

## **DIVORCE**

<b>CESP</b>	<b>CAEP</b>	<b>Topic/Issue</b>
		<b>Divorce/Dissolution Of Marriage</b>
		• Valid Decree (either Texas or “foreign”)
	<b>X</b>	○ Proper jurisdiction
	<b>X</b>	○ Personal Service
	<b>X</b>	○ Final, non-appealable Order
		<b>Title To Property Determined By Decree</b>
		• Title effectively transferred by Decree
	<b>X</b>	○ Proper vesting and divesting language
	<b>X</b>	○ Valid legal description (address not sufficient)
	<b>X</b>	○ May be included in a Property Settlement Agreement
	<b>X</b>	• Title not effectively transferred – require execution of Deed
		<b>Title To Property Not Determined By Decree</b>
		• Ownership
	<b>X</b>	○ Joint ownership of community property as tenants in common
	<b>X</b>	○ Ownership of separate property – poses a question
		• Determination of Marital Property Rights
	<b>X</b>	○ Presumed to be Community
	<b>X</b>	• Property acquired during marriage
	<b>X</b>	○ Presumed to be Separate
	<b>X</b>	• Property acquired prior to marriage
	<b>X</b>	• Gift or inheritance
	<b>X</b>	• Separate Property by Written Agreement
		<b>Lien Imposed Against Property By Decree</b>
<b>X</b>	<b>X</b>	• Proper disposition of lien
		<b>Owely Transactions</b>
		• Creation of owely
<b>X</b>	<b>X</b>	○ Owners as co-tenants – may create owely by written agreement
<b>X</b>	<b>X</b>	○ Lien for owely may be created by Decree
<b>X</b>	<b>X</b>	• Insurance of an owely lien requires an acceptable Owely Deed, as well as appropriate lien documents