

# PREFACE

This pamphlet reflects Texas law regarding real estate transactions as announced by the decisions of the Texas and federal appellate courts through April 2023. Coverage also includes statutory enactments through the 2021 Regular Session of the 87th Texas Legislature.

Recent decisions by the Texas state and federal courts discussing real estate instruments and transactions topics, including:

- Fraud in real estate transactions (see new § 1:29);
- Effect of exercise of option to purchase on duration of lease (see new § 15:9);
- Liability for misrepresentation or concealment of material fact (see § 1:28);
- Time periods for exercising real estate option agreements (see § 2:11);
- Requirements for validity of contracts for sale of real estate (see § 3:3);
- Earnest money or down payment in contracts for sale of real estate (see § 3:9);
- Surveys incident to sale (see § 3:18);
- Specifying time for closing in contract for sale of real estate (see § 3:25);
- Attorney fees in contracts for sale of real estate (see § 3:26);
- Executory contracts for conveyance of real estate (see § 3A:1);
- Inadequate descriptions of land (see § 4:3);
- Reformation, rescission or cancellation of conveyance instruments (see § 7:11);
- Recording deed of trust (see § 11:33);
- Assignment of deed of trust (see § 11:34);
- Foreclosure of deed of trust by junior lien holder (see § 12:2);
- Notice of acceleration of debt under deed of trust (see § 12:13);
- Notice of foreclosure under power of sale (see § 12:14);
- Procedure to recover deficiency after foreclosure under power of sale (see § 12:18);
- Statute of limitations for judicial foreclosure of deed of trust (see § 12:30);
- Notice requirements in real estate leases (see § 14:5);
- Provision for option to renew real estate lease or to purchase property (see § 14:26);
- Ownership, exploration and production rights under oil and gas lease (see § 16:4);

- Drafting real estate deeds with reservations of mineral or royalty rights (see § 16:10);
- Drafting mineral deeds for conveyance of oil and gas rights (see § 16:11);
- Drafting royalty deeds for conveyance of oil and gas rights (see § 16:12); and
- Drafting oil and gas leases for conveyance of oil and gas rights (see § 16:16).

David Nowlin

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# **Introduction to the 2023–2024 Edition**

This pamphlet reflects Texas law regarding family law as announced by the decisions of the Texas courts through April 2023. Coverage also includes statutory enactments through the 2021 Regular and Called Sessions of the 87th Texas Legislature.

Topics discussed and updated with recent developments in this edition include:

- Court makes division of property in trial of divorce—Unaddressed property (see new § 18:69);
- Modification of conservatorship of child for change in circumstances—Presumption in favor of parental custody (see new § 18A:5);
- State courts having subject matter jurisdiction for divorce proceedings (see § 18:9);
- Alternative dispute resolution of issues in divorce proceedings—Arbitration (see § 18:61);
- Trial of issues in divorce proceeding (see § 18:64);
- Court makes division of property in trial of divorce (see § 18:65);
- Court makes division of property in trial of divorce—Separate property (see § 18:67);
- Final decree of divorce (see § 18:72);
- Final order in suit affecting parent-child relationship (see § 18:73);
- Award of maintenance for spousal support—Eligibility for maintenance (see § 18:79);
- Award of attorney fees in decree of divorce (see § 18:86);
- Modification of conservatorship of child for change in circumstances (see § 18A:2);
- Persons with standing to initiate modifications of child custody and support (see § 18A:15);
- Persons entitled to receive notice in modification of child custody and support (see § 18A:16);
- Temporary orders in suit to modify child support and custody orders (see § 18A:17);
- Award of attorney fees in suit to modify child support and custody orders (see § 18A:18);
- Clarification of property division in family law orders (see § 18B:14);

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- Persons entitled to service of citation in suit for adoption of child (see § 19:11);
- Establishment of the mother-child relationship (see § 21:2);
- Jurisdiction in suits to establish parentage of children (see § 21:5);
- Final order in suits to establish parentage of children (see § 21:19); and
- Provisions of family law protective orders (see § 22:17).

David Nowlin

May 2023

# INTRODUCTION TO 2023–2024 EDITION

This 2023–2024 Edition of *Texas Methods of Practice*, part of the Texas Practice Series, is a practical reference designed to answer basic questions which arise in various practice areas throughout Texas. Since last year's edition, new material has been added and/or existing material updated on the following subjects, among others:

- No-oral-modification clauses, § 25:23
- Statute of limitations, § 25:151
- Accord and satisfaction, § 27:96
- Accounts as collateral, § 34:4
- Virtual currency, § 34:72

# INTRODUCTION TO THE 2023 EDITION

This 2023 Edition of *Texas Methods of Practice*, Volume 14 of the Texas Practice Series, reflects the status of Texas law regarding special judicial proceedings and alternative dispute resolution as announced by the decisions of the Texas courts through February 2023. Coverage also includes pertinent statutory law enacted by the 87th Texas Legislature of 2021. Since last year's edition, new material has been added and/or existing material updated on the following subjects:

## PART 9. SPECIAL PROCEEDINGS

- recent Texas case law discussing various injunction topics, including:
  - Injunctive authority (see § 63:2);
  - Public officials (see § 63:43);
  - Temporary injunctions (see new § 63:63);
- recent Texas caselaw discussing various mandamus topics, including:
  - Nature and scope of remedy (see § 64:1);
  - Grounds for mandamus relief (see § 64:2);
- recent Texas case law discussing other special judicial proceedings, including eminent domain, inverse condemnation, partition and trespass to try title.

## PART 10. ALTERNATIVE DISPUTE RESOLUTION

- recent Texas caselaw discussing arbitration.

## PREFACE

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This 2023–2024 Interim Tables and Index pamphlet contains the tables and subject matter index to *Texas Methods of Practice*, Volumes 11 through 14 of the Texas Practice Series. This replaces the 2022–2023 Interim Tables and Index pamphlet.

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# INTRODUCTION TO THE 2024 EDITION

This 2024 Edition of *Texas Methods of Practice*, Volume 14 of the Texas Practice Series, reflects the status of Texas law regarding special judicial proceedings and alternative dispute resolution as announced by the decisions of the Texas courts through December 2023. Coverage also includes pertinent statutory law enacted by the 88th Texas Legislature of 2023. Since last year's edition, new material has been added and/or existing material updated on the following subjects:

## PART 9. SPECIAL PROCEEDINGS

- recent Texas case law discussing various injunction topics, including:
  - Overview of injunctive authority (see § 63:2);
  - Public officials (see § 63:43);
  - Temporary injunctions (see § 63:63);
- recent Texas caselaw discussing various mandamus topics, including:
  - Nature and scope of remedy (see § 64:1);
  - Grounds for mandamus relief (see § 64:2);
  - Jurisdiction—Supreme Court (see § 64:5);
- recent Texas case law discussing other special judicial proceedings, including quo warranto, receivership, eminent domain, partition, and more.

## PART 10. ALTERNATIVE DISPUTE RESOLUTION

- recent Texas caselaw discussing arbitration.