



CHAPTER 41
ARTICLE 7 - TENANCY IN COMMON

N.C.G.S. § 41-80.

Definitions; construction.

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The following definitions apply in this Article:

Actual ouster. - An entry onto or possession of the property by a cotenant that is a clear, positive, and unequivocal act, equivalent to an open denial of another cotenant's rights or title in the property and putting the other cotenant out of seizin.

Constructive ouster. - A presumption of ouster when a tenant in common has sole possession of the property for 20 years and all of the following criteria are met:

- a. There is no acknowledgement on the part of that tenant in common of the rights or title of the cotenant in the property.
- b. There is no demand or claim by the cotenant for rents, profits, or possession.
- c. The cotenant had no disability to act at the time the property's sole possession by the tenant in common commenced.

Conveyance. - A transfer of title to real property by deed, devise, or other means of transferring title.

Cotenant. - A cotenant of a tenant in common.

Property. - An interest in real property held as a whole by tenancy in common. (2024-47, s. 1.)

APPARATUS III

Citation

FULL SECTION

N.C. Gen. Stat. § 41-80 (2026).

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