

Trusts Research Guide

Overview

This research guide includes information and resources on trusts. A trust provides “an extremely versatile and flexible way to administer property during a client’s lifetime or after a client’s death.” The five basic elements of a trust are for a (1) grantor to transfer (2) property to a (3) trustee with the intent that the trustee hold the property for one or more (4) beneficiaries according to the (5) instructions of the grantor. (*Davis’s Texas Estate Planning Forms*) As an example, an *inter vivos* trust, also known as a “living trust” is “a trust that is created and takes effect during the settlor’s lifetime.” (*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 and Codes

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

Property Code – Title 9 Trusts

- Chs. 101, 111-117, 121, 123-124

Secondary Resources in Print

Davis Texas Estate Planning Forms KFT1340.A65 D39

- Ch. 4 Trusts

Texas Transaction Guide KFT 1268.K45

- Vol. 9, Ch. 48 Testamentary Trusts
- Vol. 9, Ch. 49 Revocable Trusts

- Vol. 9, Ch. 50 Irrevocable and Charitable Trusts (also Chs. 50A-50C)

Restatement of the Law 3rd KF 395.A2T75

- Vols. 1-4 Trusts

CLE Materials

Advanced Estate Planning and Probate

KFT1340.A75S7

- 2020 Ch. 2 Trust Protector Liability Issues
- 2020 Ch. 12 Planning for and Administration of GST Non-exempt Trusts
- 2020 Ch. 14 Implication of Termination of Grantor Trust Status
- 2020 Ch. 18 Appointment of Receivers, Auditors and Injunctive Relief in Probate and Trust Litigation
- 2019 Ch. 16 Purposeful Trusts & Legacies: A New Paradigm for Estate Planners and Tax Geeks
- 2019 Ch. 28 Inside the Mind of a Trustee: The Importance of Understanding a Trustee’s Perspective
- 2019 Ch. 31 Getting to the Series Finale: Distributions of Estate Assets and Funding Testamentary Trusts

Advanced Family Law Course KFT 1294.S83

- 2019 Ch. 35 Attacking and Defending Trusts in a Divorce

Online Resources

Article: Ways to Avoid Probate (TexasLawHelp.org)
<https://texaslawhelp.org/article/ways-avoid-probate>

Article: Six Ways to Avoid Probate (Texas Real Estate Research Center – Texas A&M)

<https://www.recenter.tamu.edu/articles/research-article/avoid%20probate>

Article: Making a Living Trust in Texas (NOLO)
<https://www.nolo.com/legal-encyclopedia/texas-make-a-living-trust-32024.html>

Article: Transferring Assets into a Living Trust – Can You Do It Yourself?
<https://www.legalzoom.com/articles/transferring-assets-into-a-living-trust-can-you-do-it-yourself>

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)

