§ 46A-25. Partition of real property subject to a contingent future interest; requirements.

When real property is subject to a contingent future interest, any judgment partitioning the property is valid and binding upon all persons having an interest in the property, whether or not in being, if all of the following requirements are met:

(1) The following persons are parties:
   a. Persons with a present interest or a vested future interest.
   b. Persons in being with a contingent future interest and that would have a present interest if the contingency had occurred at the time the proceeding was commenced.
   c. Persons not in being with a contingent future interest.

(2) The following parties are represented by a guardian ad litem appointed under G.S. 1A-1, Rule 17:
   a. Unborn individuals.
   b. Parties not in being.
   c. Parties who are minors or incompetent adults and who do not have a guardian of the estate or general guardian.
   d. Unknown or unlocatable parties. (1933, c. 215, s. 1; 1959, c. 1274, s. 1; 2020-23, ss. 2(q), 3.)