

# Trusts & Wills

Course No. 5339 / Section 13425

Fall 2025

Room 220

6:00-7:30 p.m. [Tuesdays & Thursdays]

First Class Tuesday, August 26, 2025

Last Class Tuesday, November 25, 2025

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## READING ASSIGNMENTS

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TEXTBOOK: DUKEMINIER & SITKOFF, *WILLS, TRUSTS, AND ESTATES*  
(11<sup>TH</sup> ED. 2022) (“D&S”)

STATUTES: All statutory references are to the Texas Estate Code except as indicated.  
Several other codes will come into play during the semester. The  
abbreviations will be as follows:

|         |  |
|---------|--|
| Fam.-   | Tex. Family Code   |
| Prop.-  | Tex. Property Code (which contains the Texas Trust Code) |
| Const.- | Tex. Constitution  |
| Ins.-   | Tex. Insurance Code                                      |
| H&S-    | Tex. Health & Safety Code                                |

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### Class #1      8/26

D&S    read 1-18 (top)

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### Class #2      8/28

D&S    read 19-40

p.39

22.012      Estate

251.002      Interests That May Pass By Will

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### Class #3      9/2

D&S    read 41-53(top) [skip 53(bottom)-64]

p.41  
101.001 Passage of Estate at Decedent's Death  
101.003 Possession of Estate by Personal Representative  
101.051 Liability of Estate for Debts

p.42  
22.031 Personal Representatives  
22.034 Will  
251.002(b) "  
256.001 Will Not Effective Until Probated

p.43  
22.001 Applicability of Definitions  
22.008 Devise  
22.009 Devisee  
22.015 Heir  
22.018 Interested Person  
22.020 Legacy  
22.021 Legatee

p. 43-46  
351.106 Digital Assets  
402.003 "

p.47  
257.001 Muniment of Title

p.49  
401.001 Independent Administration- Expression in the will

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**Class #4**      **9/4**

D&S read 65-78, 564-569 (top)

p.65  
202.002 When Heirship is Authorized  
202.0025 No statute of limitations  
202.009 Attorney Ad Litem  
202.151 Evidence in Heirship Proceeding

p.68  
22.004 Child  
22.015 Heir

p. 564

Const. Art XVI Sec 15 Separate/Community Property

Fam 3.001 Separate Property

Fam 3.002 Community Property

Fam 3.003 Presumption

Fam 3.006 Inception of Title

Fam 3.101 Managing Separate Property

Fam 3.102 Managing Community Property

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**Class #5**      **9/9**

D&S read 79-89 (top)

Texas Intestacy Statutes

201.001 Intestacy Single Person

201.002 Intestacy Married Person- Sep. Property

201.003 Intestacy Married Person- Comm. Property

p. 79-81

121.001 Applicability of sub-chapter

121.052 120 hour rule

121.053 120 hour rule- failure to survive presumed

121.101 120 hour rule- wills

121.102 120 hour rule- contingent beneficiary

p.82-84

201.101 Per Capita With Representation

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**Class #6**      **9/11**

D&S read 89(bottom)-109(top)

p. 91-92

201.057 Half-Bloods

251.002 Disinheritance by Will

Prop. 71.001 Escheat

P.93

201.054 adopted child

Fam. 161.206 order terminating parental rights

Fam. 162.017 effect of adoption- child

Fam. 162.507 effect of adoption- adult

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**Class #7**      **9/16**

D&S   read 109-112(top), [skip 112(bottom)-123(top)], read 123(bottom)-137

p.109-111

201.051      maternal inheritance

201.056      persons not in being

201.052      paternal inheritance

Fam. 160.204   presumption of paternity

p.123-125

201.151      advancements

201.152      advancements

p. 129-136

201.058      convicted persons

Ins. 1103.151   forfeiture of life insurance

Ins. 1103.152   payment of insurance proceeds to contingent beneficiaries

p. 136-137

201.062      bad parent statute

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**Class #8**      **9/18**

D&S   read 138-141(top), read 143-159 (note 2)

p.138-142

Prop. 240.006   power to disclaim

240.009   requirements

240.051   effect of disclaimer

240.0511   disposition of disclaimed interest

240.101-102   delivery of notice

240.151   disclaimer barred or limited

p.143-146

251.001      Who may execute a will

251.002      Interests that pass by will

251.051      Elements of a Will [THE WILLS ACT]

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**Class #9**      **9/23**

D&S   read 159(n.3)-168, [skip 169], read 170-180(top)

p.159-160

251.101      Self-Proved Will

251.102      Self-Proved Will

251.103 Self-Proved Will  
251.104 Self-Proved Will  
251.1045 Simultaneous Execution  
251.105 Effect of Signature on Self-Proving Affidavit  
251.106 Contest of Self-Proved Will

p.163  
254.002 Bequests to Certain Witnesses

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**Class #10**     **9/25**

D&S read 181-200(top), [skip 200(bottom)-204(top)]

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**Class #11**     **9/30**

D&S read 204(bottom)-217(bottom)

p.205-210  
251.052 Holographic wills  
251.107 Self-Proved holographic wills  
256.154 Proof of Execution of Holographic will

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**Class #12**     **10/2**

D&S read 217(bottom)-236(bottom), [skip 237-238(top)], read 238(bottom)-239(top),  
[skip 239(bottom)-244(top)]

p. 225  
253.001 Court may not prohibit revocation  
253.002 Revocation of Will

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**Class #13**     **10/7**

D&S read 244(bottom) - 262(top)

page 246-248  
123.001 Will provisions made before dissolution of marriage  
123.002 Treatment of Decedent's former spouse  
123.051 Effect of dissolution  
123.052 Revocation of non-testamentary transfers  
123.053 Effect of Revocation  
Fam. 9.301 Ex-spouse as beneficiary of life insurance  
Fam. 9.302 Ex-spouse as beneficiary of retirement plans

