

New Provisions of VA Pension Laws Become Effective July 1st

With an eye on July 1 as the effective date of the new pension law, E. C. Elliott of the New Bern VA Office said veterans and widows who have made up their minds to elect provisions of the new law would probably find it advantageous to notify VA of their decision without much delay.

By so doing, they can avoid being caught in a last-minute rush or bottle neck which might develop in the last few weeks before the effective date, Elliott advised.

Those who notify VA of their decisions to change from terms of the old pension law to the new one in advance of the July 1 date will be able to have the change effected as soon as applicable. Those who notify VA of desire to change to 1 will receive new pension payments as of the date VA is notified. The payments in such cases will not be dated back to July 1, Mr. Elliott warned. A certain hesitancy on the part of persons receiving veteran's pensions to notify VA of desire to change to the new system has been noted by VA officials. Mr. Elliott said that much of the hesitancy may be due to uncertainty of the pensions as to what the future may hold in store for them in the way of increased income, including social security or retirement payments from non-VA sources. Others may be puzzled about the differences between the terms of the new law and the old law, even after reading the pamphlet which VA has mailed to all pensioners. Their questions will be readily answered and help offered by the Contact Representative at the New Bern VA Office. However, VA cannot make the decision for a veteran or veteran's widow on coming under the new

pension law. The choice must be made by him or her.

THIS IS THE LAW

By Robert E. Lee
(For the N. C. Bar Association)

TENANTS IN COMMON

Three brothers, all of adult age, inherit real property in equal shares from their father. One of the brothers wants to sell his interest in the land, but the others do not want to do so. What can the one brother do?

The three brothers hold their inherited property as "tenants in common." Any one of the three can sell his one-third interest to whomsoever he desires without the consent of the others.

If he cannot find a purchaser of his one-third interest in the whole, he may petition the superior court for a partition of the property. The superior court then will appoint three disinterested commissioners to divide and apportion the real property among the three co-owners. Where necessary and in order to make an equitable partition, the commissioners may charge a more valuable tract of land with a sum of money to be paid to the person receiving a tract of land of inferior value.

Where the inherited property is a single house or building, or other type of property that cannot be actually divided satisfactorily, the court may order a sale of the entire property and a division of the proceeds among the several co-owners.

The costs of proceedings for



QUEEN'S OWN — England's Prince Phillip, who is commander of the Queen's Royal Irish Hussar Regiment, tours his forces in Soltau, Germany.

partition are charges upon the several shares in proportion to their respective values. In this case, the three brothers bear equally the expense incurred.

Joe Smith and Henry Brown, good friends and neighbors, purchased a summer cottage as "tenants in common." May a creditor of Joe Smith have his one-half interest in the cottage levied upon and sold to satisfy a judgment he has obtained against Joe Smith?

Yes. The interest of each of the co-owners may be reached and sold by his creditors. Henry Brown cannot object to the purchaser at the execution sale moving in and sharing the cottage with him.

Mitchell and Sapp purchased a farm. Mitchell died, survived by three children, leaving no will. Does Sapp become the sole owner of the farm?

No. He becomes a tenant in common with the three children of Mitchell. Sapp will own a one-half interest in the farm, and each of the three children of Mitchell will own a one-sixth interest.

Mitchell could have by will left his one-half interest to whomsoever he desired.

Two sisters own a house. One refuses to permit the other to enter and enjoy with her the possession of the premises. What can the ousted sister do?

She may bring a court action re-

quiring her sister to permit the house to be shared in common by both. The ousted sister cannot oust the sister that ousted her. Neither can obtain an exclusive possession of the house.

BOOK REVIEWS Cont. From Page 4

tive in its vivid and vitally alive background, this novel will be fine summer fare for the person reading just for fun.

Mary Stewart, a graduate of Durham (England) University, is the wife of a geologist who lectured at Durham. Dr. Stewart's research takes them abroad frequently. In 1955 they realized a life long ambition by visiting Greece—MY BROTHER MICHAEL

was one outcome of the trip. Previous popular novels by the author include NINE COACHES WAITING; MADAM, WILL YOU TALK

and WILDFIRE AT MIDNIGHT.

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