

## LANDOWNER CASE STUDIES

## Putnam Blodgett

### The Land:

*670 acres of woodlands in Bradford, VT.*

Put Blodgett and his family have a long-standing relationship with their land. Put bought the land that he grew up on from his parents in 1953. After several years operating it as dairy farm, the meadowland was sold and Put started a summer camp, spending long hours canoeing and hiking through the woods. Put enrolled his land in the Current Use Program in 1980, which enabled him to resist the fiscal pressure associated with owning land in Vermont and allowed him to hold on to it.

In the mid '90s, as Put considered his land to be his lifetime's work, he decided to donate a conservation easement to the Upper Valley Land Trust. He chose the Upper Valley Land Trust because of his close connections with the organization and he felt in agreement with its



Courtesy Put Blodgett

stated purpose. This easement ensures that Put could keep using his land for forestry, in compliance with his forest management plan, while restricting further subdivisions.

Put also started thinking about what would become of his land after he passed away. His priority was to be fair to his four children, while making sure that the land would be held by one of his children only. In order to share his assets equally among his children, Put placed all of his assets into a living trust and drafted a will that specified how assets would be distributed. Put's youngest son recently cleared a site and built his home on the Bradford Tree Farm. The property has been transferred from the Trust to Blodgett Forests, LLC, a Limited Liability Company. Put is satisfied with his estate planning as he is confident that the structure he set up will prevent chaos and probate court hold-ups.

### Actions:

- Enrollment in the Current Use Program, which allows the family to keep the land and keep it managed as a working landscape;
- Donation of a conservation easement to the Upper Valley Land Trust to ensure the land would be safe from subdivisions and kept as forestland;
- Drafting of a will and setting up a living trust to own assets including the land, the trust being set up with specific directions to have the land transferred to the one son interested in owning it.

## Alan Calfee

### The Land:

*123 acres of predominantly forested land including four separate lots, three of them with single family residences in Dorset, VT.*

In 1949, Gertrude Davis bought the land that was going to be the anchor of her family's life for the next 60 years. As time went by, she wanted her sons, Alan Calfee and his two brothers, to get involved in the maintenance of the land and eventually to take over the land ownership. When in 1989 she consulted her attorney, she realized that the increase in her property value was going to make the tax burden of her passing too great for her children to bear and that the land would have to be sold. The transfer of Gertrude's assets was going to require some planning.

The family engaged in open discussions as to what to do with their land and determined common goals, the main

one being to protect their land from development and fragmentation. As a result, in 1998, Gertrude donated a conservation easement over the forested part of her land (100 acres) to the New England Forestry Foundation. Although several other land trusts had been consulted, the NEFF was the one that fit best the criteria that the family had for their land.

Once the conservation easement was established, the family set up a limited partnership to own the land, Elephant Hill Family Limited Partnership and Gertrude



Courtesy Alan Calfee

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progressively transferred her interests in the land to her sons through the partnership. Alan is now the general partner and takes care of daily management of the property. He is grateful for his mother's early planning.

### Actions:

- Enrollment in the Current Use Program;
- Focused family discussions on succession and conservation of the land;

- Donation of a conservation easement to the New England Forestry Foundation;
- With valuable input from expert team of foresters, surveyors, accountants and attorneys with experience in land and estate planning, creation of a limited partnership whose partners are family members, to collectively own and maintain the land;
- Annual gifts of interests in the land to each partner of the limited partnership.

## Bob and Sue Lloyd

### The Land:

*1,100 acres of forestland and open fields and 200 acres of farm land sold to farmers and currently operated as an organic dairy farm in Tinmouth, VT.*

In 1963, Bob and his wife Sue together with their college roommates and their spouses decided to purchase 450 acres of forested land and open fields in Tinmouth. The group used the land exclusively for recreation until 1969, when Bob and Sue built a cabin and started spending their summers there with their three sons. A neighboring farmer ran a thirty-head, free-range beef herd that kept the fields open.



A. Blake Gardner

In 1975, the neighbors' 850-acre farm was forced onto the market by a family dispute. Bob and Sue purchased it, promising their neighbors that they would do their best to keep the land farmed. Sue, Bob and their friends decided to take action to avoid any dispute that could lead to land fragmentation, so they created a land structure that would forever protect the integrity of their land. This is why in 1980 they donated a conservation easement on the whole land to the then Ottauquechee Regional Land Trust (now Vermont Land Trust) and to the Vermont Department of

Forests, Parks & Recreation, thus restricting subdivisions and commercial uses of the land, while allowing forestry and agricultural uses. Bob also found new tenants to farm 200 acres of his former neighbors' property, who would go on to buy the land.

Bob, Sue and their co-owners also decided to establish a condominium where each owner would own a ten-acre lot in fee simple and an undivided interest in the property held in common allowing each owner to sell their share without dividing the property. Since then, a new share has been added, but the decision making process remains fairly simple as the owners meet once a year to discuss land related issues. Although the rule is one share, one vote, they have always managed to come to a consensus without having to vote.

