



CHAPTER 46A

ARTICLE 2 - PARTITION OF REAL PROPERTY

N.C.G.S. § 46A-51.

Commissioners to inspect and partition real property; apportioning shares; charging owelty on shares of disproportionately greater value.

SOURCE	LAST AMENDMENT IN THIS TEXT	RETRIEVED	SOURCE FINGERPRINT
General Statutes of North Carolina, as published by the General Assembly	No amendment history on record	21 September 2026, 01:26 UTC	94b2dcee5d0ebfa25affaf95 - d4bc88131e51c3749a88feb1 - 24b0452544ee1e47

§ 46A-51(a)

Apportioning Shares; Charging Owelty on Shares. - The commissioners together shall inspect the real property and partition it among the cotenants by apportioning it into shares proportionate in value as nearly as possible to the cotenants' interests in the property. To the extent the commissioners find it necessary to make an equitable partition, they may do any of the following:

- (1) Apportion the property into shares disproportionate in value to the cotenants' interests in the property and charge owelty on the shares of disproportionately greater value in the amounts of money necessary to redress the disproportion, to be paid to the shares of disproportionately lesser value.
- (2) Adjust the shares or any owelty charged on the shares to account for a court order for contribution under G.S. 46A-27 or any other court order.

§ 46A-51(b)

Interest on Owelty. - Owelty shall bear interest at the legal rate under G.S. 24-1 until paid.

§ 46A-51(c)

Minor's Share. - If a share charged with owelty is apportioned to a minor, the money shall not be payable until the minor becomes 18 years old. If the minor has a guardian of the estate or general guardian, however, the guardian shall pay the money when the

guardian receives assets belonging to the minor, other than the share, that may be used for that purpose. If the guardian fails to comply with this subsection, the guardian shall be personally liable for any interest that accrued due to the failure. (1868-9, c. 122, ss. 3, 8, 9; Code, ss. 1894, 1899, 1900; 1887, c. 284, s. 2; Rev., ss. 2491, 2496, 2497; C.S., ss. 3222, 3223, 3224; 1971, c. 1231, s. 1; 1995, c. 379, s. 14(b); 2020-23, ss. 2(m)-(o), 3.)

END OF SECTION TEXT

APPARATUS FOLLOWS — DERIVED, NOT ENACTED

APPARATUS II
2 AUTHORITIES

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. 46A-27	(a)(2)	"a court order for contribution under"
G.S. 24-1	(b)	"interest at the legal rate under"

APPARATUS III

Citation

FULL SECTION

N.C. Gen. Stat. § 46A-51 (2026).

PINPOINT

N.C. Gen. Stat. § 46A-51(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.

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