

TEXAS COURT OF APPEALS, SECOND APPELLATE DISTRICT AT FORT WORTH

Falah Algaissi v. Taima Abu Qamer

Algaissi · No. 02-25-00212-CV · Decided May 21, 2026

SUMMARY

The Texas Court of Appeals for the Second Appellate District at Fort Worth affirmed a final divorce decree. The court held that the appellant failed to show good cause for his untimely failure to obtain the reporter’s record and that his appellate issues required review of that record. The court also concluded that the appellant’s approval and consent to the decree invited or waived any alleged error, and alternatively upheld the trial court’s conservatorship and property-division rulings.

CASE DETAILS

COURT	Texas Court of Appeals, Second Appellate District at Fort Worth
WRITING FOR THE COURT	Dana Womack; Birdwell, J.; Womack, J.; Walker, J.
JURISDICTION	Texas Court of Appeals, Second Appellate District at Fort Worth
DECIDED	May 21, 2026
DOCKET	02-25-00212-CV
DISPOSITION	affirmed
PROCEDURAL POSTURE	Husband appealed from a final divorce decree entered after a bench trial, challenging the conservatorship determination, division of the community estate, and findings of fraud on the community.
STANDARD OF REVIEW	Family-law determinations, including conservatorship and division of the marital estate, are reviewed for abuse of discretion. An abuse of discretion occurs when the trial court acts arbitrarily or unreasonably, without reference to guiding rules or principles. When the ruling depends on evidentiary support, the appellate court asks whether the trial court had sufficient information on which to exercise its discretion and whether it erred in applying that discretion. The appellate court defers to the trial court's credibility determinations and resolution of conflicting evidence. Legal conclusions are reviewed de novo, and factual findings supported by the record are given deference.
PRECEDENTIAL VALUE	published

TOPICS

dissolution of marriage

child custody

community property

appellate procedure

standard of review

PRACTICE AREAS

family law

appellate procedure

civil procedure

QUESTIONS PRESENTED

1. Whether the trial court abused its discretion by appointing the parties joint managing conservators and granting Wife the exclusive right to designate the children's primary residence despite alleged evidence of family violence.
2. Whether the trial court abused its discretion by dividing the community estate and valuing particular assets without sufficient evidence of fair market value.
3. Whether the trial court erred by finding constructive and actual fraud on the community and awarding fraud-based relief without legally and factually sufficient evidence.
4. Whether Husband's failure to timely obtain the reporter's record and failure to show good cause prevented appellate review of his abuse-of-discretion complaints.
5. Whether Husband's approval and consent to the divorce decree as to both form and substance invited error or waived complaints about the decree.

HOLDINGS

1. Because Husband failed to show good cause for his delay in obtaining the reporter's record as required by the appellate court's order, and all of his issues required review of the evidence, the court could decline to consider the reporter's record, presume that the underlying proceeding was properly conducted and supported by sufficient evidence, and overrule the appellate complaints on that basis.
2. Husband's signature approving and consenting to the divorce decree as to both form and substance waived his complaints about the decree and invited any alleged error, absent fraud, collusion, or misrepresentation.
3. The trial court did not abuse its discretion by appointing the parents joint managing conservators and giving Wife the exclusive right to designate the children's primary residence. The conflicting testimony did not require a finding of family violence, and some substantive and probative evidence supported the best-interest determination.
4. The trial court did not abuse its discretion in valuing and dividing the community estate because the record contained legally and factually sufficient evidence supporting the values of the marital residence, Husband's business interest, his 401(k), and the vehicles.
5. The evidence supported the trial court's finding that Husband committed constructive fraud on the community and failed to rebut the presumption arising from his transfers and unexplained disposition of

community assets. The court therefore did not need to address the separate actual-fraud finding.

