

# STATE LAW

## HOMESTEAD LAW IN TEXAS

“Residential homestead” refers to the lot or parcel of land upon which the residence of the family or single adult is located and anything which is part of that land is subject to the homestead exemption laws of the State of Texas. Those laws primarily provide for the security of a family’s home, shelter and earning of a livelihood free from the claims of all creditors, save and accept the holders of purchase money liens, home equity liens and liens for improvements, taxes and federal tax liens.

## COMMUNITY PROPERTY LAWS

### *TEXAS IS A COMMUNITY PROPERTY STATE*

Community property may be defined as all property acquired by either spouse during marriage, except that which is the separate property of either. Separate property may be defined as “all property owned or claimed by either spouse before marriage and also that was acquired afterward by gift, devise or descent.” Exactly what constitutes separate property is a question of fact, as property acquired during marriage is generally presumed to be community property. Therefore, for the purpose of insuring title, should one spouse claim property to be separate in nature, that spouse must be able to prove it.