

NORTH CAROLINA GENERAL ASSEMBLY
1969 SESSION

CHAPTER 748
SENATE BILL 12

1 AN ACT TO PROVIDE FOR THE CREATION OF A TENANCY BY THE ENTIRETY IN
2 THE DIVISION OF LAND.

3
4 The General Assembly of North Carolina do enact:

5
6 **Section 1.** Chapter 39 of the General Statutes is hereby amended by inserting
7 therein a new section to read as follows:

8 "**Sec. 39-13.5. Creation of tenancy by entirety in partition of real property.** When either a
9 husband or a wife owns an undivided interest in real property as a tenant in common with some
10 person or persons other than his or her spouse and there occurs an actual partition of the
11 property, a tenancy by the entirety may be created in the husband or wife who owned the
12 undivided interest and his or her spouse in the manner hereinafter provided:

- 13 (1) In a division by cross-deed or deeds, between or among the tenants in
14 common provided that the intent of the tenant in common to create a tenancy
15 by the entirety with his or her spouse in this exchange of deeds must be
16 clearly stated in the granting clause of the deed or deeds to such tenant and
17 his or her spouse, and further provided that whenever the tenant in common
18 is a married woman, the deed or deeds to such tenant and her spouse is
19 signed by them and is acknowledged before a certifying officer who shall
20 make a private examination of the married woman in accordance with G.S.
21 52-6; or
22 (2) In a judicial proceeding for partition. In such proceeding, both spouses have
23 the right to become parties to the proceeding and to have their pleadings
24 state that the intent of the tenant in common is to create a tenancy by the
25 entirety with his or her spouse. The order of partition shall provide that the
26 real property assigned to such tenant and his or her spouse shall be owned by
27 them as tenants by the entirety; provided that whenever the tenant in
28 common is a married woman, the pleading showing her intent to create a
29 tenancy by the entirety is acknowledged before a certifying officer who shall
30 make the private examination of the married woman in accordance with G.S.
31 52-6."

32 **Sec. 2.** All laws and clauses of laws in conflict with this Act are hereby repealed.

33 **Sec. 3.** This Act shall become effective October 1, 1969.

34 In the General Assembly read three times and ratified, this the 9th day of June,

35 1969.