KEY QUOTATIONS

“Without a reporter’s record, we have no way to determine what evidence, if any, was adduced at the hearing and, therefore, whether the trial court abused its discretion.” (7)

“To preserve error for appeal, a party who signs a judgment must specify that his agreement with the judgment is as to form, but not as to substance and outcome.” (10)

“As long as some evidence of a substantive and probative character supports the trial court’s decision, it does not abuse its discretion.” (12)

“Fraud is presumed whenever one spouse disposes of the other spouses’s one-half interest in community property without that other spouse’s knowledge or consent.” (28)

FACTUAL BACKGROUND

The parties married in 2008 and had three children. During the divorce proceedings, Husband alleged that Wife had physically abused him and one of the children, while Wife denied the allegations. The parties disputed the values of the marital residence, Husband's 38% interest in a dental practice, a 401(k) account, and their vehicles. The trial court also found that Husband had transferred or withdrawn community funds, including money sent to family in Jordan, funds removed from a joint account, and retirement-account proceeds, and awarded Wife a disproportionate share of the community estate.

PROCEDURAL HISTORY

Wife filed for divorce in May 2023, and Husband filed an answer and counterpetition the following month. After a bench trial in November 2024, the trial court entered a final divorce decree in April 2025. Both parties' attorneys and Husband signed the decree as approved and consented to as to both form and substance. Husband appealed, but he did not timely pay or arrange to pay for the reporter's record and failed to show good cause for the delay despite an appellate-court order requiring that showing. The reporter's record was later filed, and the court nevertheless considered the merits before affirming.

DISPOSITION

affirmed

CASES CITED

- In re Marriage of Featherston, 675 S.W.3d 330, 333 (Tex. App.—Amarillo 2023, no pet.)
- Ayala v. Ayala, 387 S.W.3d 721, 726 (Tex. App.—Houston [1st Dist.] 2011, no pet.)
- In re Marriage of Ray & House, No. 12-25-00015-CV, 2025 WL 2492067, at *2 (Tex. App.—Tyler Aug. 29, 2025, pet. denied) (mem. op.)
- Dunlap v. City of Fort Worth, No. 02-21-00130-CV, 2021 WL 5028767, at *4 (Tex. App.—Fort Worth Oct. 28, 2021, no pet.) (mem. op.)

- *Carter v. Goldberg*, 598 S.W.2d 908, 909–10 (Tex. App.—Dallas 1980, no writ) (per curiam)
- *Patterson v. Hall*, 430 S.W.2d 483, 486 (Tex. 1968)
- *Pledger v. Ools*, 476 S.W.2d 854, 857 (Tex. App.—Amarillo 1972, no writ)
- *Estate of Wheatfall*, 729 S.W.3d 788, 793 n.3 (Tex. 2026)
- *In re B.C.*, No. 02-25-00230-CV, 2026 WL 1041631, at *2 n.6 (Tex. App.—Fort Worth Apr. 16, 2026, no pet. h.) (mem. op.)
- *Marino v. King*, 355 S.W.3d 629, 634 (Tex. 2011)
- *Galvan v. Garcia*, 502 S.W.3d 382, 385 (Tex. App.—San Antonio 2016, no pet.)
- *In re Dep’t of Fam. & Protective Servs.*, 273 S.W.3d 637, 646 (Tex. 2009) (orig. proceeding)
- *In re R.H.B.*, 660 S.W.3d 136, 154 (Tex. App.—San Antonio 2022, no pet.)
- *DHI Holdings, LP v. Deutsche Bank Nat’l Tr. Co. as Tr. for Morgan Stanley ABS Cap. I Inc. Tr. 2006-HE3, Mortg. Pass-Through Certificates, Series 2006-HE3*, 650 S.W.3d 522, 526–28 (Tex. App.—Houston [14th Dist.] 2021, pet. denied)
- *Estate of Nielsen*, No. 02-17-00251-CV, 2018 WL 4625531, at *3–7 (Tex. App.—Fort Worth Sept. 27, 2018, pet. denied) (mem. op.)
- *Mailhot v. Mailhot*, 124 S.W.3d 775, 777 (Tex. App.—Houston [1st Dist.] 2003, no pet.)
- *First Nat’l Bank v. Fojtik*, 775 S.W.2d 632, 633 (Tex. 1989)
- *Lerner v. Schott*, No. 01-24-00342-CV, 2026 WL 958567, at *3 (Tex. App.—Houston [1st Dist.] Apr. 9, 2026, no pet. h.) (mem. op.)
- *Boufaissal v. Boufaissal*, 251 S.W.3d 160, 162 (Tex. App.—Dallas 2008, no pet.)
- *Mamoe v. Mamoe*, No. 03-23-00258-CV, 2024 WL 4137329, at *3 (Tex. App.—Austin Sept. 11, 2024, no pet.) (mem. op.)
- *In re J.J.R.S.*, 627 S.W.3d 211, 218 (Tex. 2021)
- *Gillespie v. Gillespie*, 644 S.W.2d 449, 451 (Tex. 1983)
- *In re E.D.*, No. 02-20-00208-CV, 2022 WL 60781, at *10–12, *16 (Tex. App.—Fort Worth Jan. 6, 2022, no pet.) (mem. op.)
- *C.W. v. B.W.*, No. 02-19-00270-CV, 2020 WL 4517325, at *2–3 (Tex. App.—Fort Worth Aug. 6, 2020, no pet.) (mem. op.)
- *City of Keller v. Wilson*, 168 S.W.3d 802, 819 (Tex. 2005)
- *In re C.L.M.*, No. 01-23-00919-CV, 2025 WL 2165184, at *12 (Tex. App.—Houston [1st Dist.] July 31, 2025, no pet.) (mem. op.)
- *Jordan v. Dossey*, 325 S.W.3d 700, 713 (Tex. App.—Houston [1st Dist.] 2010, pet. denied)
- *In re J.J.G.*, 540 S.W.3d 44, 56 (Tex. App.—Houston [1st Dist.] 2017, pet. denied)
- *C.C. v. L.C.*, No. 02-18-00425-CV, 2019 WL 2865294, at *12, *17 (Tex. App.—Fort Worth July 3, 2019, no pet.) (mem. op.)
- *Hamilton v. Hamilton*, No. 02-19-00211-CV, 2020 WL 6498528, at *4 (Tex. App.—Fort Worth Nov. 5, 2020, no pet.) (mem. op.)
- *In re A.N.G.*, No. 07-25-00156-CV, 2026 WL 231970, at *4 (Tex. App.—Amarillo Jan. 28, 2026, no pet.)

