



CHAPTER 46A
ARTICLE 2 - PARTITION OF REAL PROPERTY

N.C.G.S. § 46A-59.

Order for possession.

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, 03:34 UTC	SOURCE FINGERPRINT 3495bdf816358077803c1571 - 0351696be3001725ca954832 - e8c2e04f6bc9a742
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§ 46A-59(a) An order for possession of real property apportioned pursuant to this Part, in favor of the party to which an apportionment has been made and against any party in possession at the time of application therefor, may be issued by the clerk of the superior court if all of the following apply:

- (1) No appeal from the order of confirmation of the report of commissioners has been made within the time prescribed under G.S. 1-301.2, or if an appeal has been made, the judge confirmed the report pursuant to G.S. 46A-56(c).
- (2) The report and confirmation have been duly recorded in the office of the register of deeds pursuant to G.S. 46A-57.
- (3) Ten days' notice has been given by the party applying for the order for possession to each party remaining in possession at the time application is made. The notice shall not be given until the clerk has confirmed the report of the commissioners pursuant to G.S. 46A-56.

§ 46A-59(b) An order for possession issued pursuant to this section shall be directed to the sheriff and shall authorize the sheriff to remove all occupants and their personal property from the real property and to put the party to which an apportionment has been made in possession. The order shall be executed in accordance with the procedure for executing a writ or order for possession in a summary ejectment proceeding under G.S. 42-36.2. The party to which an apportionment has been made has the same rights and remedies in connection with the execution of an order for possession and the disposition of personal property following execution as are provided to a landlord

under State law, including Chapters 42 and 44A of the General Statutes. (2020-23, s. 3.)

END OF SECTION TEXT

APPARATUS FOLLOWS — DERIVED, NOT ENACTED

APPARATUS II
5 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. 1-301.2	(a)(1)	<i>"made within the time prescribed under"</i>
G.S. 46A-56(c)	(a)(1)	<i>"judge confirmed the report pursuant to"</i>
G.S. 46A-57	(a)(2)	<i>"the register of deeds pursuant to"</i>
G.S. 46A-56	(a)(3)	<i>"report of the commissioners pursuant to"</i>
G.S. 42-36.2	(b)	<i>"in a summary ejectment proceeding under"</i>

APPARATUS III

Citation

FULL SECTION

N.C. Gen. Stat. § 46A-59 (2026).

PINPOINT

N.C. Gen. Stat. § 46A-59(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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