

Example of How Judges Divide Property in Texas Divorces

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STEP 1: Identification. List all property and debts of the parties.	STEP 2: Characterization. Decide whether each item is community or separate.	STEP 3: Valuation. Value each community asset and debt.	STEP 4: Division. Distribute community assets and debts.	
If an asset is gone, the collective “pie” shrinks. Omitting items can cause later problems.	If you prove an item is separate property, you get that item free and clear.	A low value to your items, or a high value to your spouse’s, gets you more assets to compensate. Separate property is not considered directly in the division.	Judges decide on the percentage to each. Then they look for items that naturally go to one party, and adjust the other assets and debts to the desired percentage.	
Wife’s separate property	Separate			
Husband’s separate property	Separate			
House (equity)	Community	50,000.00	<u>Wife</u>	<u>Husband</u>
Husband’s retirement	Community	25,000.00		25,000.00
Wife’s car (equity)	Community	10,000.00	10,000.00	
Husband’s car (equity)	Community	10,000.00		10,000.00
Wife’s personal property	Community	5,000.00	5,000.00	
Husband’s personal property	Community	5,000.00		5,000.00
Bank accounts	Community	5,000.00	2,500.00	2,500.00
Credit cards	Community	-5,000.00	-2,500.00	-2,500.00
Attorney’s fees	Community	-5,000.00	-2,500.00	-2,500.00
TOTALS:		100,000.00	50,000.00	50,000.00

EXPLANATION: The Judge gave the house to the wife and the retirement to the husband, the rest to the person who typically used it, then adjusted the division by awarding some of the house equity to the husband.

NOTE: This description is oversimplified. There are other kinds of property claims that are not reflected here, and not every judge will use these exact thought processes.