

To: Senate Co-Chair Eric D. Coleman House Co-Chair Gerald M. Fox
Honorable Members of the Judiciary Committee

From: Robert J Settipane, MD
Heirs' Property Owner in Old Saybrook, CT

Re: **H.B. No. 5218. AN ACT CONCERNING THE ADOPTION OF THE UNIFORM PARTITION OF HEIRS' PROPERTY ACT**

Date: February 24, 2014

The purpose of this testimony is to **urge passage** this year.

This legislation is **necessary to preserve the equity of tenant in common owners** of heirs' property and to **facilitate speedy and smooth liquidation** of ownership interest.

Tenant in common ownership is the default form of inheritance for real estate. It is the type of inheritance ownership that more frequently occurs among the **poor and minorities**. For this reason, partition law reform has been classified as **a genuine civil rights issue** by the **Southern Poverty Law Center** and the **Lawyers Committee for Civil Rights**. Testimony was submitted to the Connecticut legislature last year from both these groups in favor of the proposed uniform partition law.

The current law is very problematic and badly in need of improvement. Lower income people are more vulnerable to the imperfection of the current law. In order for a tenant in common owner to liquidate ownership interest, **the tenant in common owner must file a law suit for partition action, typically this means suing siblings!** This becomes expensive very fast especially if other owners do not want to sell. Neither is this a speedy process. I have been engaged in a partition law suit for 3-1/2 years regarding property in Saybrook which has cost me \$40,000 in legal fees so far. This cost can greatly reduce net equity to owners. Heirs need to be protected from these pitfalls of a tenants in common form of property inheritance.

The current law prescribes that heirs' property be sold on the open market which may result in current live-in owners being forced to move out of their lifelong family home. The legal cost and administrative cost of the sale and the realtor's commission greatly reduce net equity. Neither is the open market sale guaranteed to be a speedy process.

The proposed law provides a **cook book formula** for sale. The court would set the value of the home based on a court ordered appraisal. Current tenant in common owners who want to buy, can purchase additional ownership interest at the court appraised price. In theory, the appraised priced might, in some instances, be lower than an open market price but the difference would be substantially offset by lack of realtor's commission, lack of administrative cost and greatly reduced legal fees compared to a court ordered sale. The proposed law also offers the value of a much more speedy liquidation of ownership interest.

The proposed legislation is about the family home, the preservation of family equity and preserving family relationships. It provides a simple solution to a vexing problem. **Please build this road to peace and justice for heirs' property owners.**