



CHAPTER 41

ARTICLE 6 - JOINT TENANCY

N.C.G.S. § 41-73.

Termination of a joint tenancy with right of survivorship.

SOURCE	LAST AMENDMENT IN THIS TEXT	RETRIEVED	SOURCE FINGERPRINT
General Statutes of North Carolina, as published by the General Assembly	S.L. 2023-46, s. 8 — fourteenth act in the lineage	21 September 2026, 03:26 UTC	7276cf995e465df446d43cd1 - 9e1d9dd0f09158234d581ce7 - f6e949f05a1560e3

§ 41-73(a)

Events terminating a joint tenancy with right of survivorship due to the collective action of all joint tenants include the following:

- (1) The conveyance to a third party by all of the joint tenants of all of their interests in the property held in the joint tenancy, including a foreclosure sale pursuant to a power of sale in a deed of trust.
- (2) The execution of an instrument with a third party by all of the joint tenants that does not convey all of their interests in the property held in the joint tenancy to the third party, including a lease, executory contract of sale, option to purchase, or deed of trust, and an intention to terminate expressly appears in the instrument.
- (3) The execution of an instrument by all joint tenants for the purpose of expressing an intent to terminate the joint tenancy.

§ 41-73(b)

Events terminating a joint tenancy with right of survivorship due to the unilateral action of a joint tenant include the following:

- (1) The conveyance to a third party by a joint tenant of all of that joint tenant's interest in the property held in the joint tenancy, including a foreclosure sale pursuant to a power of sale in a deed of trust.

- (2) The execution of an instrument with a third party by a joint tenant that does not convey all of that joint tenant's interest to the third party, including a lease, executory contract of sale, option to purchase, or deed of trust, and an intention to terminate expressly appears in the instrument.
- (3) The execution of an instrument by a joint tenant where the joint tenant is both the grantor and the grantee if the intention to terminate expressly appears in the instrument. A termination under this subdivision is effective only upon the recording, prior to the death of the joint tenant, of an instrument expressing an intent to terminate in the office of the register of deeds in the county or counties where the real property is situated.
- (4) The filing by a joint tenant of a petition to partition.

§ 41-73(c)

When a termination occurs, a tenancy in common is created as follows:

- (1) If a termination occurs under subdivision (1) of subsection (a) of this section because of the conveyance of all of the joint tenants' interests to a third party, a tenancy in common is created among the tenants as to any proceeds of sale or surplus funds generated from a foreclosure sale.
- (2) If a termination occurs because of the execution by all of the joint tenants of an instrument described in subdivision (2) or (3) of subsection (a) of this section, a tenancy in common is created among the tenants.
- (3) If a termination occurs under subdivision (1) of subsection (b) of this section because one of the joint tenants conveys all of that joint tenant's interest to a third party and there are only two joint tenants, a tenancy in common is created between the third party and the other joint tenant. If there are more than two joint tenants and one of the joint tenants conveys all of that joint tenant's interests to a third party, a tenancy in common is created among the third party and the remaining joint tenants, who continue as joint tenants with right of survivorship as between or among themselves.

- (4) If a termination occurs because of the execution by a joint tenant of an instrument described in subdivision (2) or (3) of subsection (b) of this section or because of the filing of a petition by a joint tenant as provided in subdivision (4) of subsection (b) of this section, and there are two joint tenants, a tenancy in common is created between the joint tenant causing the termination and the other joint tenant. If there are more than two joint tenants, a tenancy in common is created among the joint tenant causing the termination and the remaining joint tenants, who continue as joint tenants with right of survivorship as between or among themselves.

§ 41-73(d) The following events do not result in a termination of joint tenancy with right of survivorship:

- (1) The filing of a judgment against one joint tenant.
- (2) The filing of a bankruptcy petition by one joint tenant.
- (3) When married individuals holding an interest as tenants by the entirety in a joint tenancy with one or more other joint tenants divorce. Unless the divorced individuals agree otherwise, the divorced individuals are deemed to hold their existing interest equally as tenants in common as to each other, but as joint tenants with right of survivorship as to remaining joint tenancy holders.

§ 41-73(e) Nothing in this section limits the manner or effect of a termination ordered by a court of competent jurisdiction.

END OF SECTION TEXT

APPARATUS FOLLOWS — DERIVED, NOT ENACTED

APPARATUS I
14 ACTS

Amendment lineage

The State prints this history as a single parenthetical at the foot of the section. It is reproduced verbatim in the colophon and unpacked below in order of enactment.

			
1784		1904	2023
TICK HEIGHT = ACTS IN THAT YEAR DASHED = RECODIFICATION, NOT AMENDMENT			
Nº	YEAR	ACT	CHARACTER
01	1784	c. 204, s. 6	ENACTED
02	1784	R.C., c. 43, s. 2	AMENDED

03	1784	Code, s. 1326	AMENDED
04	Rev.	s. 1579	RECODIFIED
05	C.S.	s. 1735	RECODIFIED
06	1945	c. 635	AMENDED
07	1945	1989 (Reg. Sess., 1990), c. 891, s. 1	AMENDED
08	1991	c. 606, s. 1	AMENDED
09	2009	S.L. 2009-268, s. 1	AMENDED
10	2010	S.L. 2010-96, s. 9	AMENDED
11	2012	S.L. 2012-69, s. 2	AMENDED
12	2013	S.L. 2013-204, s. 1.11	AMENDED
13	2020	S.L. 2020-50, s. 2(a)-(c)	AMENDED
14	2023	S.L. 2023-46, s. 8	AMENDED

APPARATUS III

Citation

FULL SECTION

N.C. Gen. Stat. § 41-73 (2023).

PINPOINT

N.C. Gen. Stat. § 41-73(a) (2023).

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.

COLOPHON

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HISTORY PARENTHETICAL, AS PRINTED BY THE STATE

(1784, c. 204, s. 6; R.C., c. 43, s. 2; Code, s. 1326; Rev., s. 1579; C.S., s. 1735; 1945, c. 635; 1989 (Reg. Sess., 1990), c. 891, s. 1; 1991, c. 606, s. 1; 2009-268, s. 1; 2010-96, s. 9; 2012-69, s. 2; 2013-204, s. 1.11; 2020-50, s. 2(a)-(c); 2023-46, s. 8.)

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