§ 46A-51. Commissioners to inspect and partition real property; apportioning shares; charging owelty on shares of disproportionately greater value.

(a) Apportioning Shares; Charging Owelty on Shares. – The commissioners together shall inspect the real property and partition it among the cotenants by apportioning it into shares proportionate in value as nearly as possible to the cotenants' interests in the property. To the extent the commissioners find it necessary to make an equitable partition, they may do any of the following:

(1) Apportion the property into shares disproportionate in value to the cotenants' interests in the property and charge owelty on the shares of disproportionately greater value in the amounts of money necessary to redress the disproportion, to be paid to the shares of disproportionately lesser value.

(2) Adjust the shares or any owelty charged on the shares to account for a court order for contribution under G.S. 46A-27 or any other court order.

(b) Interest on Owelty. – Owelty shall bear interest at the legal rate under G.S. 24-1 until paid.

(c) Minor's Share. – If a share charged with owelty is apportioned to a minor, the money shall not be payable until the minor becomes 18 years old. If the minor has a guardian of the estate or general guardian, however, the guardian shall pay the money when the guardian receives assets belonging to the minor, other than the share, that may be used for that purpose. If the guardian fails to comply with this subsection, the guardian shall be personally liable for any interest that accrued due to the failure. (1868-9, c. 122, ss. 3, 8, 9; Code, ss. 1894, 1899, 1900; 1887, c. 284, s. 2; Rev., ss. 2491, 2496, 2497; C.S., ss. 3222, 3223, 3224; 1971, c. 1231, s. 1; 1995, c. 379, s. 14(b); 2020-23, ss. 2(m)-(o), 3.)