Simultaneously, the land was enrolled in the Current Use Program and subject to a management plan. Profits from logging are sometimes shared within the owners and sometimes reinvested in the land.

### Actions:

- Purchase of land together with several families (tenancy in common);
- Donation of a conservation easement;
- Sale of some of the protected land to farmers ensuring perpetual protection of the land while preserving a working landscape;
- Establishment of a condominium, allowing sale of shares and common use of the land while avoiding its subdivision;
- Enrollment in the Current Use Program alleviating the tax burden and allowing the owners to keep the land undeveloped. Some areas enrolled in the Current Use Program are designated as Ecologically Sensitive Treatment Areas.

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## Allan Thompson and Kathleen O'Dell

### The Land:

*30 acres of forested land, including a pond, house and yard in Waterbury, VT.*

When Kathleen O'Dell learned of her terminal illness, she decided to plan for the transfer of her assets to her three sons: Allan Thompson and his two brothers, at the time in their early twenties. Kathleen owned the family house and land in Waterbury and decided to organize the transfer of her assets to her sons through the establishment of a living trust and a will. She got in touch with her family

lawyer Jeff Kilgore, and had the necessary legal documents drafted. This required extensive work and precise identification and classification of her assets, a task with which her lawyer was very helpful.

As Kathleen knew she was going to die while her children were still young, the trust was designed to have a predictable distribution of assets through time: one third would be distributed on the year of Kathleen's passing, one third five years later, and the final third 10 years later. Upon her death in 2005, Allan and his two brothers became the beneficiaries of the trust. In 2010, it became apparent that out of the three brothers, Allan was the only one who was really spending time on the property, yet the fiscal burden of the property was shared equally among him and his brothers. When Allan showed interest in taking over the land and the house, the three brothers met and talked about the best way to go about it. After lengthy discussions where all three brothers worked hard at communicating their intent for the land the best they could, they unanimously decided that Allan would be written out of the trust and would buy his two brothers out at a reduced price. They also decided to draft use restrictions within the deed itself; (i) the land could not be subdivided and (ii) the land could not be sold to a third party, but only back to the trust. The land and the house are now co-owned by Allan and his partner.

### Actions:

- Drawing of a will;
- Setting up a living trust with specific timeline restriction to organize progressive asset transfer to heirs;
- Enrollment in the Current Use Program and forest management plan alleviating the tax burden and allowing the owners to keep the land undeveloped;
- Land purchase at a reduced price from family members;
- Family agreement to include restrictions in the deed to limit subdivisions and land sale to third parties.



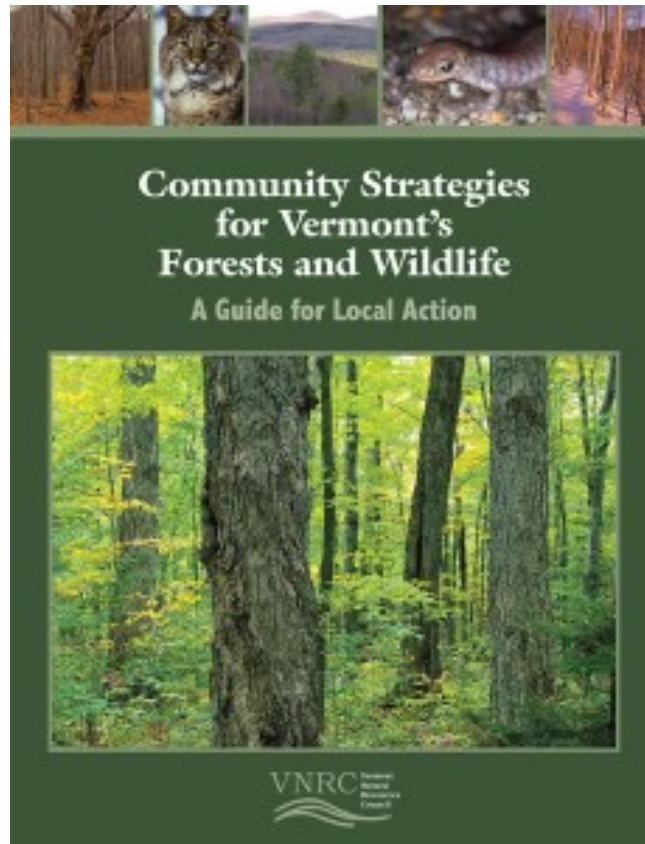
Courtesy Allan Thompson





This chapter is part of a larger publication called ***Community Strategies for Vermont's Forests and Wildlife: A Guide for Local Action***. You can download the entire publication or individual chapters (including the endnotes, resources, and credits page) for FREE at:

[www.vnrc.org/programs/forests-wildlife/guide/](http://www.vnrc.org/programs/forests-wildlife/guide/)



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