

INSTRUCTIONS FOR PREPARATION OF PROPOSED PROPERTY DIVISION

General Instructions

Accurate information concerning property and debts is very important in divorce cases. Please fill out the attached form as completely as you can, drawing on any source of information to which you have access. Do not enlist your spouse's help unless I specifically permit it. Be cautious: You and your spouse are now legal adversaries, and you should verify all information on your own. When it comes to questions of the present value of property, you should make your own independent estimate.

The attached form provides for only a few items under each type of property. If you need to provide additional information, photocopy an extra page or use a separate piece of paper.

This task will not be easy. Do not expect to complete the form at one sitting. Be assured, however, that your effort is necessary and worthwhile.

Property Division

I need to know your wishes about division of the property. Please indicate your wishes in the appropriate column by placing a check mark next to items you want to go to the wife and an a check mark next to items you want to go to the husband.

Definitions

Separate Property - Property acquired by a spouse before marriage and property a spouse acquired individually during marriage by gift or inheritance or as a result of personal injury are considered to be separate property of that spouse. If either you or your spouse has any property you think is separate property, complete the applicable section marked "Wife's/Husband's Separate Assets & Debts."

Community Property - All property that is not separate property is community property.

Fair Market Value - A generally accepted definition of fair market value is the price at which the asset would change hands between a willing seller, under no compulsion to sell, and a willing buyer, under no compulsion to buy, with both parties having reasonable knowledge of the relevant facts. Use this value whenever possible. If an asset has no fair market value, state the actual value of the asset to you considering its present condition.

Full Disclosure

Finally, I will rely on this Proposed Property Division in the case. If you omit any asset, the court could set it aside to your spouse now or at a later date. If you omit a liability, you may be solely responsible for it. By your signature below, you verify to me that these are all the assets and liabilities of community and separate property of which you have knowledge.

Verification

"I have read these instructions and I state that all the community- and separate-property assets and liabilities are fully disclosed on the attached Proposed Property Division Form.

Date: _____

CAUSE NO. _____

PETITIONER

v.

RESPONDENT

§
§
§
§
§
§

IN THE _____ JUDICIAL

DISTRICT COURT OF

_____ COUNTY, TEXAS

PROPOSED PROPERTY DIVISION

I, _____, (___ Husband / ___ Wife), having been duly sworn, state that the attached information is true and correct. I understand that at a Court hearing I may be required to prove these amounts by testimony and records.

Client's or Attorney's Signature

I hereby state that I will ask the Court to divide the property and debts as indicated on the attached pages.

Signed this ___ day of _____, 19__.

Client's or Attorney's Signature

