

# Breach of Contract Research Guide

## Overview

This research guide includes information and resources on breach of contract. A breach of contract is a “violation of a contractual obligation by failing to perform one’s own promise, by repudiating it, or by interfering with another party’s performance.” (*Black’s Law Dictionary*, 11<sup>th</sup> 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.

*Related guides: Declaratory Judgments, Rule 11 Agreements*

## Statutes and Codes

Texas Statutes Online [www.statutes.capitol.texas.gov](http://www.statutes.capitol.texas.gov)

Texas Business & Commerce Code

- Ch. 2 Sales  
<https://statutes.capitol.texas.gov/Docs/BC/htm/BC.2.htm>
- Ch. 26 Statute of Frauds  
<https://statutes.capitol.texas.gov/Docs/BC/htm/BC.26.htm>

Texas Civil Practice and Remedies Code

- Ch. 16 Limitations  
<https://statutes.capitol.texas.gov/Docs/CP/htm/CP.16.htm>
- Ch. 37 Declaratory Judgments §37.004(a)  
Subject Matter of Relief  
<https://statutes.capitol.texas.gov/Docs/CP/htm/CP.37.htm#37.004>

## Secondary Resources in Print

**Texas Forms Pleading and Practice REF KFT 1730 .A65 T482**

- Vol. 4, Ch. 72 Contracts (*contains form templates*)

**Restatement (Second) of Contracts KT 801 .R47**

- Vols. 1-3, § 1-385 Contracts

**O'Connor's Texas Causes of Action REF KFT 1733 .O26**

- Ch. 5-B Breach of Contract (generally)

**O'Connor's Texas Causes of Action Pleadings REF KFT 1735 .A65 O36**

- Ch. 5 Contract Actions
  - Form 5B:1 Breach of Contract—Notice
  - Form 5B:2 Breach of Contract—Petition
  - Form 5B:3 Breach of Contract—Answer

**O'Connor's Texas Rules – Civil Trials REF KFT 1729 .A1903**

- Ch. 2-B § 4.2.3 Distinction between standing and capacity

**Texas Commercial Causes of Action REF KFT 1733 W7**

- Ch. 3 Contract and Commercial Litigation
  - 3-1 Breach of Contract
- Ch. 9 Misc. Business Causes of Action
  - 9-3 Conspiracy to Breach Contract

**Texas Pretrial Practice REF KFT 1737 .T4B7**

- Vol. 1, §6:213 Contract Parties and Third Parties
- Vol. 1, §17:51 Contract Provisions
- Vol. 1, §14:345 Contract Ambiguity

**Texas Family Law Practice Manual REF KFT 1294 .T4S7**

- §61.2 Breach of Contract
- Vol. 3, Form 61-2 Original Petition for Breach of Alimony Contract
- Vol. 3, Forms 61-3 Original Petition for Breach of Contract to Pay College Expenses

**Texas DTPA Forms & Practice KFT 1430 .B7**

- §1.02.8.1 "Mere Breach of Contract"
- §5.23, §5.25 Breach of Contract

**The Lawyer's Guide to the Deceptive Trade Practices Act KFT 1430 .A94**

- 5.11 Breach of Warranty: Contract or Tort
- 8.02 Common-Law Defenses
- 10.031 The DTPA and TORT Exemplary Damages – General

**Texas Practice Series REF KFT 1280 .T4**

- Vol. 49, Ch. 9 Breach
- Vol. 49, Ch. 10 Remedies

**Make Your Own Contract: Simple Contracts for Personal Use KF 801 .E54**

**Corbin on Contracts Desk Edition KF 801 C65**

- Ch. 53 Varieties of Breaches of Contracts—Total and Partial Breaches

**Williston on Contracts KF 801 W53**

- Vol. 4A (FORMS), Ch. 63F What Constitutes Breach of Contract
- Vol. 23, Ch. 63 What Constitutes Breach of Contract
- Vol. 24, Ch. 64 Damages for Breach of Contract

**Pattern Cross-Examinations REF KF8920 .S56**

- Ch. 6 Cross-Examination in Contract Disputes

- 2022 Ch. 22 Merger and Covenant of Seisin Issues with Contracts and Deeds
- 2021 Drafting Clearly is Important – Texas Cases Where it Made a Difference

**Contracting in the Covid and Post Covid World**

- 2022 (PDF only)

## Online Resources

Understanding Contracts (Texas Law Help)

<https://texaslawhelp.org/article/understanding-contracts-houston-bar-association>

Contracts and Covid-19 (Texas Law Help)

<https://texaslawhelp.org/article/contracts-and-covid-19>

What Are the Four Elements of a Breach of Contract Claim in TX? (attorney blog)

<https://jm.legal/articles/business/four-elements-of-breach-of-contract-claim/>

## 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)

## CLE Materials

**Advanced Real Estate Drafting Course KFT 1312 .A7527**

- 2022 Ch. 17 Overview of the Real Estate Forms Manual and Updated Forms Based upon Legislative Changes