§ 46A-56. Confirmation of report; appeal; motion for relief.

(a) If no exception to the report of the commissioners is filed within 10 days of service of the report on all the parties, the clerk shall confirm the report.

(b) If an exception to the report of commissioners is filed, the clerk shall do one of the following:

(1) Confirm the report.

(2) Recommit the report for correction or further consideration.

(3) Vacate the report and direct the same commissioners to reapportion the real property.

(4) Vacate the report, discharge the commissioners, and appoint new commissioners to view the real property and partition it.

(c) Appeal from the clerk to superior court of an order of confirmation of the report of commissioners is governed by G.S. 1-301.2 except that the judge may take only the actions specified in subsection (b) of this section and shall not adjudge a partition of the property different from that made by the commissioners.

(d) 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. 5; Code, s. 1896; Rev., s. 2494; C.S., s. 3230; 1947, c. 484, s. 2; 1999-216, s. 11; 2020-23, ss. 2(v), 3.)