

Article 7.

Tenancy in Common.

**§ 41-80. Definitions; construction.**

The following definitions apply in this Article:

- (1) Actual ouster. – An entry onto or possession of the property by a cotenant that is a clear, positive, and unequivocal act, equivalent to an open denial of another cotenant's rights or title in the property and putting the other cotenant out of seizin.
- (2) Constructive ouster. – A presumption of ouster when a tenant in common has sole possession of the property for 20 years and all of the following criteria are met:
  - a. There is no acknowledgement on the part of that tenant in common of the rights or title of the cotenant in the property.
  - b. There is no demand or claim by the cotenant for rents, profits, or possession.
  - c. The cotenant had no disability to act at the time the property's sole possession by the tenant in common commenced.
- (3) Conveyance. – A transfer of title to real property by deed, devise, or other means of transferring title.
- (4) Cotenant. – A cotenant of a tenant in common.
- (5) Property. – An interest in real property held as a whole by tenancy in common.  
(2024-47, s. 1.)