property is not taken through adverse possession or eminent domain (that is, condemned by the local, state, or federal government).

## Adverse Possession

Adverse possession allows a person to become the owner of land they do not own if they meet certain criteria, including continuous use of the land, and then bring an action in court asking a judge to declare them the legal owner. Failure to monitor and manage heirs' property can invite neighbors and others to develop a strong case for seeking ownership of land in this way. To avoid this, "No Trespassing" signs should be posted, and if a family member cannot check the land periodically, a manager or caretaker should be hired to monitor the land.

Massachusetts law allows a person to gain ownership of land they do not own by occupying the land and meeting the following five requirements.<sup>19</sup>

The occupation of the land must be:

- **actual use without permission** (they are living or working on the land without permission);
- **open and notorious** (they must be open about the fact that they are occupying the land);
- **continuous and uninterrupted for 20 years**, without objection from the actual owner;<sup>20</sup> and
- **exclusive** (they must possess the land for themselves).<sup>21</sup>

One way for an heirs' property owner to defeat a possible claim of adverse possession is to give the person on the land permission to use it. This means the person cannot claim their occupancy of the land is "hostile" as is required. This permission should be in writing.

## Condemnation and Eminent Domain

Condemnation occurs when the local, state, or federal government forces a landowner to sell their land to the government. State and federal governments, local city and county governments, and private businesses can take private land under "eminent domain" laws if they can show that doing so is necessary for a public use or purpose. In Massachusetts, Chapter 79 of the Massachusetts General Laws governs these types of actions. It requires state and federal governments, local city and county governments, and private businesses who want to take private land under "eminent domain" laws to follow a particular procedure, depending on the entity taking the land. All entities must show that doing so is necessary for a public use or purpose.<sup>22</sup> The landowner will be given reasonable compensation for the taking.

Massachusetts gives owners of agricultural land an extra defense to an eminent domain action. The state requires a hearing, and if the owner of the land can demonstrate that other land not used for farming is available for the public use stated by those bringing the eminent domain action, they can save their land. However, takings by the State of Massachusetts for highway purposes, or by the department of telecommunications and energy, are exempt from this requirement.<sup>23</sup>



## Agricultural 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 United States Department of Agriculture's Farm Service Agency (FSA) runs an Agricultural Mediation Program which 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 can help. Massachusetts, families can reach out to:**

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### MA Agriculture Mediation Program

#### Massachusetts Office of Public Collaboration UMass Boston

100 Morrissey Blvd., Boston, MA 02125  
Phone: (617) 287-4040 or (888) 869-1898

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### MA Office of Dispute Resolution

100 Morrissey Blvd., McCormack Bldg. - Room 627, Boston, Massachusetts 02125  
Phone: (617) 287-4040 or (888) 869-1898

# Additional Resources

## Organizations in Massachusetts Supporting Heirs' Property Owners

### Initiative on Land, Housing & Property Rights

#### Boston College Law School

885 Centre Street, Newton Centre, MA 02459

Phone: (617) 552-0215

Email: [lhprights@bc.edu](mailto:lhprights@bc.edu)

Website: [bc.edu/bc-web/schools/law/centers/land-initiative.html](https://bc.edu/bc-web/schools/law/centers/land-initiative.html)

### Center for Assistance to Families Centro de Apoyo de Familiar

375 Common St., Suite 204, Lawrence, MA 01843

Phone: (978) 332-7108

Fax: (202) 380-9011

Email: [info@mycaf.org](mailto:info@mycaf.org)



Visit [farmlandaccess.org](https://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](https://farmlandaccess.org/heirs-property/#organizationsprovidingassistance)

**DISCLAIMER:** This document provides general legal information for educational purposes only. It is not meant to substitute, and should not be relied upon, for legal advice. Each operation and situation is unique, state laws vary, and the information contained here is specific to the time of publication. Accordingly, for legal advice, please consult an attorney licensed in your state.

# Glossary

The following definitions are from multiple sources and are not specific to any particular state statute. Of course, any statutory definitions (terms defined in the laws of a particular state) would overrule these definitions in any legal proceeding, so for those in Massachusetts, Massachusetts state law should be consulted.

## 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. When a property has clear title, it means title is clear from claims or disputes about ownership.

## 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 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 the definition of tenants in common, below.

## Decedent

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

## Deed

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

## Descendant

A person related to someone who has died, either directly (parent, child, grandchild) or indirectly (aunts and uncles, cousins). This includes anyone legally adopted.

## Estate

The real property (land and buildings) and personal property (clothing, furniture, cars, and so on) 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.

## Heirs

People who are entitled under state "intestate" law to inherit property from someone who has died.

## 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 survivorship clause).

## 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.

## Probate

The legal process of proving the validity of a will in court and handling the estate of a decedent whether there is a will or not.

## Tax lien

A state or local government's right to keep real estate for payment of some debt or obligation.

## Tax sale

A legal process used by a county or town to take the property of a landowner who has not paid their property taxes in full and sell it to recover the unpaid taxes.

