

## CASE LAW UPDATE



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**Texas Tech University School of Law**

# Death Certificate Request Form



Fredrick Smith, Registrar

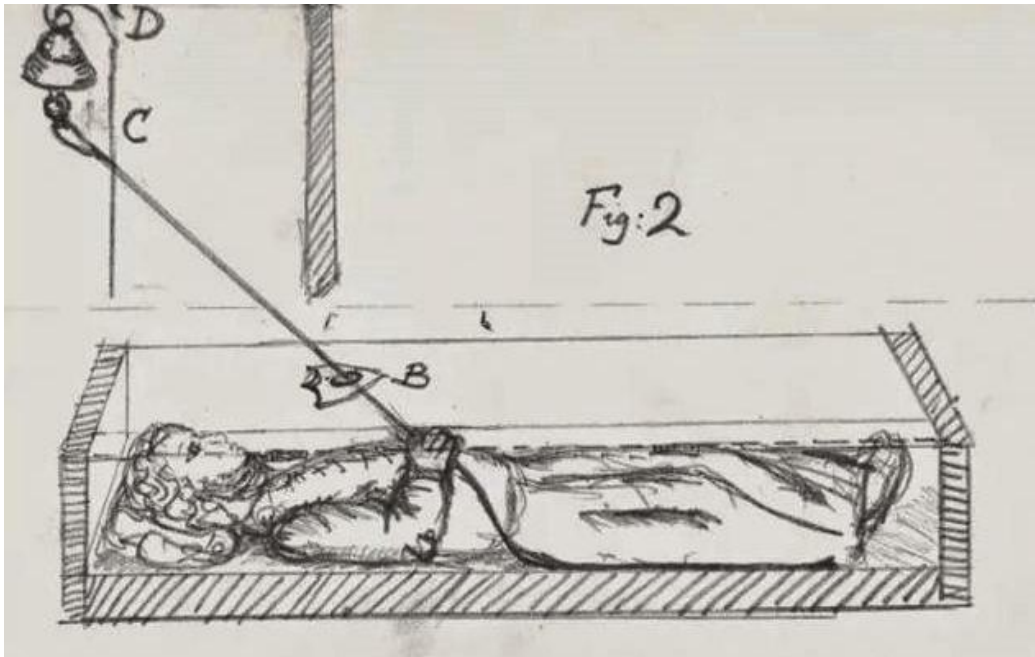
## Online Death Certificate Request

Step 1: Who is on the Death Certificate?

The person listed on the Death Certificate is:



# Taphophobia



# Coffin Furniture



# Overview

- Texas appellate cases dealing with:
  - Intestacy
  - Wills
  - Estate Administration
  - Trusts
  - Other Estate Planning Issues



# Purposes

- Learn the moral (lesson) of each case so we may:
  - Provide better advice to our clients, and
  - Not have trial court actions reversed on appeal.





# Intestacy



# Wills





# Will Formalities

- *Mynard v. Degenhardt*



# No Contest Clause

- *Estate of Wegenhoft*



# Will Contest Statute of Limitations

- *Estate of Prieto*



# Estate Administration





# Pro Se

- *Swain v. Dobbs*
- *Suday v. Suday*



# Appellate Jurisdiction

- **No appellate jurisdiction:**
  - Partial distribution order
    - *Matter of Estate of Fenenbock*
  - Will validity issues
    - *In re Torres*
  - Inventory approval
    - *Allen v. Verabank*
  - Appointment of attorney ad litem
    - *Estate of Meankins*



# Late Probate

- *Estate of Hartwell*



# Lost Will

- *Estate of Brown*

WHAT TO DO  
WHEN THE WILL  
IS LOST?



# Determination of Heirship

- *In re Estate of Barnett*

● ● **ATTORNEY** ● ●  
**AD LITEM**

# Determination of Heirship

- *In re Williams*



# Small Estate Affidavit

- *Redus v. JP Morgan Chase Bank*



# Muniment of Title

- *Matter of Estate of Shriver*





# Settlement Term -- "Estate Property"

- *Matter of Estate of Portillo*



# Appointment of Administrator

- *In re Williams*



# Uniform Partition of Heirs Property Act

- *Estate of Phillips*

## Uniform Partition of Heirs Property Act

Millions of dollars of inherited wealth has been lost by families who were vulnerable to real-estate speculators. UHPA addresses this problem.



For many lower- and middle-income families, real estate is their single most valuable asset.



This act helps families preserve their wealth for generations to come.







