

# 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, 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: Estate Planning, Wills, Powers of Attorney*

## Statutes and Codes

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

### Texas Estates Code

- Ch. 1301 Management Trusts  
<https://statutes.capitol.texas.gov/Docs/ES/htm/ES.1301.htm>
- Ch. 1302 Pooled Trust Subaccounts  
<https://statutes.capitol.texas.gov/Docs/ES/htm/ES.1302.htm>

### Texas Finance Code – Subtitle F. Trust Companies

- Ch. 181 Trust Companies – General Provisions  
<https://statutes.capitol.texas.gov/Docs/FI/htm/FI.181.htm>

- Ch. 187 Multistate Trust Business  
<https://statutes.capitol.texas.gov/Docs/FI/htm/FI.187.htm>

### Texas Property Code - Title 9 Trusts

- Ch. 101 Provisions Generally Applicable to Trusts  
<https://statutes.capitol.texas.gov/Docs/PR/htm/PR.101.htm>
- Ch. 111-117 Texas Trust Code
- Ch. 121 Employees’ Trusts  
<https://statutes.capitol.texas.gov/Docs/PR/htm/PR.121.htm>
- Ch. 123 Attorney General Participation in Proceedings Involving Charitable Trusts  
<https://statutes.capitol.texas.gov/Docs/PR/htm/PR.123.htm>
- Ch. 124 Partition of Mineral Interests of Charitable Trusts  
<https://statutes.capitol.texas.gov/Docs/PR/htm/PR.124.htm>
- Ch. 143 Pooled Trust Subaccounts  
<https://statutes.capitol.texas.gov/Docs/PR/htm/PR.143.htm>

## Secondary Resources in Print

### Texas Transaction Guide REF 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)

### Texas Estate Planning REF KFT 1340 .T49

- Vol. 1, Part 3 Trusts: Planning and Terms, Chs. 30-35
- Vol. 1, Part 3 Trusts: Specific Types, Chs. 40-42
- Vol. 2, Part 3 Trusts: Specific Types, Chs. 43-47

- Vol. 2, Part 3 Trusts: Funding and Implementation, Chs. 60-61

#### **Texas Real Estate Forms Manual REF KFT 1326 .T4**

- Vol. 1, Ch. 10 Ancillary Loan Documents
  - Form 10-20 Certification of Trust
  - Form 10-29 Inter Vivos Revocable Trust Review Checklist

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

- Ch. 4 Trusts

#### **Make Your Own Living Trust REF KF 734 .Z9C57**

#### **Bogert's Law of Trusts and Trustee's KF 730 .B63**

- Vol. 19, Ch. 49 Revocable Trusts §1089.1 Gun trust form

#### **The Essentials of Texas Firearms Law FT 1579 .A96**

- Ch. 8 Firearms and Accessories Restricted by the National Firearms Act; Gun Trusts
  - §8.8 *et seq* Gun Trusts

#### **Special Needs Trusts: Protect Your Child's Financial Future KF 480 .Z9 E45**

#### **8 Ways to Avoid Probate REF KF 750 .Z9 R35**

- Ch. 7 Create a Living Trust

#### **The Executor's Guide: Settling a Loved One's Estate or Trust REF KF 778 .Z9 R35**

- Ch. 19 Wrapping Up a Simple Living Trust
- Ch. 20 Managing a Child's Trust

#### **Quick & Legal Will Book REF KF 755 .Z9 C55**

- Ch. 4 Children, pp. 57-58; 146 Family Pot Trusts
- Ch. 6 Estate Planning, p. 73 Revocable Living Trust

#### **Texas Business Litigation KFT 1410 .T49**

- Ch. 4 Breach of Fiduciary Duty Claims in the Commercial Setting §4-7:2 Constructive or Resulting Trust

#### **Restatement of the Law 3<sup>rd</sup> KF 395 .A2T75**

- Vols. 1-4 Trusts

#### **Guardianship Alternatives REF KFT 1306 .S73**

- §28.6:21 Hurdles to Modifying 1301 Management Trust

### **CLE Materials**

#### **Advanced Estate Planning and Probate KFT 1340 .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

#### **Estate Planning and Probate Drafting KFT 1340 .A92**

- 2021 Ch. 2 Pet Trusts: Planning for Non-Human Family Members

#### **Advanced Family Law Course KFT 1294 .S83**

- 2019 Vol. 2, Ch. 35 Attacking and Defending Trusts in a Divorce
- 2018 Vol. 2, Ch. 31 Firearms and Gun Trusts
- 2018 Vol. 2, Ch. 34 It's a Matter of Trust: Common Trusts That Arise in Divorce
- 2003 Vol. 2, Ch. 41 Marital Property and Estate Planning Issues: Characterization and Attacking Trusts, Family Limited Partnerships (FLPs), Etc.

#### **Fiduciary Litigation KFT 1337 .A75 F54**

- 2021 Ch. 8 Will and Trust Reformation Claims
- 2021 Ch. 14 What Do You Mean I Can't Do That?!?!? A Field Guide to Removal of Fiduciaries in Trust, Estate, and Guardianship Litigation

### **Agriculture Law KFT 1439 .S7A5**

- 2022 Ch. 15 Fiduciary Duties: Friend or Foe of the Drafting Attorney? Thoughts and Considerations in Appointing Trustees of the Trust Operating the Family Farm/Ranch

### **Handling Your First or Next Medicaid or Elder Law Case KFT 1560 .A75 H36**

- 2022 Ch. 7 Medicaid Trusts: A Texas Primer

### **Marriage Dissolution 101 KFT 1300 .M3732**

- 2022 Ch. 8 Closing the File Turn Out the Lights the Party's Over (Appendix 9 Deed of Trust sample form)

### **Firearms Law: What Every Texas Lawyer Needs to Know KFT 1579 .S75**

- 2021 Ch. 6 Gun Trusts the Lethal Pitfalls in Drafting Them and Firearms Issues in Probate
- 2020 Ch. 4 Gun Trusts and Firearms Issues in Probate Matters
- 2018 Ch. 6 Gun Trusts and Firearms Issues in Probate Matters
- 2017 Ch. 8 Stiffs, Gifts, and Gats: Gun Trusts and Firearms Issues in Probate Matters

## **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>

## **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)

