

Separate Property Research Guide

Overview

This research guide includes information and resources on separate property. Separate property is “property that a spouse owned before marriage or acquired during the marriage by inheritance or by gift from a third party.” (*Black’s Law Dictionary*, 12th 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.

Related guides: Community Property, Partition, Post-Divorce Division of Property

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 O26

- Ch. 2 Marital Property
 - A. Characterizing Separate Property 2.1 Separate Property
 - A. Characterizing 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 .O3B4

- 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. 3, 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

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)

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/>