# Signature of Trustee

- *Reverse Mortgage Solutions, Inc. v. Held*





# Breach of Duty – Necessary Parties

- *Matter of Trust A and Trust C*

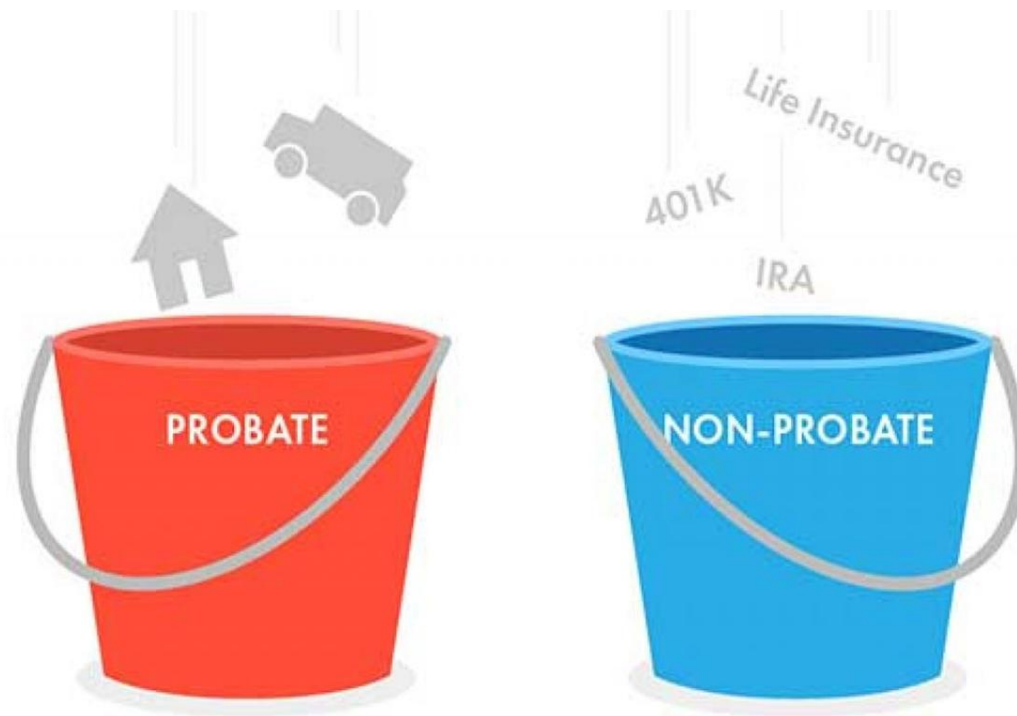


# Other Estate Planning Issues



# Non-Probate Asset v. Will

- *Gordon v. Gordon*



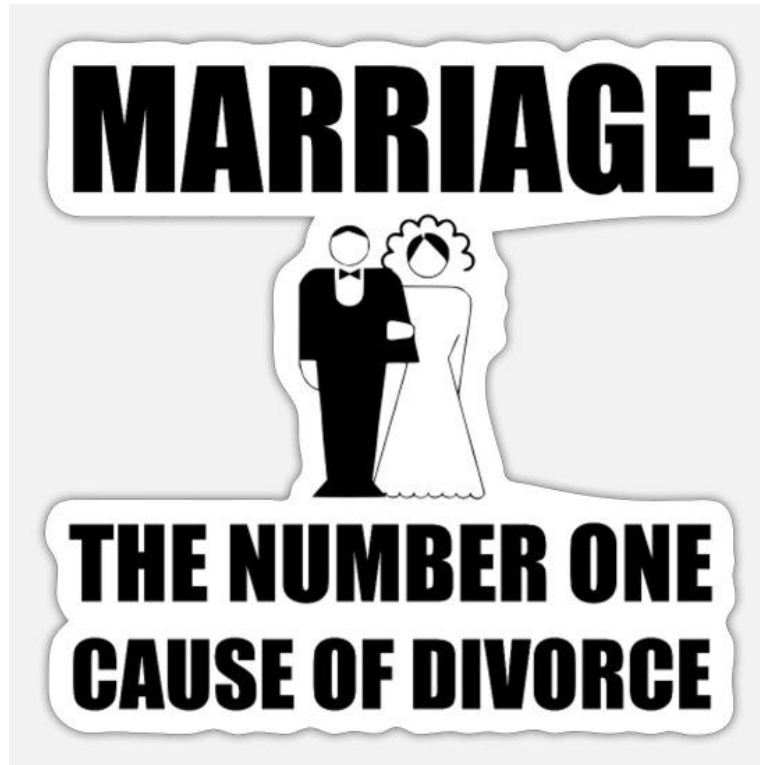
# Survival

- *In re Phillips*



# Life Insurance & Divorce

- *Transamerica Life Ins. Co. v. Moore*





# Lady Bird Deeds

- *Anderson v. Campbell*

**Lady Bird Deed**

This Deed is made on this day of \_\_\_\_\_, 20\_\_, between the

Grantor \_\_\_\_\_

of address \_\_\_\_\_

and the Grantee Beneficiary \_\_\_\_\_

of address \_\_\_\_\_.

# Conclusion

The words "The End" are written in a large, white, sans-serif font with a slight 3D effect. The text is centered and surrounded by a vibrant, chaotic splash of paint in various colors including red, yellow, blue, green, and white. The splashes radiate outwards from the text, creating a dynamic and energetic background.

The End