



LAW OFFICE OF  
**BRYAN FAGAN**  
— PLLC —



# **BUSINESS OWNER DIVORCE IN HOUSTON, TX**

WORK WITH A HOUSTON ATTORNEY

CALL US FOR ALL YOUR FAMILY LAW NEEDS (281) 810-9760

## INTRODUCTION

Thank you for downloading our special report: about Business Owner in a Divorce, with information that will help you protect your assets and secure your future. For more insider divorce tips, please download our other special reports about Dirty Divorce Tricks, How to Plan and Prepare for Divorce, and Divorce after 50. We understand that you have a lot of questions and concerns about your divorce and we want to help you feel as comfortable with the process as we can. If you would like to speak to one of our highly skilled Law Office of Bryan Fagan, PLLC attorneys, we encourage you to contact us to schedule a free confidential consultation. We're here for you, always. Sincerely, Bryan Fagan, Law Office of Bryan Fagan

## OUR EXPERIENCED FAMILY LAW ATTORNEYS CAN HELP

The more property is involved in a divorce, the longer it usually takes. Owning a business can make the divorce process incredibly complicated, particularly if the couple owned the business together. There are a few important considerations to make before getting a divorce. Our skilled Houston, TX, family law attorneys can help you through the complications you might encounter.

### COMMUNITY VS. SEPARATE PROPERTY

Texas is a community property state, meaning that if a couple divorces, all community property must be divided in a manner that is "just and right," or equitable. Community property includes all property, and debts, that the couple acquired during the marriage. A business or professional practice has to be considered in the valuation and division of community property if the business or practice was developed during the marriage.

Separate property, on the other hand, is property that a spouse brought into the marriage. A company formed before the marriage or founded with separate property funds is a separate property business.

**However, it will have community property components that will need to be valued and accounted for, such as the following:**

- ☑ Joint funds used to expand or invest in the business
- ☑ Any appreciation in value attributed to joint financial contributions
- ☑ Each spouse's contribution to the business

### BUSINESS VALUATION

A business must be valued during a divorce involving the equitable division of community property. Valuation makes it easier for the business owner spouse to keep the business running after the divorce and gives the non-owner adequate financial resources as he or she moves forward. This can be time-consuming, as the appraiser must determine goodwill, or the value that most businesses have based on their established name or reputation. Business owners will usually hire professional business appraisers to accomplish this.

- ☑ Business Owners and Business Assets in a Texas Divorce
- ☑ High Net Worth Divorce / High Asset Divorce

### CALL THE FIRM TO HELP YOU THROUGH THIS PROCESS

Property division can complicate the divorce process. Let us help you navigate this challenging field with our years of family law experience. The attorneys here at the Law Office of Bryan Fagan, PLLC are skilled Houston, TX, family law advocates. We will stop at nothing to advocate on your behalf and help you accomplish your goals. Our lawyers deliver the highest standard of legal service to our clients, and we can assist you in mediation or in litigation. Let us see what we can do for you.



## BUSINESS OWNERS AND BUSINESS ASSETS IN A TEXAS DIVORCE

Complex property division cases, high net worth divorces, and matters that require divorce planning in Texas often involve business owners and business interests. If one or both spouses own a closely held business, the process of dividing their community estate takes special legal, accounting, and tax expertise.

Frequently in these cases, one or both spouses will be the owner, director, primary shareholder, managing member, or partner in a small- or medium-sized business.

## HOUSTON BUSINESS OWNER DIVORCE ATTORNEY

The divorce attorneys at The Law Office of Bryan Fagan, PLLC, are effective at representing business owners going through simple or complex, high net worth divorce. It is imperative to individuals that own a business that they seek adequate legal representation.

Our marital property division attorneys are exceedingly experienced in Texas civil litigation and business law, which is exceptionally valuable to representing business owners in divorce cases. If you are a business owner, shareholder or partner in a firm, contact us to secure your legal representation.

Types of Business Property that must be divided in a divorce case:

- Closely Held Business
- Business Interest
- Business Assets

## CLOSELY HELD BUSINESS

Closely held business entities can be in the form of:

- a 'C' corporation
- 'S' corporation
- limited liability company (LLC)
- limited partnership, sole proprietorship or
- any other recognized type of entity.

An attorney with experience in business law and business litigation will need to assess whether all or part of the business is community property.

## BUSINESS INTEREST

If the business interest is community property, the lawyer must consult with experts in other fields to value it.

After the business is valued by an expert or a value is agreed upon by the parties to the divorce, the attorney will advise the client of his or her legal rights and develop a strategy to facilitate an agreed division or, if necessary, present the case in the most favorable light to the court.

## BUSINESS ASSETS

A critical skill your attorney should possess is the ability to properly document the division of the business assets, ownership rights, and ownership duties when the divorce is finalized.

This documentation must be included in the mediated settlement agreement, final divorce decree, and in the internal resolutions, minutes, ownership certificates, shares, and relevant agreements of the business entity.

If not properly documented, the division of the business will not be completed and conflict between ex-spouses or with the other persons involved in the business is likely to occur in the future.



