

# 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, 11<sup>th</sup> 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](http://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

**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 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

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>