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IN THE COURT OF APPEALS OF NORTH CAROLINA

No. COA25-827

Filed 16 September 2026

Franklin County, No. 23SP000087-340

IN THE MATTER OF VERONIKA DOYBAN, NINA DOYBAN, AND GINTARAS
SENFELDAS, Petitioners,

v.

BRIAN START, Respondent.

Appeal by petitioners from order entered 9 June 2025 by Judge Shamieka
Rhinehart in Franklin County Superior Court. Heard in the Court of Appeals 12
March 2026.

*Tickle Law Office, PLLC, by Lawrence Edward Tickle, Jr., for petitioners-
appellants.*

No brief filed by Brian Start, pro se, for respondent-appellee.

GORE, Judge.

Petitioners appeal from an order of the superior court affirming the clerk's
denial of relief in a partition proceeding under Chapter 46A of the North Carolina
General Statutes. Petitioners contend the relief requested was authorized under
Chapter 46A and that the superior court erred in its review of the clerk's order. We

have jurisdiction under N.C.G.S. § 7A-27(b). We affirm.

Petitioners and respondent each hold a 25% undivided interest in the property at issue. Petitioners initially sought partition by sale but later requested to retain the property and reimburse respondent for the value of his interest, reduced by petitioners' claimed contributions and expenses. The clerk denied the request, concluding the relief was not authorized under Chapter 46A, and the superior court affirmed.

The dispositive issue is whether Chapter 46A authorizes the relief requested. That question presents an issue of statutory interpretation reviewed de novo. *Lassiter ex rel. Baize v. N.C. Baptist Hosps., Inc.*, 368 N.C. 367, 373 (2015).

Section 46A-26 provides that the court “shall order one of” four enumerated methods of partition—actual partition, partition by sale, or combinations thereof—and further provides that the court “shall not order a cotenant to continue to hold property in cotenancy over the cotenant’s objection.” N.C.G.S. § 46A-26. The statute mandates selection from the enumerated methods and does not authorize alternative remedies. None of the methods permit divestiture of a cotenant’s ownership interest or an award of exclusive ownership absent partition in kind or sale.

Because petitioners abandoned their request for a partition sale and sought exclusive retention of the property, the relief requested falls outside the methods authorized by § 46A-26. The clerk therefore properly denied the request, and the superior court did not err in affirming.

Petitioners argue that partition proceedings are equitable in nature and rely on *Tarr v. Zalaznik*, 264 N.C. App. 597 (2019). *Tarr* approved equitable adjustment of proceeds following a statutorily authorized partition sale; it did not authorize creation of a method of partition not enumerated in § 46A-26. Although partition proceedings are equitable, that equitable authority operates within the statutory framework governing partition. *See Henson v. Henson*, 236 N.C. 429, 430 (1952).

Petitioners further contend the superior court erred by failing to conduct a de novo hearing pursuant to N.C.G.S. § 1-301.2(e). Even assuming such a hearing was required, petitioners have failed to demonstrate prejudice. Because the requested relief is not authorized by statute, the outcome would be the same under de novo review. *See* N.C.G.S. § 1A-1, Rule 61.

Accordingly, the order of the superior court is affirmed.

AFFIRMED.

Judges MURRY and FREEMAN concur.

Report per Rule 30(e).