

Receiverships Research Guide

Overview

This research guide provides information and resources on receiverships in Texas. A receivership is “the quality, state, or condition of a business enterprise’s, usually a company’s, being placed under the control of a receiver, often because of a lack of assets.” (*Black’s Law Dictionary*, 11th ed.) A receiver is “a disinterested person appointed by a court, or by a corporation or other person, for the protection or collection of property that is the subject of diverse claims (for example, because it belongs to a bankrupt or is otherwise being litigated.)” (*Black’s Law Dictionary*, 11th ed.) 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 & Codes

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

Texas Civil Practice and Remedies Code

- Chapter 64 Receivership
<https://statutes.capitol.texas.gov/Docs/CP/pdf/CP.64.pdf>

Texas Local Government Code

- § 214.003 Receiver & §214.0031 Additional Authority to Appoint Receiver for Hazardous Properties
<https://statutes.capitol.texas.gov/Docs/LG/html/LG.214.htm#214.003>

Texas Property Code

- §114.008 Remedies for Breach of Trust
<https://statutes.capitol.texas.gov/Docs/PR/html/PR.114.htm#114.008>

Secondary Resources in Print

Texas Family Law Practice Manual KFT 1294.T4S7

- Ch. 8, Forms 8-43 & 8-44 – Motion and Order on Motion for Appointment of Receiver [Real Property]
- Ch. 8, Forms 8-45 & 8-46 – Motion and Order on Motion for Appointment of Receiver [Business]

Texas Litigation Guide KFT 1730.T4

- Vol. 3, Ch. 43 Receivership

Texas Pretrial Practice KFT

- Vol. 1, Ch. 19 Pretrial Extraordinary Remedies, Section IV. Receivership

CLE Materials

Advanced Family Law 2020 KFT 1294.S83

- 2020 Ch. 1 Turn! Turn! Turn! (To Everything There Is a Season): Property Case Law Update
- 2020 Ch. 23 Receivership and Alter Ego
- 2001 Ch. 25 Who’s Minding the Store? Dealing with Receiverships

Advanced Family Law Drafting Course KFT 1294.A92

- 2019 Ch. 11.1 Nuts and Bolts of Turnover Receiverships and Ch. 11.2 Receiverships and Drafting Requirements

Advanced Real Estate Drafting Course KFT 1312.A7527

- 2019 Ch. 7 Receiverships

Collections and Creditors Rights KFT 1367.C6S7

- 2022 Ch. 16 Nuts and Bolts of Turnover Receiverships

Online Resources

Soaking Up Some CLE: A South Texas Litigation Course

- 2020 Ch. 7 - A Pocket Guide to Texas Receiverships
<https://www.munsch.com/portalresource/lookup/wosid/cp-base-4-30004/overrideFile.name=/Pocket%20Guide%20-%20Texas%20Receiverships.pdf>

Turnover & Receiver Local Rule – Justice Courts of Tarrant County

<http://www.tarrantcounty.com/content/dam/main/justices-of-the-peace/IP1/LocalRuleTurnoverReceiver.pdf>

“Receiverships in Trust and Estate Litigation in Texas,” *The National Review* (2020)

<https://www.natlawreview.com/article/receiverships-trust-and-estate-litigation-texas>

“The Un-Bankruptcy: A Texas Receivership as an Alternative to Bankruptcy (and 14 Ways to Appoint a Receiver in the Lone Star State)”

<https://bclpgrid.com/the-un-bankruptcy-a-texas-receivership-as-an-alternative-to-bankruptcy-and-fourteen-ways-to-appoint-a-receiver-in-the-lone-star-state/>

Article: “Receivership” by R. Scott Alagood

<https://www.dentonlaw.com/news-and-articles/receiverships/>

Article: “Receiverships: An Overlooked Option for Complex Dispute Resolution” by Hendershot Cowart P.C.

<https://www.hchlawyers.com/blog/2019/january/receiverships-an-overlooked-option-for-complex-d/>

Cathedral Capital: Texas Receivership Forms compiled by Brooke Lively, Receiver in Texas

<http://texasreceivers.com/forms/>

Article: Receivership in Real Estate Transactions

<https://www.lexisnexis.com/authorcenter/the-journal/b/pa/posts/receivership-in-real-estate-transactions>

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)