Required Texts

George, Pamela, Texas Marital Property Rights, 2017-2018 Edition
Texas Family Code, Latest Edition
Texas Estates Code and Property Code (Sections of the Codes as assigned)

Scope

The contents of Law 784, Texas Marital Property, will:

- Identify and define the Texas marital estates.
- Classify the property within the various estates.
- Discuss jurisdiction/venue; time limits/procedural devices/steps for filling documents.
- Analyze and compare the estates as they may be affected by ownership, management functions, liabilities, divorce and death.
- Divide the estate in accordance with the state and federal laws (where applicable).
- Discuss recent legislation, legislative amendments and case law (state and federal).
- Discuss the marital property laws of other community property jurisdictions.

Students should develop the following competencies from the textual materials:
- Define, describe and distinguish terms and words of art.
- Define and distinguish the rules and principles related to the subject matter.
- Analyze the facts and data of the cases and statutes.
- Classify the elements of the subject matter outlined in the rules and principles of the specific topic.
- Determine the criteria utilized for the decision making process.
- Determine the policies and rationales established by the rules, cases and statutes.
- Identify the trends or evolving directions of specific rules and principles.

Materials Needed for Class

Textbook, Texas Family Code and notes for the daily assignments. Occasionally, additional reading materials and problems will be assigned. Read concurring and dissenting opinions if they are included in the assigned reading. Do not bring commercial case briefs, outlines and other study aids to class.
Examination

Mid-term examination (Essay)—25%
Mid-term examination—October 15, 2019
Final examination (Essay)—75%

Attendance

The Student Rules of Matriculation regarding attendance will be enforced. There are no excused absences.

Arrive on time for the class and remain until it is dismissed unless there is an emergency.

Accommodations

If you require accommodations, complete the proper forms in Dean Mouton’s office. Your application and documentation will remain confidential. Your prompt attention to this matter will allow the law school to accommodate you as soon as it has been made aware of your needs. Refer to the Student Accommodations Handbook in Dean Mouton’s office.

Place all computers in the “off” position during class.

Electronic communications devices must be placed in the “off” position during class. Secure the devices so that you will not have immediate access to them in class. If a student’s cell phone or other communications device disrupts class, the student must leave class and will be marked absent.

When the schools are not in session, make arrangements for child care instead of bringing the children to class.

Office Hours

Monday, Wednesday 11-2
Tuesday, Thursday 1-2; 3-4
Friday By appointment

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Chapter 1  The Marital Property System

Assignment 1  Pages 1-20
Introduction
The Constitution of 1876
   DeBlane v. Hugh Lynch Co; Stringfellow v.Sorrells
   Kellet v. Trice; Arnold v. Leonard; Northern Texas Traction Co. v. Hill
Texas Family Code Section_____

Assignment 2  Pages 20-47
The Constitution as Amended in 1948
   Graham v. Franco; Williams. v. Williams;
Constitution as Amended in 1980, 1987 and 1999
   Bradley v. Bradley
Texas Family Code Section_____

Assignment 3  Pages 47-71
The Constitution as Amended in 1980, 1987 and 1999
   Dewey v. Dewey; Beck v. Beck
   Fanning v. Fanning; Sheshunoff v. Sheshunoff;
Texas Family Code Section_____

Assignment 4  Pages 72-88
Izzo v. Izzo; Moore v. Moore; Holmes v. Beatty
Texas Family Code Section_____

Chapter 2  Characterization of Marital Property

Assignment 5  Pages 89-114
The Community Presumption and Its Rebuttal; The Doctrine of Inception of Title
   Maples v. Nimitz;
   Pearson v. Fillingim; Welder v. Lambert;
   Carter v. Carter; Brown v. Foster Lumber Co.; McCurdy v. McCrudy
   Parson v. United States
Texas Family Code Section_____
Assignment 6
Pages 115-134
Tracing
Hardy v. Vincent; Norris v. Vaughn; McKinley v. McKinley;
Gibson v. Gibson; Snider v. Snider*; Bakken v. Bakken
Texas Family Code Section *Read full opinion

Assignment 7
Pages 134-158
Tracing
Carter v. Carter
Presumptions Arising from Conveyances—Acquisition of Title
Resulting Trust: Bybee v. Bybee; Peterson v. Peterson; Whorall v. Whorall
Conveyance Containing Significant Recital
Messer v. Johnson; Raymond v. Raymond; Stearns v. Martens and Stearns Pools...

Assignment 8
Pages 158-194
Refinance
Rivera v. Hernandez
Credit Transactions
Broussard v. Tian
Texas Family Code Section

Credit Transactions
Ray v. United States; Ray v. United States
Personal Injury Recoveries—Which Presumption or Rule Controls?
Kyles v. Kyles; Osborn v. Osborn; Lewis v. Lewis; Licata v. Licata;
Harrell v. Hochderffer
Texas Family Code Section

Chapter 3 Reimbursement

Assignment 9
Pages 195-223
Reimbursement for Time, Toil, Talent, and Effort
Vallone v. Vallone; Jensen v. Jensen; Trawick v. Trawick
Beginning Balance Reimbursement
Horlock v. Horlock

Assignment 10
Pages 224-255
Reimbursement for Improvments
Anderson v. Gilliland

Purchase Money Reimbursement—Equitable Offsets: Penick v. Penick
Availability of Reimbursement for Retained Earnings, Reimbursement for use of Community Credit
Thomas v. Thomas

