

# Lady Bird Deeds Research Guide

## Overview

This research guide includes information and resources on the Lady Bird Deed. A Lady Bird deed is “a deed that allows a property owner to transfer ownership of the property to another while retaining the right to hold and occupy the property and use it as if the transferor were still the sole owner.” (*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: Deeds, Elder Law, Estate Planning, Trusts*

## Statutes and Codes

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

Texas Administrative Code

- Title 1, §358.350 Life Estates and Remainder Interest  
[https://texreg.sos.state.tx.us/public/readtac\\$ext.TacPage?sl=R&app=9&p\\_dir=&p\\_rloc=&p\\_tloc=&p\\_ploc=&pg=1&p\\_tac=&ti=1&pt=15&ch=358&rl=350](https://texreg.sos.state.tx.us/public/readtac$ext.TacPage?sl=R&app=9&p_dir=&p_rloc=&p_tloc=&p_ploc=&pg=1&p_tac=&ti=1&pt=15&ch=358&rl=350)

Texas Property Code

- §5.009 Duties of Life Tenant  
<https://statutes.capitol.texas.gov/Docs/PR/htm/PR.5.htm#5.009>

Texas Estates Code

- §201.002(b)(3) Separate Estate of an Intestate  
<https://statutes.capitol.texas.gov/Docs/PR/htm/PR.5.htm#5.009>

## Secondary Resources in Print

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

- Form 2:15 Lady Bird Deed

### **Texas Estate Planning KFT 1340 .R4**

- Ch. 5 Medicaid-Oriented Estate Planning
  - §5:32 Lady Bird Deed (Estate Recovery)
  - §5:110-5:122 Lady Bird Deed (Strategies)
  - Form 5-2 Lady Bird Deed
  - Form 5-3 General Warranty Lady Bird Deed
  - Form 5-4 Trust to Serve as Remainder Beneficiary of Lady Bird Deed

## CLE Materials

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

- 2022 Ch. 1 Authority Issues in Residential Real Estate Transactions (*includes sample forms*)
  - Sec. V. Life Estates and Transfer on Death Deeds

## Online Resources

Lady Bird Deeds (NOLO)

<https://www.nolo.com/legal-encyclopedia/lady-bird-deeds.html>

Home Sweet Home: Making Sense of Medicaid Recovery (State Bar of Texas)

<https://www.texasbar.com/AM/Template.cfm?Section=articles&Template=/CM/HTMLDisplay.cfm&ContentID=35859#:~:text=johnson's%20wife%2C%20a%20>

[20Lady%20Bird,during%20the%20Medicaid%20recipient's%20life](#)

Enhanced Life Estate Deeds (aka Lady Bird Deeds)

(Texas Agriculture Law Blog)

<https://agrillife.org/texasaglaw/2019/11/22/enhanced-life-estate-deeds-aka-lady-bird-deeds/>

Shared Ownership of Real Property in Texas – Life Estate section (Texas Law Help)

<https://texaslawhelp.org/article/shared-ownership-of-real-property-in-texas#life-estate>

Similarities and Differences between Lady Bird Deeds and Transfer on Death Deeds (attorney blog)

<https://raniacombslaw.com/resources/what-is-the-difference-between-a-lady-bird-deed-and-transfer-on-death-deed>

Techniques for Avoiding Probate for Real Estate: Old Foundations, New Foundations, or Wrecking Balls (2018), Lady Bird Deed, pgs. 6-7

<https://www.ccestateplanning.org/assets/Councils/CorpusChristi-TX/library/Techniques%20for%20Avoiding%20Probate%20for%20Real%20Estate.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)