

# JUDICIAL PARTITION OF REAL PROPERTY UNDER TEXAS LAW: A PRIMER

Sanford L. Dow  
Dow Golub Remels & Gilbreath, PLLC  
Houston, Texas  
[dow@dowgolub.com](mailto:dow@dowgolub.com)



DOW GOLUB REMELS & GILBREATH, PLLC  
ATTORNEYS AT LAW

1

## OVERVIEW

2

## PARTITION DEFINED

- A division of land according to quantity and value
- Partition involves the act by which co-owners cause property to be divided into as many shares as there are owners, and which vests in each owner a specific part of the property with the exclusive right to possession, free from others, who previously had equal right to possession

3

## PURPOSE OF A PARTITION SUIT

Compulsory division of the property between the several co-owners according to their respective interests, in order that the property may be owned, possessed, and enjoyed severally

4

## EFFECT ON TITLE

### **DOES NOT:**

- Affect title

### **DOES:**

- Leave title as it was (but does affect right to possession)
- Segregate the rights of owners
- Provide each co-owner the exclusive use and occupancy of allotted portion
- Provide right to dispose of the partitioned share as that owner sees fit

5

## EFFECT ON OUTSTANDING RIGHTS

- Conditions and covenants that applied to the property prior to partition remain
- Each owner takes his portion subject to all existing easements
- Liens and encumbrances do not impede the right to partition

6

Find the full text of this and thousands of other resources from leading experts in dozens of legal practice areas in the [UT Law CLE eLibrary \(utcle.org/elibrary\)](http://utcle.org/elibrary)

## Title search: Partition of Real Property Under Texas Law: A Primer

First appeared as part of the conference materials for the  
26<sup>th</sup> Annual Estate Planning, Guardianship and Elder Law Conference session  
"Partition of Real Property Under Texas Law: A Primer"