

Partition Research Guide

Overview

This research guide includes information and resources on partition. When there are multiple claimants or joint owners to real or personal property, a partition may be compelled by a court order to divide the property into individually owned interests. 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 Constitution

- Art. XVI Sec. 52 Descent and Distribution of Homestead; Restrictions on Partition
<https://statutes.capitol.texas.gov/Docs/CN/htm/CN.16/CN.16.52.htm>

Texas Property Code

- Ch. 23 Partition
<https://statutes.capitol.texas.gov/Docs/PR/htm/PR.23.htm>
- Ch. 23A Uniform Partition of Heirs' Property Act
<https://statutes.capitol.texas.gov/Docs/PR/htm/PR.23A.htm>

Texas Estates Code

- §102.005 Prohibition on Partition of Homestead
<https://statutes.capitol.texas.gov/Docs/ES/htm/ES.102.htm#102.005>
- §102.006 Circumstances Under Which Partition of Homestead is Authorized

<https://statutes.capitol.texas.gov/Docs/ES/htm/ES.102.htm#102.006>

- §354.056 Partition of Estate Withdrawn from Administration
<https://statutes.capitol.texas.gov/Docs/ES/htm/ES.354.htm#354.056>
- Ch. 360 Partition and Distribution of Estate
<https://statutes.capitol.texas.gov/Docs/ES/htm/ES.360.htm>

Texas Rules of Civil Procedure

<https://www.txcourts.gov/rules-forms/rules-standards/>

- Rules 756-771

Secondary Resources in Print

Texas Probate Forms & Procedures KFT 1344.T4B7

- §15:64 Partition of Community Property; Form 15-15 Application for Partition; Form 15-17 Judgment of Partition; Form 15-18 Judgment Ordering Sale When Property Cannot Be Partitioned in Kind

Texas Real Estate Forms Manual KFT 1326.T4

- §2.191 Partition
- §5.10 Partition Deed
- §5.13:5 Owelty of Partition Deed and Agreement
- Form 5-11 Owelty of Partition Deed
- Form 5-12 Owelty of Partition Agreement
- Form 5-23 Partition Deed

Texas Litigation Guide REF KFT 1730.T4

- Vol. 18, Ch. 284 Partition
- Vol. 24, Ch. 400 Managing the Estate
 - §400.06 Partition and Distribution

- §400.10[3] Partition and Distribution or Sale of Property Incapable of Division
- §400.130 Application for Partition and Distribution of Estate
- §400.131 Order of Partition and Distribution

Texas Family Law Practice Manual KFT 1294.T4S7

- Ch. 24 Closing Documents
- Ch. 63 Property Agreements

Texas Forms Manual: A Guide for Real Estate and Title Documentation (Jacobus) KFT 1326.A65.T49

- Form V-115 Partition Deed (Cash)
- Form V-120 Agreement to Partition Community Property

Texas Forms Pleading and Practice KFT 1730.A65.T482

- Vol. 9B, Ch. 187 Partition

Texas Forms Legal and Business KFT 1352.A65T4

- Vol. 2, Ch. 2B Partition
- Vol. 15, Ch. 32 Husband and Wife

Texas Estate Planning REF KFT 1340.R4

- Vol. 2, Ch. 190 Partition and Exchange Agreements

Davis's Texas Estate Planning Forms REF KFT 1340.A65 D39

- Form 4C:2 Simple Partition Agreement
- Form 4C:3 Marital Property Agreement

CLE Materials

Advanced Real Estate Law Course KFT 1312.A75S7

- 2021 Ch. 21 Splitting Properties: Strategies for Partition Actions (includes sample deeds)

Building Blocks of Wills, Estates and Probate KFT 1340.S7B8

- 2022 Ch. 5 Estate Administration: Dependent and Independent Administration Guide

Online Resources

Marriage Dissolution 101 KFT 1300 M3732

- 2022 Ch. 8 Closing the File Turn Out the Lights the Party's Over (*includes sample forms*)

Owely and Partition (Texas Land Title Association)
[https://www.tlta.com/legallibrary/papers/2010/Owely And Partition Jacobus 10.pdf](https://www.tlta.com/legallibrary/papers/2010/Owely%20And%20Partition%20Jacobus%2010.pdf)

Article: Partition of Texas Property: Remedies When Joint Owners Cannot Agree (Lone Star Land Law)
<https://lonestarlandlaw.com/partition-of-texas-property/>

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)