

Receiverships Research Guide

Overview

This research guide provides information and resources on receiverships in Texas. A receivership is “the quality, state, or condition of a business enterprise’s, usu. a company’s, being placed under the control of a receiver, often because of a lack of assets.” (*Black’s Law Dictionary*, 11th ed.) A receiver is “a disinterested person appointed by a court, or by a corporation or other person, for the protection or collection of property that is the subject of diverse claims (for example, because it belongs to a bankrupt or is otherwise being litigated.)” (*Black’s Law Dictionary*, 11th ed.) The resources listed below are not exhaustive, and there may be additional applications not included.

Statutes & Codes

Texas Family Code / Texas Legislature
www.statutes.capitol.texas.gov

Texas Civil Practice and Remedies Code – Chapter 64 – Receivership
<https://statutes.capitol.texas.gov/Docs/CP/pdf/CP.64.pdf>

Texas Property Code, Section 114.008 – Remedies for Breach of Trust
<https://statutes.capitol.texas.gov/Docs/PR/htm/PR.114.htm#114.008>

Secondary Resources in Print

Texas Family Law Practice Manual KFT 1294.T4S7

- Forms Ch. 8, 8-43 & 8-44 – Motion and Order on Motion for Appointment of Receiver [Real Property], pgs. 753-757

- Forms Ch. 8, 8-45 & 8-46 – Motion and Order on Motion for Appointment of Receiver [Business], pgs. 758-771

CLE Materials

Soaking Up Some CLE: A South Texas Litigation Course (2020)

- Ch. 7 - A Pocket Guide to Texas Receiverships
<https://www.munsch.com/portalsresource/lookup/wosid/cp-base-4-30004/overrideFile.name=/Pocket%20Guide%20-%20Texas%20Receiverships.pdf>

Advanced Family Law Course 2001 KFT 1294.S83

- Ch. 25 – Who’s Minding the Store? Dealing with Receiverships, pp. 1-21

Advanced Family Law 2020 KFT 1294.S83

- Ch. 1 – Turn! Turn! Turn! (To Everything There Is a Season): Property Case Law Update, pg. 29
- Ch. 23 – Receivership and Alter Ego, pgs. 19-21

Advanced Family Law Drafting Course KFT 1294.A92

- “Receiverships and Drafting Requirements” (with Mary Evelyn McNamara and Michael Bernstein)

Advanced Real Estate Drafting Course KFT 1312.A7527

- 2019 Ch. 7 Receiverships

Online Resources

- Turnover & Receiver Local Rule – Justice Courts of Tarrant County, 2019
<http://www.tarrantcounty.com/content/dam>

</main/justices-of-the-peace/JP1/LocalRuleTurnoverReceiver.pdf>

- “Receiverships in Trust and Estate Litigation in Texas,” *The National Review* (2020) <https://www.natlawreview.com/article/receiverships-trust-and-estate-litigation-texas>
- “The Un-Bankruptcy: A Texas Receivership as an Alternative to Bankruptcy (and 14 Ways to Appoint a Receiver in the Lone Star State” <https://bclpgrid.com/the-un-bankruptcy-a-texas-receivership-as-an-alternative-to-bankruptcy-and-fourteen-ways-to-appoint-a-receiver-in-the-lone-star-state/>
- “Receivership” by R. Scott Alagood <https://www.dentonlaw.com/news-and-articles/receiverships/>
- “Receiverships: An Overlooked Option for Complex Dispute Resolution” by Hendershot Cowart P.C. <https://www.hchlawyers.com/blog/2019/january/receiverships-an-overlooked-option-for-complex-d/>

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)