

# Partition Research Guide

## Overview

This research guide includes information and resources on partition. When there are multiple claimants or joint owners to real or personal property, a partition may be compelled by a court order to divide the property into individually owned interests. 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 Constitution

- Art. XVI Sec. 52 Descent and Distribution of Homestead; Restrictions on Partition  
<https://statutes.capitol.texas.gov/Docs/CN/htm/CN.16/CN.16.52.htm>

### Texas Property Code

- Ch. 23 Partition  
<https://statutes.capitol.texas.gov/Docs/PR/htm/PR.23.htm>
- Ch. 23A Uniform Partition of Heirs' Property Act  
<https://statutes.capitol.texas.gov/Docs/PR/htm/PR.23A.htm>

### Texas Estates Code

- §102.005 Prohibition on Partition of Homestead  
<https://statutes.capitol.texas.gov/Docs/ES/htm/ES.102.htm#102.005>
- §102.006 Circumstances Under Which Partition of Homestead is Authorized

<https://statutes.capitol.texas.gov/Docs/ES/htm/ES.102.htm#102.006>

- §354.056 Partition of Estate Withdrawn from Administration  
<https://statutes.capitol.texas.gov/Docs/ES/htm/ES.354.htm#354.056>
- Ch. 360 Partition and Distribution of Estate  
<https://statutes.capitol.texas.gov/Docs/ES/htm/ES.360.htm>

### Texas Rules of Civil Procedure

<https://www.txcourts.gov/rules-forms/rules-standards/>

- Rules 756-771

## Secondary Resources in Print

### Texas Probate Forms & Procedures KFT 1344 .T4B7

- §15:64 Partition of Community Property; Form 15-15 Application for Partition; Form 15-17 Judgment of Partition; Form 15-18 Judgment Ordering Sale When Property Cannot Be Partitioned in Kind

### Texas Real Estate Forms Manual KFT 1326 .T4

- Vol. 1 §2.191 Partition
- Vol. 1 §5.10 Partition Deed
- Vol. 1 §5.13:5 Owelty of Partition Deed and Agreement
- Vol. 1, Form 5-11 Owelty of Partition Deed
- Vol. 1, Form 5-12 Owelty of Partition Agreement
- Vol. 1, Form 5-23 Partition Deed

### Texas Litigation Guide REF KFT 1730 .T4

- Vol. 18, Ch. 284 Partition
- Vol. 24, § 391.11 Uniform Partition of Heirs' Property Act
- Vol. 24, Ch. 400 Managing the Estate

- §400.06 Partition and Distribution
- §400.10[3] Partition and Distribution or Sale of Property Incapable of Division
- §400.130 Application for Partition and Distribution of Estate
- §400.131 Order of Partition and Distribution

- 2021 Ch. 21 Splitting Properties: Strategies for Partition Actions (includes sample deeds)

### **Building Blocks of Wills, Estates and Probate KFT 1340 .S7B8**

- 2022 Ch. 5 Estate Administration: Dependent and Independent Administration Guide

### **Marriage Dissolution 101 KFT 1300 M3732**

- 2022 Ch. 8 Closing the File Turn Out the Lights the Party's Over (*includes sample forms*)

### **Texas Probate, Estate, and Trust Administration REF KFT 1344 .T465**

- Vol. 2, §31.50 *et seq* Partition and Distribution of Assets

### **Texas Family Law Practice Manual KFT 1294 .T4S7**

- Ch. 24 Closing Documents
- Ch. 63 Property Agreements

### **Texas Forms Manual: A Guide for Real Estate and Title Documentation (Jacobus) KFT 1326 .A65 .T4S9**

- Form V-115 Partition Deed (Cash)
- Form V-120 Agreement to Partition Community Property

### **Texas Forms Pleading and Practice KFT 1730 .A65 T482**

- Vol. 9B, Ch. 187 Partition

### **Texas Forms Legal and Business KFT 1352 .A65T4**

- Vol. 2, Ch. 2B Partition
- Vol. 15, Ch. 32 Husband and Wife

### **Texas Estate Planning REF KFT 1340 .R4**

- Vol. 2, Ch. 190 Partition and Exchange Agreements

### **Davis's Texas Estate Planning Forms REF KFT 1340 .A65 D39**

- Form 4C:2 Simple Partition Agreement
- Form 4C:3 Marital Property Agreement

## Online Resources

Owely and Partition (Texas Land Title Association)  
[https://www.tlta.com/legallibrary/papers/2010/Owely And Partition Jacobus 10.pdf](https://www.tlta.com/legallibrary/papers/2010/Owely%20And%20Partition%20Jacobus%2010.pdf)

Article: Partition of Texas Property: Remedies When Joint Owners Cannot Agree (Lone Star Land Law)  
<https://lonestarlandlaw.com/partition-of-texas-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 Real Estate Law Course KFT 1312 .A75S7**