

Right of Survivorship Research Guide

Overview

This research guide includes information and resources on right of survivorship. Right of survivorship refers to “a joint tenant’s right to succeed to the whole estate upon the death of the other joint tenant.” It is also termed *jus accrescendi*. (*Black’s Law Dictionary*, 12th 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: *Community Property, Estate Planning*

Statutes and Codes

Texas Statutes Online www.statutes.capitol.texas.gov

Texas Estates Code

- §101.002 Effect of Joint Ownership of Property
<https://statutes.capitol.texas.gov/docviewer?docPath=%2FES%2Fhtm%2FES.101.htm%23101.002>
- Ch. 111 Nonprobate Assets in General, Subchapter A. Right of Survivorship Agreements between Joint Tenants
<https://statutes.capitol.texas.gov/docviewer?docPath=%2FES%2Fhtm%2FES.111.htm%23A>
- Ch. 112 Community Property with Right of Survivorship
<https://statutes.capitol.texas.gov/docviewer?docPath=%2FES%2Fhtm%2FES.112.htm>
- §113.151 Establishment of Right of Survivorship in Joint Account; Ownership on Death of Party
<https://statutes.capitol.texas.gov/docviewer?docPath=%2FES%2Fhtm%2FES.113.htm%23113.151>
- §121.152 Distribution of Property Owned by Joint Owners
<https://statutes.capitol.texas.gov/docviewer?docPath=%2FES%2Fhtm%2FES.121.htm%23121.152>

Texas Finance Code

- §65.103 Joint Tenancy Account Held by Husband and Wife
<https://statutes.capitol.texas.gov/docviewer?docPath=%2FFI%2Fhtm%2FFI.65.htm%2365.103>

Secondary Resources in Print

The Executor’s Guide REF KFT 778 Z9 R35

- Ch. 13 Transferring Joint Tenancy and Other Survivorship Property

Introduction to Estate Planning in a Nutshell KF 750 L9

- Ch. 3 Survivorship Interests

Texas Estate Planning REF KFT 1340 R4

- Ch. 2 Non-Probate Assets
 - II. Joint Tenancy with Right of Survivorship §2:10 *et seq*
 - Survivorship Agreements §2:80 *et seq*
 - §2:123 Distinction from Joint Account Without Survivorship

Texas Forms Legal and Business REF KFT 1352 A65 T4

- Vol. 15, Ch. 32 Husband and Wife
 - §32:52 Agreement creating right of survivorship between spouses (general considerations)
 - §32:64 Partitioning community deposits—Right of survivorship
 - §32:68 Survivorship Agreement between Joint Owners—Husband and Wife

Texas Practice Series REF KFT 1280 T4

- Vol. 33, Ch. 11 Property Agreements
 - §11:12 *et seq* Agreements to create right of survivorship—Generally
- Vol. 38, Ch. 11 Interspousal Agreements, including Survivorship Agreements

- §11.12 *et seq* Survivorship Agreements
- Vol. 51, §9:31 Avoiding probate—Joint tenancy with right of survivorship

Texas Practice Guide REF KFT 1280 T4931

- Real Estate Transactions Vol. 2, Ch. 12 Holding Title
 - §12:53 Statutory right of survivorship (joint tenancies)
 - §12:132 Effect on agreement creating right of survivorship in community property

Texas Transaction Guide REF KFT 1268 K45

- Vol. 22, Ch. 93 Antenuptial Agreements
 - §93.113 Provisions Relating to Spouse's Survivorship Rights
 - §93.260 Agreement for Unilateral Release of Marital Rights
 - §93.261 Agreement for Mutual Release of Marital Rights
- Vol. 22, Ch. 94 Postnuptial Agreements
 - §94.50 Joint Tenancy of Property
 - §94.112 Agreements Creating Joint Tenancy
 - §94.200 Postnuptial Agreement (long form)
 - §94.201 Postnuptial Agreement (short form)
 - §94.240 Agreement for Joint Tenancy
- Vol. 22, Ch. 95 Retirement Planning
 - §95.42[4] Survivorship Annuities
 - §95.211 Joint and Survivor Annuity Agreement

Stevenson's Texas Legal Practice Forms REF KFT 1268 S85

- Vol. 2 § 28:24 Form-Rights of Survivorship Agreement for Motor Vehicle-Official Form VTR-122

Online Resources

Shared Ownership of Real Property in Texas (Texas Law Help) <https://texaslawhelp.org/article/shared-ownership-of-real-property-in-texas>

How to Minimize the Need for Probate in Texas (Texas Law Help) <https://texaslawhelp.org/article/how-to-minimize-the-need-for-probate-in-texas>

Right of Survivorship for a Motor Vehicle (TXDMV) https://www.txdmv.gov/sites/default/files/form_files/VR-122.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: <https://www.tarrantbar.org/?pg=LRIS>

CLE Materials

Suing, Defending, and Negotiating with Financial Institutions KFT 1365 A75S7

- 2013 Ch. 8 Litigating Joint Accounts with Rights of Survivorship in Texas