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Passing the Farm On

Protecting the Land and the Legacy

De’Erricka T. Green, Law Fellow & Co-Director, WFU Law Heirs’ Property Project · October 21–23, 2026 · Virtual

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MEET YOUR SPEAKER

De’Erricka T. Green

Law Fellow & Co-Director, WFU Law Heirs’ Property Project

De’Erricka Green is an attorney licensed in North Carolina and Georgia and serves as Law Fellow and Co-Director of the Heirs’ Property Project at Wake Forest University School of Law. With more than eight years of legal experience, including estate planning, estate administration, and property-related matters, she works with North Carolina families to navigate inherited landownership, resolve title issues, and develop strategies for preserving generational wealth. Her work connects legal advocacy with agricultural land retention by helping families address ownership barriers that can limit their ability to farm, access financial resources, and sustainably manage land for future generations.

Who Gets the Farm When You're Gone?

Meet Ms. Johnson. She owns a 60-acre farm and has two adult children.

Ms. Johnson dies without a will. Who inherits the land?

Without a plan, state law—not family expectations—determines who inherits.

Child A

- Works and manages the farm



Child B

- Lives elsewhere and does not farm



The Legal Documents Every Farm Family Should Know

Document	What it Does
After death: Wills, trusts, beneficiary designations.	**After death:** Directs property distribution and asset management.
During incapacity: Financial and healthcare powers of attorney, advance directive.	**During incapacity:** Authorizes management of finances and healthcare decisions.
Business continuity: Operating agreements and buy-sell agreements.	**Business continuity:** Establishes business ownership, management, and exit rules.

Which of these documents do you currently have in place?

When Family Land Becomes Heirs' Property

Remember Ms. Johnson? She owns a 60-acre farm, has two adult children, no spouse, no will.

Her children inherit the farm as tenants in common, so each owns an undivided share of the entire farm—not a separate physical 30-acre parcel.

Child A - Works and manages the farm **Child B** - Lives elsewhere and does not farm

Who decides whether to keep, sell, or lease?

Who pays taxes and maintenance?

½ interest **½ interest**

Shared ownership of the whole farm

Who can sign agreements or obtain financing?

What happens when another generation inherits?

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True or false?

If a farmer dies without a will, the farm automatically goes to the child who has been working it.

Let's Test Your Farm Legacy Toolkit

- You're hospitalized and someone needs to pay farm bills.
- You cannot communicate your healthcare wishes.
- You want to decide who inherits your land and equipment.
- Two children co-own the farm business and one wants out.
- Your retirement account still names your former spouse.

Start Before There's a Crisis



Know What You Own

- Confirm whose name is on the deed
- Confirm how the property is titled
- Confirm whether ownership is already shared among heirs.



Have the Family Talk

- Discuss who wants to farm
- Discuss who wants to own
- Discuss who will manage
- Discuss how responsibilities will be shared.



Put a Legal Plan in Place

Work with a qualified attorney to choose documents and ownership structures that support the family's goals.

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You Don't Have to Figure It Out Alone

North Carolina: Wake Forest Law Heirs' Property Project, Land Loss Prevention Project, Black Family Land Trust

Other resources: Local estate-planning attorneys, legal aid programs, agricultural Extension professionals, state bar lawyer-referral service, and farm-transition organizations.

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Thank You

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Learn more: https://law.wfu.edu/academics/experiential/clinics/environmental/heirs-property/

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