

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 these 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.

Related guides: Separate Property

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/F_A.3.htm
- Ch. 7 Award of Marital Property
https://statutes.capitol.texas.gov/Docs/FA/htm/F_A.7.htm

Texas Estates Code

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

Texas Real Estate Forms Manual REF KFT 1326 .T4

- Vol. 1, Ch. 5 Form 5-19 Survivorship Agreement for Community Property

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 Appraisement
- Vol. 1, Ch. 19 Trial Proceedings, Form 19-6 Suggested Division of Community Property
- Vol. 3, Ch. 61 Miscellaneous Litigation (postdivorce division of property)
- Vol. 3, 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

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)

Online Resources

Community Property (TSLL)

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

Community Property (Texas Law Help)

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