



Recap and Review

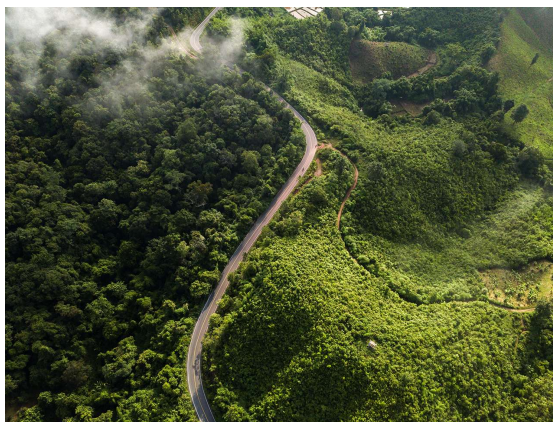
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Partition for Clerks
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DAY ONE – Partition Hearing and Physical Division

- Hearing on the Petition
 - Issues Before
 - At the Hearing
- Actual Partition
 - Process
 - Common Issues



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DAY TWO – Partition Sales & Adjustments



- Partition Sale
 - Understanding the Process
 - Common Issues
- Adjustments
 - Contributions and Improvements
 - Attorneys' Fees



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Goals for this Course – Goal #1

- Understand the fundamentals of the partition process.
 - Up to the hearing
 - During the actual partition process
 - Duering the partition sale process



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Ordering a Sale versus Actual Partition

- Legal Standard – substantial injury test
- Statutory Factors – focus on lost value
- Other Factors – other considerations
 - How do you feel about applying them?
 - Have a sense of where to go for guidance?



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A Tale of Two Partitions...

Actual Partition

- Order on Actual Partition and Appointment of Commissioners
- Commissioners File Report
 - Exceptions?
- Report Confirmed
 - Appeal?
 - Impeachment?
- Owelty docketed
- Order on Possession?

Partition Sale

- Order on Partition Sale and Appointment of Commissioner
- Judicial sale process (public or private)
- Pre-sale notice (public only)
- Report of Sale
- Upset Bids
- Order of Confirmation
 - Petition to Revoke?
 - Appeal?
- Sign Deed
- Distribution of Proceeds
 - Contribution?
 - Apportion Costs & Fees



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Goals for this Course – Goal #2

- Be prepared to write the initial Order.
 - Be forward-looking: Focus on thinking through what could happen.
 - A lot of common problems can be solved/avoided at the outset.
 - We will keep circling back to this Order throughout the course.



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Thoughts on the Order

- Thoughts about current practices?
- Identified any future problems that can be solved or avoided?
- Things you are going to add?
- Things you are going to consider?



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Goals for this Course - #3

- Gain the confidence to deal with the disputes that will come up.
 - (And they will come up.)
 - Includes:
 - Dissatisfaction with divisions, sales
 - Charging and collecting fees
 - Adjustments for carrying costs, improvements, attorney's fees



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Dealing with Disputes

- How would you rate your confidence level before the course?
- How do you rate it now?
- What are the areas you want to devote more time to?
- Where are you going to look for answers?



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Other Insights & Revelations?



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Course Evaluations



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