



CHAPTER 46A
ARTICLE 2 - PARTITION OF REAL PROPERTY

N.C.G.S. § 46A-28.

Court's authority to make orders before final determination of proceeding; notice and hearing.

SOURCE	LAST AMENDMENT IN THIS TEXT	RETRIEVED	SOURCE FINGERPRINT
General Statutes of North Carolina, as published by the General Assembly	S.L. 2021-93, s. 8 — fourth act in the lineage	21 September 2026, 03:35 UTC	29947883dfa79bed445ab86a - 27a9dc0b89854478e6f11949 - 84b4f96e3a22c5f9

- § 46A-28(a)

Before final determination of a proceeding to partition real property, on application of any of the parties, the court may make any orders that it finds to be in the best interest of the parties, including, but not limited to, orders relating to possession, payment of secured debt or other liens on the property, occupancy and payment of rents, the appointment of a receiver pursuant to G.S. 1-502(6) or a limited receiver for the real property pursuant to Article 38A of Chapter 1 of the General Statutes, and access to the property for the purpose of inspecting, surveying, appraising, or selling the property.
- § 46A-28(b)

A party making a written application under subsection (a) of this section shall serve a copy of the application on all other parties and any other person the court may require. The court shall schedule a hearing on the application, if, within 10 days of being served, a person files a response in opposition to the application or requests a hearing. If no person files a response or requests a hearing within 10 days of being served, the court may decide the application without a hearing.

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.

1981		2001	2021
TICK HEIGHT = ACTS IN THAT YEAR		DASHED = RECODIFICATION, NOT AMENDMENT	
Nº	YEAR	ACT	CHARACTER
01	1981	c. 584, s. 1	ENACTED
02	2020	S.L. 2020-23, ss. 2(e), 3	AMENDED
03	2020	S.L. 2020-75, s. 3(e)	AMENDED
04	2021	S.L. 2021-93, s. 8	AMENDED

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. 1-502(6)	(a)	"appointment of a receiver pursuant to"

APPARATUS III

Citation

FULL SECTION

N.C. Gen. Stat. § 46A-28 (2021).

PINPOINT

N.C. Gen. Stat. § 46A-28(a) (2021).

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

(1981, c. 584, s. 1; 2020-23, ss. 2(e), 3; 2020-75, s. 3(e); 2021-93, s. 8.)

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