

# Owely Deeds Research Guide

## Overview

This research guide includes information and resources on owely deeds and liens. Owely, pronounced “*oh-ell-tee*,” is “equality as achieved by a compensatory sum of money given after an exchange of parcels of land having different values or after an unequal partition of real property.” *Black’s Law Dictionary 11<sup>th</sup> ed.*) The resources listed below are not exhaustive and may not include the most up-to-date information. It is for information purposes only and should not be construed as legal advice or act as the substitute for legal counsel.

*Related guides: Community Property, Deeds, Partition*

## Statutes and Codes

Texas Statutes Online [www.statutes.capitol.texas.gov](http://www.statutes.capitol.texas.gov)

Texas Estates Code

- §102.004(4) Liability of Homestead for Debts  
<https://statutes.capitol.texas.gov/Docs/ES/htm/ES.102.htm#102.004>

Texas Property Code

- Ch. 23 Partition  
<https://statutes.capitol.texas.gov/Docs/PR/htm/PR.23.htm>
- Ch. 41 Interests in Land  
<https://statutes.capitol.texas.gov/Docs/PR/htm/PR.41.htm>

## Secondary Resources in Print

**West’s Texas Forms REF KFT 1268 .W47**

- Vol. 13 §5.21 Form – Deed of Partition Creating Owely Lien

- Vol. 16A §3:134 Notes to Form “Owely Deed,” p. 451

**Texas Real Estate Forms Manual KFT 1326 .T4**

- Vol. 1 §5.13:5 Owely of Partition Deed and Agreement
- Vol. 1, Form 5-11 Owely of Partition Deed
- Vol. 1, Form 5-12 Owely of Partition Agreement

**O’Connor’s Texas Family Law Forms REF KFT 1294 A65 W55**

- Form 14A:10 Special Warranty Deed with Owely Lien

**Texas Family Law Practice Manual REF KFT 1294 .T4S7**

- Ch. 24 Closing Documents
  - §24.4 Special Warranty Deed
  - §24.18 Owely Liens
  - Form 24-4 Special Warranty Deed with Encumbrance for Owely of Partition
  - Form 24-10 Deed of Trust to Secure Owely of Partition

**Texas Collections Manual REF KFT 1367 .C6 T49**

- §27.34 Basis for Debtor’s Homestead Exemption
- §29.10:1 Homestead

**Texas Foreclosure Manual REF KFT 1330.5 .F6S7**

- §4.28 Owely Liens

## CLE Materials

**Collections and Creditors Rights KFT 1367 .C6S7**

- 2022 Ch. 5 Evaluating the Collectibility of Your Claim, p. 24 (*PDF only*)

## Marriage Dissolution 101 *(PDF only)*

- 2022 Ch. 5 Drafting Enforceable Orders, p. 8
- 2022 Ch. 8 Closing the File Turn Out the Lights the Party's Over, p. 5, 29-30
  - Special Warranty Deed with Encumbrance for Owelty of Partition, p. 49-51

## Online Resources

The Proper Use of the Owelty Agreement and Lien (NEHCBA)

<https://nehcba.org/CLE%20Handouts/2020-06%20-%20Proper%20Use%20of%20the%20Owelty%20Agreement%20and%20Lien.pdf>

Owelty Transactions and Divorce in Texas – Texas Land Title Institute (CLE)

[https://www.tlta.com/legallibrary/papers/2016/S\\_Owelty%20In%20DivorceFINAL.pdf](https://www.tlta.com/legallibrary/papers/2016/S_Owelty%20In%20DivorceFINAL.pdf)

Owelty and Partition (Texas Land Title Association)

<https://www.tlta.com/legallibrary/papers/2010/Owelty%20And%20Partition%20Jacobus%2010.pdf>

Owelty of Partition Deeds in Texas (attorney blog)

<https://silblawfirm.com/real-estate-law/owelty-of-partition-deed-in-texas/>

## Legal Assistance

**Legal Lines – Ask Attorneys simple legal questions (free service)**

- Tarrant County LegalLine Sign-up  
<https://www.tarrantbar.org/>
- Dallas County LegalLine Sign-up  
<https://www.dallasbar.org/index.cfm?pg=legalline>

**Tarrant County Bar Association Lawyer Referral Service:** 817-336-4101 (\$20 for the first 30 minutes)