- Landry v. Landry, 731 S.W.3d 630, 633 (Tex. 2026)
- McKnight v. McKnight, 543 S.W.2d 863, 866 (Tex. 1976)
- Nath v. Tex. Child.'s Hosp., 446 S.W.3d 355, 371 (Tex. 2014)
- Attaguile v. Attaguile, 584 S.W.3d 163, 176 (Tex. App.—El Paso 2019, no pet.)
- In re Marriage of Williams, No. 06-18-00041-CV, 2018 WL 6424245, at *4 (Tex. App.—Texarkana Dec. 7, 2018, pet. denied) (mem. op.)
- Logsdon v. Logsdon, No. 02-14-00045-CV, 2015 WL 7690034, at *9 n.20 (Tex. App.—Fort Worth Nov. 25, 2015, no pet.) (mem. op.)
- Smith v. Smith, No. 02-20-00370-CV, 2022 WL 1682427, at *4 (Tex. App.—Fort Worth May 26, 2022, no pet.) (mem. op.)
- In re Marriage of C.A.S. & D.P.S., 405 S.W.3d 373, 391 (Tex. App.—Dallas 2013, no pet.)
- Chu v. Chong Hui Hong, 249 S.W.3d 441, 444–45 (Tex. 2008)
- Wadhwa v. Wadhwa, 720 S.W.3d 169, 186 (Tex. App.—Houston [14th Dist.] 2025, no pet.)
- In re Marriage of Vedullapalli & Velagandula, No. 05-22-01248-CV, 2024 WL 3218215, at *3 (Tex. App.—Dallas June 28, 2024, pet. denied) (mem. op.)
- Hongfei Liu v. Min Li, No. 14-23-00810-CV, 2025 WL 1936929, at *3, *7 (Tex. App.—Houston [14th Dist.] July 15, 2025, pet. denied) (mem. op.)
- Key v. Key, 712 S.W.3d 697, 705–06 (Tex. App.—Houston [14th Dist.] 2025, no pet.)
- Sharma v. Jani, No. 02-23-00045-CV, 2024 WL 2066363, at *12 n.18 (Tex. App.—Fort Worth May 9, 2024, no pet.) (mem. op.)