

Partition Case Summaries
Meredith Smith, UNC School of Government

[Price v. Calder, N.C. App. \(April 7, 2015\)](#)

Defendant served as a commissioner appointed by the Clerk of Superior Court in a partition proceeding. Plaintiff, a co-owner of the land subject to the partition, filed a complaint against the defendant after the partition by sale was completed alleging, among other things, that the defendant breached his fiduciary duty in carrying out his role as commissioner. The trial court dismissed the plaintiff's complaint. On appeal, the NC Court of Appeals held that a commissioner in a partition proceeding acting within the scope of his or her duties is a quasi-judicial official and is covered by the rule of judicial immunity. The court found no merit to the plaintiff's argument that the defendant acted outside the scope of his duties and therefore concluded that the defendant was immune from suit and affirmed the trial court's dismissal of the case.