## 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, above. Each owner can occupy and use all parts of the land or real estate.

## Testate

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

## Title

Refers to ownership rights in land. As a legal concept, title exists even without any documents, but a deed is the most common way to determine who has title in land. (See definition of deed, above.) Sometimes a will or an affidavit may be used to document ownership rights.

## Undivided interest

An interest in property held in common with others in a single property. These interests can be unequal; that is, the value of each interest can vary.

# Acknowledgments

This resource was developed as a collaboration between Vermont Law and Graduate School's **Center for Agriculture and Food Systems**, the **Federation of Southern Cooperatives**, and the **Policy Research Center for Socially Disadvantaged Farmers and Ranchers at Alcorn State University**, with funding from the US Department of Agriculture's National Agricultural Library. This project was led by Francine Miller, Senior Staff Attorney and Adjunct Professor, Center for Agriculture and Food Systems at Vermont Law and Graduate School. Special thanks to Maya Graeber for developing this fact sheet, and to Heather Francis, Constantin Mathioudakis, Suhasini Ghosh for their extensive work researching and developing this resource as student clinicians and research assistants. We thank Christian Haabersat, Esq. for reviewing this report.

## About CAFS



[farmlandaccess.org](http://farmlandaccess.org)

Vermont Law and Graduate School's Center for Agriculture and Food Systems (CAFS) uses law and policy to build a more sustainable and just food system. With local, regional, national, and international partners, CAFS addresses food system challenges related to food justice, food security, farmland access, animal welfare, worker protections, the environment, and public health, among others. CAFS works closely with its partners to provide legal services that respond to their needs and develops resources that empower the communities they serve. Through CAFS' Food and Agriculture Clinic and Research Assistant program, students work directly on projects alongside partners nationwide, engaging in innovative work that spans the food system.

Please visit [www.vermontlaw.edu/cafs](http://www.vermontlaw.edu/cafs) to learn more.

## 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. See *Heirs' Property*, CTR. FOOD & AGRIC. SYS., <https://farmlandaccess.org/heirs-property/#challenges> (last visited July 9, 2024); see also *Wills*, CTR. FOOD & AGRIC. SYS., <https://farmlandaccess.org/wills/> (last visited July 9, 2024).
- 3 Lawsuits regarding disputes over property rights, including partition requests, adverse possession claims, and actions to clear title are often heard in Land Court, which is a "specialized" court in Massachusetts that only considers disputes concerning real property.
- 4 See *What is the difference between Recorded Land and Land Court?*, N. BRISTOL CNTY. REGISTRY DEEDS, <https://www.tauntondeeds.com/registry-home/faq/what-difference-between-recorded-land-and-land-court> (last visited July 9, 2024); see also *Land Court*, MASS.GOV, <https://www.mass.gov/orgs/land-court> (last visited July 9, 2024).
- 5 *Intestate Succession in Massachusetts*, NOLO, <https://www.nolo.com/legal-encyclopedia/intestate-succession-massachusetts.html> (last visited July 9, 2024); Substance of the chart can be seen from Massachusetts Uniform Probate Code, Chapter 190B. See MASS. GEN. LAWS ch 190B, §§ 2-101-103 (2023).
- 6 Heirs who inherit property through a valid will may also own the land as tenants in common if it is left to them without designation of the specific land each heir receives.
- 7 Thomas W. Mitchell, *Historic Partition Law Reform: A Game Changer for Heirs' Property Owners*, TEX. A&M UNIV. SCH. L. LEGAL STUD. RSCH. PAPER, 74 (2019).
- 8 MASS. GEN. LAWS ch. 241, §§ 1-37 (2018).
- 9 MASS. GEN. LAWS ch. 241, § 14 (2018).
- 10 *Id.*
- 11 MASS. GEN. LAWS ch. 241, § 31 (2018).
- 12 MASS. GEN. LAWS ch. 60, §§ 45, 61 (2011).
- 13 MASS. GEN. LAWS ch. 60, § 65 (2011).
- 14 MASS. GEN. LAWS ch. 60, § 68 (2011).
- 15 MASS. GEN. LAWS ch. 60, § 65 (2011).
- 16 MASS. GEN. LAWS ch. 60, §§ 62, 68 (2011).
- 17 The minimum gross sales requirement increases as the acreage increases. See MASS. GEN. LAWS ch. 61A, §§ 3, 4 (2022).
- 18 MASS. GEN. LAWS ch. 61A, §§ 10, 11 (2022).
- 19 MASS. GEN. LAWS ch. 260, § 21 (2014).
- 20 *Id.*
- 21 See *Miller v. Abramson*, 131 N.E.3d 863, 866 (Mass. App. Ct. 2019); see also *Massachusetts law about adverse possession*, MASS.GOV, <https://www.mass.gov/info-details/massachusetts-law-about-adverse-possession> (July 10, 2024).
- 22 MASS. GEN. LAWS ch. 79, § 2 (2014).
- 23 MASS. GEN. LAWS ch. 79, § 5B (2014).

