



CHAPTER 46A

ARTICLE 2 - PARTITION OF REAL PROPERTY

N.C.G.S. § 46A-23.

Petition by judgment creditor of cotenant.

SOURCE	LAST AMENDMENT IN THIS TEXT	RETRIEVED	SOURCE FINGERPRINT
General Statutes of North Carolina, as published by the General Assembly	S.L. 2020-23, ss. 2(g), 3 — fourth act in the lineage	21 September 2026, 05:35 UTC	9d4fb64ea53967e77bdc72ac - 2f5b1db8b9326fb416f9e88a - e7d5727b40683e1c

§ 46A-23(a)

If a judgment debtor has a personal liability on a judgment docketed in the superior court of a county where the judgment debtor owns real property as a tenant in common or joint tenant, the judgment creditor may petition for an actual partition of the property. If the court apportions a share of the property to the judgment debtor, the judgment creditor may seek to execute the judgment against the judgment debtor's share by (i) setting aside the judgment debtor's homestead in the share, as determined according to Article X of the North Carolina Constitution and Article 16 of Chapter 1C of the General Statutes, and (ii) selling the remaining part of the share.

§ 46A-23(b)

The remedy provided in this section does not deprive a judgment creditor of any other remedy in law or equity to enforce a judgment lien.

END OF SECTION TEXT

APPARATUS FOLLOWS — DERIVED, NOT ENACTED

APPARATUS I
4 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.

1905		1963	2020
TICK HEIGHT = ACTS IN THAT YEAR DASHED = RECODIFICATION, NOT AMENDMENT			
Nº	YEAR	ACT	CHARACTER
01	1905	c. 429	ENACTED

02	Rev.	s. 2489	RECODIFIED
03	C.S.	s. 3217	RECODIFIED
04	2020	S.L. 2020-23, ss. 2(g), 3	AMENDED

APPARATUS III

Citation

FULL SECTION
N.C. Gen. Stat. § 46A-23 (2020).

PINPOINT
N.C. Gen. Stat. § 46A-23(a) (2020).

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

Provenance

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HISTORY PARENTHETICAL, AS PRINTED BY THE STATE
(1905, c. 429; Rev., s. 2489; C.S., s. 3217; 2020-23, ss. 2(g), 3.)

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