## **LAW OFFICE OF BRYAN FAGAN, PLLC | BUSINESS OWNER DIVORCE LAWYER**

The Law Office of Bryan Fagan, PLLC routinely handles matters that affect children and families. If you have questions regarding Business Owner Divorce Lawyer, it's important to speak with a Business Owner Divorce right away to protect your rights.

A Business Owner Divorce Lawyer is skilled at listening to your goals during this trying process and developing a strategy to meet those goals. Contact Law Office of Bryan Fagan, PLLC by calling (281) 810-9760 or submit your contact information in our online form. The Law Office of Bryan Fagan, PLLC handles Divorce cases in Spring, Texas, Cypress, Spring, Klein, Humble, Kingwood, Tomball, The Woodlands, Houston, the FM 1960 area, or surrounding areas, including Harris County, Montgomery County, Liberty County, Chambers County, Galveston County, Brazoria County, Fort Bend County and Waller County.

## **HIGH NET WORTH DIVORCE / HIGH ASSET DIVORCE**

Divorce is a trying experience for anyone, but it can be especially contentious when one or both spouses have a high net worth or a complex property portfolio. Complex and high asset divorces often involve claims of hidden assets and marital torts such as fraud on the community. Many high net worth individuals are also concerned about being burdened with oppressive alimony or spousal support payments even after the divorce is finalized.

Persons going through a high net worth divorce need experienced attorneys to help them develop a comprehensive divorce plan to successfully navigate through the process and protect their closely-held business, oil and gas interests, and other complex property issues. The marital property division attorneys at The Law Office of Bryan Fagan, PLLC are ready to assist you and begin developing a strategy, along with professional advice from other professionals, to help you work through the specific issues that you are concerned about.

## **HOUSTON HIGH NET WORTH DIVORCE ATTORNEY**

Our Houston divorce attorneys have extensive experience in representing clients throughout Harris County including Houston, Northwest Houston, Champions, Spring, Tomball, Klein, the FM 1960 area, as well as The Woodlands and Conroe in Montgomery County.

## **ISSUES AFFECTING HIGH ASSET DIVORCE CASES**

- Separate Property vs. Community Property
- Business Valuation
- Financial Experts
- How We Can Help

## **SEPARATE PROPERTY VS. COMMUNITY PROPERTY**

There are three types of marital property - separate property of the wife, community property, and separate property of the husband. All marital assets can be characterized as one of these types, or a combination of them. In Texas, the court will presume that all property the spouses own is community property. It is up to the spouse claiming property as his or her separate property to overcome the presumption by proving very clearly to the court the separate property character. The benefit of an asset being characterized as your separate property is that the judge cannot award it to your spouse.

Characterizing all of your marital property as either separate property or community property is vital to fairly dividing your assets during a divorce. Consulting an experienced and knowledgeable attorney is the only way to ensure your assets are properly characterized before they are divided or confirmed by the court as separate property.



**BUSINESS VALUATION**

If you own a closely-held business or have family business interests, a primary concern in the divorce process will be valuing the business and determining its marital property character. We work closely with our high net worth clients, in conjunction with valuation and financial experts, to obtain a clear picture of the nature of your business interests and their current value. After your business interests have been appraised and a settlement agreement or final divorce decree is drafted dividing the property, it will be important that the actual division of the business is handled with expertise.

In a business owner's divorce, it is important the attorney possess the ability to properly document the division of the business assets, ownership rights, and ownership duties when the divorce is finalized. This documentation must be included in the mediated settlement agreement, final divorce decree, and in the internal resolutions, minutes, ownership certificates, shares, and relevant agreements of the business entity. If not properly documented, the division of the business will not be completed and conflict between ex-spouses or with the other persons involved in the business is likely to occur in the future. The attorneys at The Law Office of Bryan Fagan, PLLC are knowledgeable and experienced in representing business owners in divorce, purchase and sale of businesses, as well as other civil litigation proceedings. This experience outside the divorce process provides us with unique skills to facilitate the property division in your high asset divorce involving a closely-held or family business.

**FINANCIAL EXPERTS**

In addition to providing top-notch legal advice to high net worth individuals involved in divorce, we also work closely with experts in other fields to ensure all of their complex property issues are addressed. High income divorce cases, may require the assistance of a highly skilled financial team to properly assess the monetary value of all the property involved. Some of the highly qualified experts we will recommend to work on your case may include:

- ☑ Forensic accountants
- ☑ Certified Public Accountants (CPA)
- ☑ Certified Financial Planners (CFP)
- ☑ Business valuers
- ☑ Residential and commercial property appraisers
- ☑ Personal property appraisers





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## **WE'RE HERE FOR YOU**

When it comes to your financial future, your peace of mind matters. No matter where you are in the divorce process, we are always available to help you protect your assets and safeguard your future. As a Texas law firm exclusively devoted to divorce and family law, our experienced divorce attorneys will explain your options and support you throughout the process. Please contact us at (281) 810-9760 if you would like to schedule a free confidential consultation

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