

Community Property Research Guide

Overview

This research guide contains information and resources on Community Property. Community property is defined as “assets owned in common by husband and wife as a result of their having been acquired during the marriage by means other than an inheritance by, or a gift or devise to, one spouse, each spouse generally holding a one-half interest in the property.” (*Black’s Law Dictionary, 11th ed.*). Texas is one of nine community-property states where property acquired during the marriage is equally owned by both spouses. The resources listed below are not exhaustive and may not include the most up-to-date information. It is for information purposes only and should not be construed as legal advice or act as the substitute for legal counsel.

Statutes and Codes

Texas Statutes Online www.statutes.capitol.texas.gov

Texas Family Code

- Ch. 3 Marital Property Rights and Liabilities <https://statutes.capitol.texas.gov/Docs/FA/htm/FA.3.htm>
- Ch. 7 Award of Marital Property <https://statutes.capitol.texas.gov/Docs/FA/htm/FA.7.htm>

Texas Estates Code

- Ch. 112 Community Property with Right of Survivorship <https://statutes.capitol.texas.gov/Docs/ES/htm/ES.112.htm>

Secondary Resources in Print

Texas Family Code Annotated REF KFT 1294 .A3

- Ch. 3 Marital Property Rights and Liabilities, Subchapter A, General Rules for Separate and Community Property

O’Connor’s Texas Family Law Handbook REF KFT 1294 .A65 W55

- Ch. 1-A §3.4 Community Property, Informal Marriage
- Ch. 2-A §2.2.1 Marriage, property acquired during
- Ch. 7 Dividing and Confirming Marital Property
 - 7-A §7 Dividing Community Assets & Liabilities
 - 7-B §6 Dividing Community Real Property
 - 7-C §6 Dividing Community Personal Property
 - 7-D §6 Dividing Community Liabilities
 - 7-E §7 Dividing Community Qualified Private Retirement Benefits

Fast Guide to Family Law: Checklist for Everyday Practice REF KFT 1294 .A25 S83

- Divorce and Agreements, p. 174

Texas Family Law Practice Manual REF KFT 1294 .T457

- Vol. 1, Ch. 7 Inventory and Appraisal
- Vol. 2, Ch. 19 Trial Proceedings, Form 19-6 Suggested Division of Community Property
- Vol. 4, Ch. 61 Miscellaneous Litigation (postdivorce division of property)
- Vol. 4, Ch. 63 Property Agreements

Texas Probate Forms & Procedures REF KFT 1344 .T4B7

- §2:15 Administration
- §10:32 Determination of Heirship
- §§11:40-11:42 Surviving spouse no sole intestate heir

- §§11:30, 11:31 Surviving spouse sole intestate heir

CLE Materials

Advanced Family Law Course KFT 1294 .S83

- 2021 Ch. 2 Defaults, Deeds, and Debatable Divisions: Property Case Law Update
- 2021 Ch. 17 Characterization of Assets in Your Case
- 2021 Ch. 23 Cohabitation, Pre-Marital and Post-Marital Agreements
- 2021 Ch. 27 Division of Employee and Retirement Benefits
- 2021 Ch. 28 Unique Property Issues
- 2020 Ch. 24 House of the Rising Sun: Real Estate Issues in Family Law

Advanced Family Law Drafting KFT 1294 .A92

- 2021 Ch. 4 Division and Transfer of *Unique* Assets Incident to Divorce

Marriage Dissolution Institute KFT 1300 .M372

- 2021 Ch. 3 Securing Property at Point Blank
- 2021 Ch. 13 You Don't Say! Property Case Law Update
- 2019 Ch. 8 Retirement Plans and Divorce – The Devil is in the Details
- 2018 Ch. 5 Tracing on a Shoestring
- 2018 Ch. 18 Real Estate Transfers – What Do Those Documents Mean?
- 2018 Ch. 22 Trying a Custody Case on a Shoestring Budget

Online Resources

Community Property (TSSL)

<https://guides.sll.texas.gov/community-property>

Community Property (Texas Law Help)

<https://texaslawhelp.org/article/community-property>

Community Property Law (TSHA)

<https://www.tshaonline.org/handbook/entries/community-property-law>

Marriage & Property Ownership: Who Owns What? (NOLO) <https://www.nolo.com/legal-encyclopedia/marriage-property-ownership-who-owns-what-29841.html>

Removing A Name From A Deed After Divorce

<https://www.texaspropertydeeds.com/removing-name-from-deed-after-divorce-texas/>

Legal Assistance

Legal Lines – Ask Attorneys simple legal questions (free service)

- Tarrant County LegalLine Sign-up <https://www.tarrantbar.org/>
- Dallas County LegalLine Sign-up <https://www.dallasbar.org/index.cfm?pg=legalline>

Tarrant County Bar Association Lawyer Referral Service: 817-336-4101 (\$20 for the first 30 minutes)