

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.

Related guides: Powers of Attorney, Trusts, Wills

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 REF KFT 1340. R4

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

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

Texas Transaction Guide REF 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) REF KF 750. Z9 C554

- Texas, Community property state, p. 10
- Texas, Transfer on death, pp. 126-127

Plan Your Estate (NOLO) KF 750. Z9 C65

- Texas
 - As community property state, pp. 36, 162
 - Joint tenancy, p. 175
 - Transfer of Death deeds, pp. 182-183
 - Probate procedures for small estates, p. 222

Making Your Own Living Trust (NOLO) REF KF 734. Z9C57

8 Ways to Avoid Probate (NOLO) REF KF 750 .Z9 R35

Quick & Legal Will Book (NOLO) REF KF 755 .Z9 C55

101 Law Forms for Personal Use REF KF 170 .L46

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

The Executor's Guide: Settling a Loved One's Estate or Trust (NOLO) REF KF 788.Z9 R35

Texas Probate System REF KFT 1342. S7

- Form 23 – Disclaim Full Interest in Estate

CLE Materials

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

- 2024 Ch. 1 Basic Estate Planning
- 2024 Ch. 4 Probate Procedures and Alternative 2024
- 2024 Ch. 5 The Estate Administration Guide
- 2020 Ch. 1.2 Estate Planning – The Process (229 pgs.)
- 2020 Ch. 1.3 Basic Estate Planning (61 pgs.)
- 2020 Ch. 5 The Estate Administration Guide

Advanced Estate Planning and Probate KFT 1340. A75S7

- 2024 Ch. 3 The Hitchhiker's Guide to Multijurisdictional Estate Administration
- 2024 Ch. 13 Receiverships in Probate, Guardianship and Trust Litigation
- 2024 Ch. 20 Scary Stories of IRS Creditor Claims and Advising Executors on How to Avoid Them
- 2024 Ch. 27 Estate Planning for the Incapacitated Spouse
- 2024 Ch. 33 Estate Planning, Estate Administration, Guardianship and Mental Commitment - With Firearms! What We Know and What We Don't Know
- 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

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

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

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/wills-estate-planning/transfer-on-death-deeds>
- Wills and Estate Planning
<https://texaslawhelp.org/money-debt/wills-estate-planning>

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/>

Estate Planning and Probate (Texas State Law Library) <https://guides.sll.texas.gov/estate-planning-probate>

Texas Estate Planning (NOLO)
<https://www.nolo.com/legal-encyclopedia/texas-estate-planning>

Texas Estate Planning Handbook (Texas Trust Law)
<https://www.texastrustlaw.com/wp-content/uploads/Estate-Planning-Handbook-Booklet-REVISED-MAY-2023.pdf>

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

Cemetery & Prepaid Funeral Businesses (TX Dept. of Banking) <https://www.dob.texas.gov/cemetery-prepaid-funeral-services>

Texas Funeral Services Commission
<https://tfsc.texas.gov/>

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)

