

Estate Planning Research Guide

Overview

This research guide provides information and resources on estate planning in the state of Texas. Estate planning is “the preparation for the distribution and management of a person’s estate at death through the use of wills, trusts, insurance policies, and other arrangements, esp. to reduce administration costs and transfer-tax liability.” (*Black’s Law Dictionary, 11th 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.

Statutes & Codes

Texas Statutes www.statutes.capitol.texas.gov

Texas Estates Code

- Ch. 31 General Provisions
<https://statutes.capitol.texas.gov/Docs/ES/htm/ES.31.htm>
- Ch. 251 Fundamental Requirements and Provisions Relating to Wills
<https://statutes.capitol.texas.gov/Docs/ES/htm/ES.251.htm>

Texas Property Code

- Ch. 101 Provisions Generally Applicable to Trusts
<https://statutes.capitol.texas.gov/Docs/PR/htm/PR.101.htm>
- Ch. 112 Creation, Validity, Modification, and Termination of Trusts
<https://statutes.capitol.texas.gov/Docs/PR/htm/PR.112.htm>
- Ch. 113 Administration (Trusts)
<https://statutes.capitol.texas.gov/Docs/PR/htm/PR.113.htm>

Secondary Resources in Print

Texas Estate Planning KFT 1340 .R4

Davis’s Texas Estate Planning Forms KFT 1340 .A65 D39

Wills Road Map: Practical Considerations in Will Drafting KFT 1344 .A95

Texas Transaction Guide KFT 1268 .K45

- Vol. 7, Ch. 40 Estate Planning (*see Vols. 7-9 for multiple estate planning resources*)

The Trustee’s Legal Companion: A Step-by-Step Guide to Administering a Living Trust (NOLO) KF 734 .H36

- Appendix A – Texas, p. 357
- Appendix B – Sample Trust, pp. 366-381

Estate Planning Basics (NOLO) KF 750 .Z9 C554

- *See Index for Texas specific sections*

Plan Your Estate (NOLO) KF 750 .Z9 C65

- *See Index for Texas specific sections*

101 Law Forms for Personal Use KF 170 .L46

- Ch. 2 Basic Estate Planning
- Ch. 3 Thing to Do After a Death: Documents for Executors
- Ch. 12 Hiring Child Care, Elder Care, or Household Help – Form 84: Elder Care Agreement

CLE Materials

21st Annual Building Blocks of Wills, Estates, and Probate Course KFT 1340 .S7B8

- Ch. 1.2 Estate Planning – The Process (229 pgs.)
- Ch. 1.3 Basic Estate Planning (61 pgs.)

- Ch. 4 Probate Procedures and Alternatives 2019 (83 pgs.)
- Ch. 5 The Estate Administration Guide

- 2018 Ch. 3: Supreme Court of Texas Update, Section XXV. Probate: Wills, Trusts, Estates, & Guardianships, Subsection A: Guardianships, p. 60.

Advanced Estate Planning and Probate

KFT 1340 .A75S7

- 2021 Ch. 9: Marital Property Issues in Estate Planning
- 2021 Ch. 16: Texas's New Rule Against Perpetuities
- 2020 Ch. 22 Selected Estate Planning Strategies for Your Primary (or Vacation) Home
- 2019 Ch. 6: Planning Ideas for the Era of Uncertainty (4 separate articles in 1 chapter)
- 2019 Ch. 9: Bankruptcy for Estate Planners: What You Need to Know, or at Least Be Aware of
- 2019 Ch. 11: Recent Development in Estate Planning
- 2019 Ch. 20: Income Tax Issues in Estate Planning
- 2016 Ch. 17: Estate Planning for the "Terminally Ill" Client a Checklist for the Estate Planning Advisor
- 2016 Ch. 14: Defenses to a Will Contest
- 2016 Ch. 15: Will Reformations and Will Constructions
- 2016 Ch. 20: Practical Difficulties in Estate Planning and Administration with Private Foundations
- 2014 Ch. 1: Morals from the Courthouse: A Study of Recent Texas Cases Impacting the Wills, Probate, and Trust Practice
- 2014 Ch. 6: Estate Planning with Foundations
- 2014 Ch. 18: Portability in the New Age of Estate Planning
- 2014 Ch. 29: Estate Planning for Beneficiaries Who May Need Long-Term Care

Advanced Real Estate Drafting KFT 1312 .A7527

- 2022 Ch. 1 Authority Issues in Residential Real Estate Transactions (*includes sample forms*)
 - Sec. II. Power of Attorney (POA)
 - Sec. IV. Deceased Owners
 - Sec. V. Life Estates and Transfer on Death Deeds
 - Sec. VI. Successors in Interest
 - Sec. VII. Trusts

Advanced Civil Appellate Practice

KFT 1755 .A75S7

Online Resources

Texas Law Help Articles (www.texaslawhelp.org)

- Estate Planning
<https://texaslawhelp.org/article/estate-planning-planning-who-gets-your-property>
- Powers of Attorney
<https://texaslawhelp.org/article/powers-of-attorney-information-and-answers>
- Transfer on Death Deeds
<https://texaslawhelp.org/house-apartment/transfer-on-death-deeds>
- Wills and Estate Planning
<https://texaslawhelp.org/money-debt/wills-estate-planning>

Wills and Directives Research Guide (TSLL)
<https://guides.sll.texas.gov/wills-and-directives>

Transferring Property Prior to Death: Pros, Cons and Alternatives (Texas A&M AgriLife)
<https://agrilife.org/texasaglaw/2020/09/21/transferring-property-prior-to-death-pros-cons-and-alternatives/>

End of Life Documents (article with links to resources)
<https://assets.recenter.tamu.edu/documents/articles/2044.pdf>

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)