



CHAPTER 46A
ARTICLE 2 - PARTITION OF REAL PROPERTY

N.C.G.S. § 46A-21.

Petition by cotenant or personal representative of cotenant; necessary and proper parties; joinder of spouses.

SOURCE General Statutes of North Carolina, as published by the General Assembly	LAST AMENDMENT IN THIS TEXT No amendment history on record	RETRIEVED 21 September 2026, 04:47 UTC	SOURCE FINGERPRINT 3ca97a8abd4c50d45c39c4aa - 0b83937d764690cf7f78f8de - 4e14c01e381b4f01
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- § 46A-21(a)

Any person claiming real property as a tenant in common or joint tenant may petition to partition the property in superior court. The personal representative of a deceased tenant in common or deceased joint tenant may also petition to partition the property as part of a petition to sell the deceased cotenant's interest for the payment of debts and other claims against the deceased cotenant's estate as provided in G.S. 28A-17-3.
- § 46A-21(b)

The petitioner shall serve and join all tenants in common and joint tenants of the property. The petitioner may serve and join any other person with an interest in the property, any lessee of the property, and any holder of a lien, mortgage, or deed of trust on the property.
- § 46A-21(c)

The petitioner is not required to serve or join spouses of cotenants of the real property unless the spouse is also a cotenant. (1868-9, c. 122, s. 1; Code, s. 1892; Rev., s. 2487; C.S., s. 3215; 1963, c. 291, s. 2; 1985, c. 689, s. 16; 2020-23, ss. 2(d), 3.)

END OF SECTION TEXT

APPARATUS FOLLOWS — DERIVED, NOT ENACTED

APPARATUS II
1 AUTHORITY

Authorities referenced

Every G.S. cross-reference appearing in the text of this section, in order of first appearance. Nothing is characterized; the operative language is quoted from the section itself.

REFERENCE	APPEARS IN	OPERATIVE LANGUAGE IN THIS SECTION
G.S. 28A-17	(a)	<i>"deceased cotenant's estate as provided in"</i>

APPARATUS III

Citation

FULL SECTION
N.C. Gen. Stat. § 46A-21 (2026).

PINPOINT
N.C. Gen. Stat. § 46A-21(a) (2026).

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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