



CHAPTER 59

ARTICLE 2 - UNIFORM PARTNERSHIP ACT

N.C.G.S. § 59-37.

Rules for determining the existence of a partnership.

SOURCE	LAST AMENDMENT IN THIS TEXT	RETRIEVED	SOURCE FINGERPRINT
General Statutes of North Carolina, as published by the General Assembly	c. 374, s. 7 — first act in the lineage	21 September 2026, 03:31 UTC	3e1fb8630bd5bf53843267e9 - 0413b4dd1ac70f0c117804b0 - ad32074561243676

In determining whether a partnership exists, these rules shall apply:

Except as provided by G.S. 59-46 persons who are not partners as to each other are not partners as to third persons.

Joint tenancy, tenancy in common, tenancy by the entireties, joint property, common property, or part ownership does not of itself establish a partnership, whether such co-owners do or do not share any profits made by the use of the property.

The sharing of gross returns does not of itself establish a partnership, whether or not the persons sharing them have a joint or common right or interest in any property from which the returns are derived.

The receipt by a person of a share of the profits of a business is prima facie evidence that he is a partner in the business, but no such inference shall be drawn if such profits were received in payment:

- a.As a debt by installments or otherwise,
- b.As wages of an employee or rent to a landlord,
- c.As an annuity to a widow or representative of a deceased partner,
- d.As interest on a loan, though the amount of payment vary with the profits of the business,
- e.As the consideration for the sale of a goodwill of a business or other property by installments or otherwise.

END OF SECTION TEXT

APPARATUS FOLLOWS — DERIVED, NOT ENACTED

APPARATUS I

1 ACT

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.

				1942
TICK HEIGHT = ACTS IN THAT YEAR DASHED = RECODIFICATION, NOT AMENDMENT				
Nº	YEAR	ACT	CHARACTER	
01	1941	c. 374, s. 7	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. 59-46	(null)(1)	<i>"Except as provided by"</i>

APPARATUS III

Citation

FULL SECTION

N.C. Gen. Stat. § 59-37 (1941).

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
(1941, c. 374, s. 7.)

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NORTH CAROLINA LAW — STATUTE EXPORT, FORMAT V1

