



CHAPTER 41

ARTICLE 5 - TENANCY BY THE ENTIRETY

N.C.G.S. § 41-63.

Termination of tenancy by the entirety other than upon death of a spouse; effects of termination.

SOURCE	LAST AMENDMENT IN THIS TEXT	RETRIEVED	SOURCE FINGERPRINT
General Statutes of North Carolina, as published by the General Assembly	S.L. 2025-25, s. 48(b) — fifth act in the lineage	21 September 2026, 02:02 UTC	75af3f936d1f6c668a6f7c07 - 713d9c7a3fe6d30112d9462d - 215dee745cc63831

Events terminating a tenancy by the entirety other than the death of a spouse and the effects of termination include the following:

The voluntary sale and conveyance of property held as tenants by the entirety to a third party, including a foreclosure sale pursuant to a power of sale in a deed of trust. Proceeds of the sale, including surplus funds generated from a foreclosure sale, are personal property held by the spouses as tenants in common.

The voluntary partition between spouses executing a joint instrument conveying the property held as tenants by the entirety to themselves as tenants in common or in severalty.

The involuntary transfer of title of property held by spouses as tenants by the entirety. The proceeds resulting from the transfer are held by the spouses as tenants by the entirety. An involuntary transfer of title includes:

- a.A sale pursuant to Article 15 of Chapter 35A of the General Statutes as to an incompetent spouse.
- b.An appropriation in a condemnation proceeding by the North Carolina State Highway Commission.

The conveyance from one spouse to the other spouse of his or her interest in property held as tenants by the entirety. The conveyance vests the property or interest formerly held as tenants by the entirety in the other spouse. The joinder of a spouse in a conveyance made by the grantor pursuant to this subdivision is not necessary. The conveyance does not waive or release any of the following rights or claims that the grantor may have acquired by marriage in the property conveyed:

G.S. 50-20		"with respect to the property under"
G.S. 75D-5(i)	(null)(6)	"an innocent person as defined in"
G.S. 75D-8(a)	(null)(6)	"in G.S. 75D-5(i) is governed by"

APPARATUS III

Citation

FULL SECTION

N.C. Gen. Stat. § 41-63 (2025).

Pinpoint keys are set in the left margin of the text rather than line numbers: subsection
designators are stable across editions and paper sizes, line numbers are not.

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Provenance

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HISTORY PARENTHETICAL, AS PRINTED BY THE STATE
(1957, c. 598, s. 1; 1965, c. 878, s. 3; 1977, c. 375, s. 9; 2020-50, s. 1(a)-(c); 2025-25, s. 48(b).)

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