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**Class #14**     **10/9**

D&S   read 262(bottom)-269, 271-281 (top)

p.262

254.004       Contractual Wills

Tex. R. Evid 601(b) [Dead Man's Rule]

p.271

54.001       Effecting of Filing Contest

55.001       Contests

55.002       Trial by Jury

256.204       Period of Contest

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**Class #15**     **10/14**

D&S   read 281(bottom)-298(top)

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**Class #16**     **10/16**

D&S   read 298(bottom)-317

p.311

254.005       Forfeiture Clause

Prop. 112.038 Forfeiture Clause

p.312

254.003       Bequest to Attorney

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**Class #17**     **10/21**

D&S   read 318-321(top), [skip 321(bottom)-322], read 323-325(top), [skip 325(bottom)-332],  
read 333-345

p.342

255.001       Definitions

255.002       Certain personal property excluded from devise of real property

255.003       Contents excluded from legacy of personal property

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**Class #18**     **10/23**

D&S   read 345(bottom)-358

p.349

255.451-255.455 Judicial Modification/Reformation of Wills

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**Class #19**     **10/28**

D&S   read 359-370(top), [skip 370(bottom)-375]

p. 365

|         |                               |
|---------|-------------------------------|
| 255.151 | Failure of Devise- anti-lapse |
| 255.152 | Anti-Lapse                    |
| 255.153 | Anti-Lapse                    |
| 255.154 | Anti-Lapse                    |

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**Class #20**     **10/30**

D&S   read 376-394

p.391

|         |                    |
|---------|--------------------|
| 255.251 | Securities         |
| 255.252 | Securities         |
| 255.253 | Cash Distributions |

p. 392

|         |                         |
|---------|-------------------------|
| 255.101 | Satisfaction of Devises |
| 255.102 | Valuation of Property   |
| 255.301 | Exoneration of Debts    |
| 255.302 | Exception               |

p.393

|         |                       |
|---------|-----------------------|
| 355.109 | Abatement of bequests |
|---------|-----------------------|

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**Class #21**     **11/4**

D&S   read 395-408(top), [skip 408(bottom)-410], read 411-412 (bottom)

p.395

|               |                         |
|---------------|-------------------------|
| Prop. 111.001 | Title- Texas Trust Code |
| Prop. 111.002 | Construction            |
| Prop. 111.003 | Applicability           |

p.411

|               |                             |
|---------------|-----------------------------|
| Prop. 112.001 | Methods of Creating a Trust |
| Prop. 112.002 | Intent to Create Trust      |
| Prop. 112.003 | Consideration               |
| Prop. 112.004 | Statute of Frauds           |
| Prop. 112.005 | Trust Property              |

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**Class #22**     **11/6**

D&S   read 412 (bottom)-428(top)

p.424

Prop. 112.005            Trust Property (trust “res”)

Prop. 112.006            Additions

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**Class #23**     **11/11**

D&S   read 428 (bottom)-443(top), jump to and read 599-602

p.437

Prop. 112.037            Trust for Care of Animal

p.439

Prop. 112.004            Statute of Frauds

p.599

Prop. 113.001            Powers of Trustee

113.002

113.003

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**Class #24**     **11/13**

D&S   read 608-629

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**Class #25**     **11/18**

D&S   read 449-450, read 457-464(top), [skip 465(bottom)-475(top)], read 475(middle)-486

p. 463

Prop. 112.051 Revocation and Modification of Trusts

Prop. 112.052

Prop. 112.053

Prop. 112.054

p. 473

Prop. 112.101 Effect of Dissolution of Marriage

Prop. 112.102

Prop. 112.103

p.475

254.001            Pour Over Will

p.480

111.052            Validity of Non-Testamentary Transfers

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**Class #26**     **11/20**

D&S    read 487-502(top), [skip 503(middle)-505(bottom)], read 505(bottom)-506

p.500-505

113.001        General Definitions

113.003        Net Contributions

113.004        Types of Bank Accounts

113.052        Form

113.102        Ownership of Joint Account

113.103        Ownership of Payable of Death Account

113.104        Ownership of Trust Account

113.105        Ownership of Convenience Account

113.151        Joint Account with Right of Survivorship

113.152        Payable on Death Account

113.153        Ownership of Trust Account on Death

113.154        Ownership of Convenience Account on Death

113.155        Ownership of Joint Account on Death

113.158        Non-Testamentary Nature of Certain Transfers

113.202        Payment of Multi-Party Account

113.203        Payment of Joint Account

113.204        Payment of P.O.D. Account

113.205        Payment of Trust Account

113.206        Payment of Convenience Account

123.151        Revocation

p.505

255.153        Anti-lapse

p. 506

114.001        Transfer on Death Deeds

114.051-114.057

114.103

115.001        Beneficiary Designation for Motor Vehicles

115.002

115.005

**Class #27**     **11/25 (VIA PRE-RECORDED VIDEO)**

D&S   read 572-575 (top)

p.574

Const. Art. XVI Secs. 51 (size of homestead) & 52 Homestead (descent)

102.002       Homestead - Character

102.003       Homestead - Descent

102.004       Homestead - Debts

102.005       Homestead - No partition

102.006       Homestead - when you can partition

Fam. 5.002     Sale without joinder

353.051-353.056     Set Aside of Exempt Property

403.001         Setting Aside Exempt Property-Independent Admin.

Prop. 42.001        Personal Prop. Exemption

Prop. 42.002        Personal Prop. Exempt

p. 575

353.101-353.107     Family Allowance

-END OF SEMESTER-