Article 3.

Partition of Personal Property.

§ 46A-100. Personal property may be partitioned.

A tenant in common or joint tenant of personal property may file a petition in superior court to partition the property. (1868-9, c. 122, s. 27; Code, s. 1917; Rev., s. 2504; C.S., s. 3253; 2020-23, ss. 2(pp), 3.)

§ 46A-101. Commissioners appointed; filing and service of report; confirmation; motion for relief.

(a) Appointment. – If the court determines that the petitioner is entitled to relief, the court shall appoint three disinterested commissioners, who, being first duly sworn, shall proceed within 20 days after notice of their appointment to partition the personal property in shares that are as nearly proportionate in value as possible to the interests of the cotenants.

(b) Report. – The commissioners shall file a written report of their proceedings in the court, signed by any two of them, within five days after the actual partition. At the time of filing, the commissioners shall serve a copy of the report on all the parties.

(c) Confirmation. – If no party files an exception to the commissioners' report within 10 days of service of the report on all the parties, the court shall confirm the report.

(d) Motion for Relief. – After confirmation of the report, any party may seek relief from the order of confirmation for mistake, fraud, or collusion by a motion in the proceeding. This relief, however, shall not affect an innocent purchaser for value and without notice. (1868-9, c. 122, s. 28; Code, s. 1918; Rev., s. 2505; C.S., s. 3254; 1953. c. 24; 2020-23, ss. 2(qq), (rr), 3.)

§ 46A-102. Partition sale of personal property.

(a) If the court determines that an actual partition of personal property would injure some of the parties and that a partition sale is necessary, the court shall order a sale to be made as provided in Article 29A of Chapter 1 of the General Statutes. In a partition sale, the court is not required to appoint more than one commissioner.

(b) G.S. 46A-86 applies to sale proceeds under this section. (1868-9, c. 122, s. 29; Code, s. 1919; Rev., s. 2519; C.S., s. 3255; 1949, c. 719, s. 2; 2020-23, ss. 2(ss), 3.)