§ 46A-23. Petition by judgment creditor of cotenant.

(a) If a judgment debtor has a personal liability on a judgment docketed in the superior court of a county where the judgment debtor owns real property as a tenant in common or joint tenant, the judgment creditor may petition for an actual partition of the property. If the court apportions a share of the property to the judgment debtor, the judgment creditor may seek to execute the judgment against the judgment debtor's share by (i) setting aside the judgment debtor's homestead in the share, as determined according to Article X of the North Carolina Constitution and Article 16 of Chapter 1C of the General Statutes, and (ii) selling the remaining part of the share.

(b) The remedy provided in this section does not deprive a judgment creditor of any other remedy in law or equity to enforce a judgment lien. (1905, c. 429; Rev., s. 2489; C.S., s. 3217; 2020-23, ss. 2(g), 3.)