

Separate Property Research Guide

Overview

This research guide includes information and resources on separate property. Separate property is property that is owned by one spouse and not the other. (*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 and Codes

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

Texas Family Code

- Ch. 3 Marital Property Rights and Liabilities and Subchapter A General Rights for Separate and Community Property
<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>

Secondary Resources in Print

Texas Forms: Pleading and Practice REF KFT 1730 .A65 T482

- Vol. 7B, Ch. 137:5 Rules Governing Separate and Community Property
- Vol. 7B, Ch. 137:7 Management, Control, and Disposition of Marital Property

Texas Litigation Guide REF KFT 1730 .T4

- Vol. 22, § 363.03 Separate Property

Texas Practice Guide REF KFT 1280 .T4931

- Family Law Vol. 2, § 8:186 D. Separate Property

Texas Practice Series REF KFT 1280 .T492

- Vol. 33, Ch. 9, Part III Identifying Separate Property
- Vol. 33, §10:5 Dividing the Property: Separate Property
- Vol. 33, §12:3 Control of Property-Debts and Creditors' Rights: Separate Property
- Vol. 38, Part II Community and Separate Property
- Vol. 39, Part II Community and Separate Property

Texas Family Code Annotated REF KFT 1294 .A3

- Ch. 3 Marital Property Rights and Liabilities

O'Connor's Texas Family Law Handbook REF KFT 1294 .A291 026

- Ch. 2 Marital Property
 - A. Characterizing Separate Property
 - 2.1 Separate Property
 - 7.2 Income from Separate Property
 - B. Manage Rights Over Marital Property 3. Management Rights Over Separate Property

O'Connor's Texas Family Code Plus REF KFT 1294 .03B4

- Family Code Ch. 3, Subchapter A. General Rules for Separate and Community

Texas Family Law Practice and Procedure REF KFT 1294 .F35

- Vol. 2, Task F1 §F1.18[2]; F1.181; Forms F1.180-F1.182
- Vol. 5, Task X1 Planning Marital Property Agreement

Texas Family Law Practice Manual REF KFT 1294 .T4S7

- Vol. 4, Ch. 63 Property Agreements

Vernon's Texas Codes Annotated KFT 1230.5

- Family Vol. 1, § 3.001 Separate Property

Texas Jur KFT 1265 .T48

- Vol. 39, §95-157 Generally, Separate and Community Property

CLE Materials

Advanced Family Law KFT 1294 .S83

- 2021 Ch. 28 Unique Property Issues
- 2021 Ch. 31 Marital Property Agreements: Family Law Attorneys' and Estate Planning Attorneys' Top Tips for Each Other
- 2020 Ch. 31 Papa's Got a Brand New Bag
- 2019 Ch. 43 Making them Pay: Enforcement of Property Divisions
- 2010 Vol. 2, Ch. 25 Proving Separate Property: An Argument for More Use of Summary Judgment Practice in Family Law
- 2010 Vol. 2, Ch. 32 Property Division in a Depressed Economy
- 2010 Vol. 2, Ch. 34 Enforcing the Property Division

Online Resources

Community Property – What is Separate Property? (Texas Law Help)

<https://texaslawhelp.org/article/community-property#what-is-separate-property->

Why is Separate Property Important and How to Keep it Separate in a Texas Divorce? (Bryan Fagan Law)

<https://www.bryanfagan.com/blog/2016/november/why-is-separate-property-important-and-how-to-keep/>

Separate Property (ONDA Law)

<https://www.ondafamilylaw.com/property-division-texas/separate-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)