§ 46A-76. Sale procedure.

(a) General. – The procedure for a partition sale is the same as is provided in Article 29A of Chapter 1 of the General Statutes, except as provided in this Part.

(b) One Commissioner Sufficient. – In a partition sale, the court is not required to appoint more than one commissioner.

(c) Persons Not to Be Appointed. – The clerk of the superior court shall not appoint the clerk, an assistant clerk, or a deputy clerk to make a sale of the real property.

(d) Additional Requirement; Notice of Public Sale. – If the court orders a public sale, the commissioner shall certify to the court that at least 20 days prior to sale, a copy of the notice of sale was sent by first-class mail to the last known address of all parties previously served pursuant to G.S. 1A-1, Rule 4(j). An affidavit from the commissioner that copies of the notice of sale were mailed to all parties entitled to notice in accordance with this section satisfies the certification requirement and shall also be deemed prima facie true. (1868-9, c. 122, ss. 13, 15, 31; Code, ss. 1904, 1906, 1921; 1899, c. 161; Rev., ss. 2512, 2513; C.S., ss. 3239, 3242; 1949, c. 719, s. 2; 1985, c. 626, s. 2; 1987, c. 282, s. 7; 2009-512, s. 4; 2020-23, ss. 2(ff), (mm), 3.)