NORTH CAROLINA GENERAL ASSEMBLY
1963 SESSION

CHAPTER 291
HOUSE BILL 341

AN ACT TO PERMIT PERSONAL REPRESENTATIVES TO SELL UNDIVIDED INTERESTS OF DECEDENTS IN REAL PROPERTY TO MAKE ASSETS FOR THE PAYMENT OF DEBTS BY PETITION FOR PARTITION.

The General Assembly of North Carolina do enact:

Section 1. G.S. 28-81 is amended by adding a new paragraph at the end thereof to read as follows:

"When it is alleged and shown that the real property of the decedent consists in whole or in part of an undivided interest in real property, and that sale of such undivided interest is necessary to make sufficient assets to pay debts, including the charges of administration, the personal representative of the decedent may, at the time of applying by petition to sell the real property to make assets, apply by petition for partition of the lands in which the decedent held an undivided interest. Such petition for partition may be joined as a part of the petition to sell the real property, and, when the personal representative petitions for the sale of such undivided interest to make assets, he is a proper party petitioner to the same effect as if he were a joint tenant or tenant in common."

Sec. 2. G.S. 46-3 is amended by adding a comma after the word "common" in the second line thereof, and by inserting immediately preceding the word "may" in the said line the following words and punctuation: "or the personal representative of a decedent joint tenant, or tenant in common, when sale of such decedent's real property to make assets is alleged and shown as required by G.S. 28-81,".

Sec. 3. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 4. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 25th day of April, 1963.