

April 20, 2005

**H 1309. REFUSAL RIGHTS—FORCED PUBLIC PARTITION SALES. TO OFFER COTENANTS THE RIGHT OF FIRST REFUSAL PRIOR TO A FORCED PUBLIC PARTITION SALE.** Enacts

new GS 46-22.1 providing that when one joint tenant or tenant in common files a petition for partition of real property, the nonpetitioning joint tenants or tenants in common are to be allowed the opportunity to purchase the interest, by notifying the court of that desire no later than 10 days before the date set for trial. If the parties cannot agree on a price for the interest, the court is to approve one or more real estate appraisers or commissioners to set the price. Once the appraiser has filed the price determination, the nonpetitioning tenants have 45 days to pay that price into the clerk of court; if they miss that deadline, then the regular partition sale proceeds. If the petitioning tenants object to the set price, they may require a hearing before the clerk of court on the price. The fee of the appraisers is to be taxed as a part of the cost of court.

**Intro. by Michaux.**

Ref. to Judiciary II

GS 46

May 18, 2005

**H 1309. REFUSAL RIGHTS—FORCED PUBLIC PARTITION SALES.** Intro. 4/20/05. House committee substitute makes the following changes to 1st edition. Modifies proposed GS 46-22.1 to require that the costs of the appraisers or commissioners be included in court costs and to delete provision requiring that court apply traditional practices in partition sales if joint tenants or tenants in common fail to pay the purchase price after the filing of the valuation report with the court. Makes technical changes.