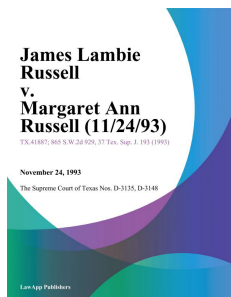


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JAMES LAMBIE RUSSELL V MARGARET ANN RUSSELL 11 24 93 EBOOKS 2019



Author: The Supreme Court of Texas

Realese Date: Expected @@expectedReleaseDate@@

In these consolidated cases, we consider the effect of a 1989 amendment to section 1.91 of the Texas Family Code, entitled "Proof of Certain Informal Marriages," concerning evidence of an agreement to be "informally" married. In each case, the trial court found that an informal marriage existed. The courts of appeal, however, reached conflicting results. In Russell v. Russell, the Ninth Court of Appeals affirmed the existence of an informal marriage although it reversed and remanded the case to the trial court to determine when the informal marriage began. 838 S.W.2d 909. In Weaber v. Lorensen, the Fifth Court of Appeals held that there was no evidence that the parties agreed to be married, reversed the trial court's judgment and rendered judgment that a valid marriage did not exist. 840 S.W.2d 644. We hold that under section 1.91 of the Family Code, as amended in 1989, an agreement to be married may be established by direct or circumstantial evidence. For the reasons explained herein, we reverse the judgments in Russell v. Russell and Weaber v. Lorensen and remand those causes to the Ninth and Fifth Courts of Appeal for further proceedings consistent with this opinion.

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