**Texas Family Code Section**

**Chapter 4 Management and Liability of Property During Marriage**

General Concepts
Cockerham v. Cockerham

**Assignment 11**
Pages 256-288
Background Information
General Concepts
Cooper v. Texas Gulf Industries; Stewart Title v. Huddleston; Stewart Title v. Huddleston; Providian Nat’l Bank v. Ebard; Drake Interiors, v. Thomas; Tedder v. Gardner Aldrich, LLP

Management Rights
Jamail v. Thomas

**Texas Family Code Section**

Fraudulent Conveyances and Death
Givens v. Girard Life Ins. Co. of America
Murphy v. Metropolitan Life Ins.;

**Assignment 12**
Pages 288-316
Fraudulent conveyances and Divorce
Schuler v. Schuler; Loiaza v. Loiaza; Slicker v. Slicker

**Texas Family Code Section**

Liability of Marital Property
Broday v. United States
LeBlanc v. Waller
Protection of Third Parties
Sanburn v. Schuler; Williams v. Portland State Bank

**Texas Family Code Section**

**Chapter 5 Dissolution of the Marriage by Divorce**

**Assignment 13**
Pages 317-347
Just and Right Division; Divestiture of Separate Property; Quasi-Community
Murff v. Murff; Eggemeyer v. Eggemeyer; McLemore v. Lemore

**Texas Family Code Section**
Quasi-Community Property
   Cameron v. Cameron; Estate of Hanau v. Hanau

**Texas Family Code Section**

**Assignment 14**
Valuation for Division; Partnership Distributions
   Finn v. Finn

Partnership Distributions
   Marshall v. Marshall

**Texas Family Code Section**

Partnership Distributions
   Lifshutz v. Lifshutz

**Assignment 15**
Retirement and Other Employee Benefits
   Cearley v. Cearley, 544 SW 2d 661 (Tex. 1976); Taggart v. Taggart;
   Berry v. Berry; May v. May; Howell v. Howell; Hagen v. Hagen;
   Pigeon v. Turner

**Texas Family Code Section**

**Assignment 16**
Alimony or Maintenance;
   In re Marriage of Hale
   Tome v. Tome

Appellate Review of Property Division
   McKnight v. McKnight; Jacobs v. Jacobs McElwee v. McElwee;
   Kramer v. Kastleman

Other Post-Judgment Actions
   Ex parte McKinley; Shanks v. Treadway; Miller v. Miller

**Texas Family Code Section**

**Chapter 6  Interspousal Torts**

**Assignment 17**
Bounds v. Caudle, 560 SW 2d 925 (Tex. 1977); Mogford v. Mogford; Price v. Price;
   Twyman v. Twyman

**Texas Family Code Section**

**Chapter 7  Property Rights that Arise When There is No Formal Marriage**

**Assignment 18**
Meretricious Relations

**Pages 347-376**

**Pages 376-414**

**Pages 414-459**

**Pages 461-475**

**Pages 477-509**
Hayworth v. Williams; Harrington v. Harrington
Putative Spouse
  Davis v. Davis; Davis v. Davis
Common Law Marriage
  Claveria v. Claveria; Russell v. Russell

**Texas Family Code Section**

**Chapter 8 Homestead**

**Assignment 19**
Background Information
  In re Reed
Establishing the Homestead Claim
  Land and improvements: Norris v. Thomas
  Minimum interest in land: In re Perry
  Rural v. Urban homestead: In re Bouchie; Majeski v. Estate of Majeski
  In re Perry

**Assignment 20**
In re Mitchell
Occupancy and use: AG Acceptance Corporation v. Veigel
Estoppel: Estate of Montague v. National Loan Investors, LP

**Texas Family/Probate/Property Code Section**

Abandonment and Transfer of the Homestead
  Abandonment
  Florey v. Estate of McConnell

**Assignment 21**
Abandonment
  Kendall Builders, Inc. v. Chesson

Conveyance
  Consent of spouse: Geldard v. Watson
  Pretended sales: In re Perry

**Texas Family/Probate/Property Code Section**

**Assignment 22**
Debt Enforceable Against the Homestead
  Heggen v. Pemelton; McGoodwin v. McGoodwin; Spradlin v. Jim Walter Homes;
  CVN Group, Inc. v. Delgado; Denmon v. Atlas Leasing, LLC.

**Texas Family/Probate/Property Code**
MARITAL PROPERTY
TERMS AND TOPICS

Adultery
Affinity
Alternative dispute resolution procedures
Annulment
Arbitration
Breach of promise
Ceremonial marriage
Cohabitation
Common law marriage
Community property
Community property presumption
Connivance
Consanguinity
Divorce—grounds
Divorce petition
Economic contribution
Family and Medical Leave Act
Family violence
Gender discrimination
Homesteads—rural/urban
Inception of title doctrine
Incest
Informal marriage
Joint property
Jurisdiction—divorce
Loss of consortium
Marital privacy
Marital property
Marriage
Mediation
Meretricious relationship
Miscegenation
No-fault divorce
Non-conjugal
Polygamy
Prenuptial agreement
Putative spouse
Reimbursement—property
Separate property
Spousal maintenance
Tracing—property
Uniform Services Former Spouses Protection Act
Unmarried partners
Void marriage
Voidable marriage

Review and prepare for your study the following documents: divorce petition and prenuptial agreement.