

**BEYER'S**  
**TEXAS**  
**PROPERTY CODE**  
**ANNOTATED**  
with Related Texas Law

**Volume 1**  
ANNOTATIONS BY  
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**Governor Preston E. Smith Regents Professor of Law**

**Texas Tech University**

**School of Law**

**Lubbock, Texas**

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## About the Author

Prof. Gerry W. Beyer received his J.D., *summa cum laude*, from The Ohio State University and was inducted into the Order of the Coif. After practicing law in Columbus, Ohio, he received his LL.M. and J.S.D. degrees from the University of Illinois. He is admitted to practice in Texas, Illinois (inactive), Ohio (inactive) and before the United States Supreme Court and the United States Court of Appeals for the Armed Forces.

Prof. Beyer joined the faculty of the Texas Tech University School of Law in June 2005 as the first Governor Preston E. Smith Regents Professor of Law. Previously, Prof. Beyer taught at the St. Mary's University School of Law in San Antonio, Texas, from 1981 to May 2005 and has served as a visiting professor at several other law schools including Boston College, Boston University, The Ohio State University Moritz College of Law, Southern Methodist University, the University of New Mexico, Santa Clara University, University of Illinois, and La Trobe University (Melbourne, Australia). He teaches courses in Property, Wills & Trusts, Estate Planning, and Estate Administration.

Prof. Beyer is a frequent contributor to both scholarly and practice-oriented publications and has authored and co-authored numerous books and articles focusing on various aspects of property and estate planning including West's Texas Forms—Real Property (Volumes 13-15), West's Legal Forms—Real Estate Transactions—Residential (Volumes 19 & 19A), West's Texas Forms—Administration of Decedents' Estates and Guardianships (Volumes 12, 12A, & 12B), and Texas Law of Wills (Volumes 9 & 10 of the Texas Practice Series).

He has three times won awards from the American Bar Association's Probate & Property magazine for his writing and is one of the most often downloaded law authors on the Social Science Research Network. In 2013 and again in 2017, Texas Tech named him as the Outstanding Researcher from the School of Law. In 2015, Prof. Beyer was inducted into the Estate Planning Hall of Fame and the American Bar Association honored his *Wills, Trusts, and Estates Prof. Blog* with the ABA Blawg 100 Hall of Fame designation. In 2022, he received the *Distinguished Probate Attorney Lifetime Achievement Award* presented by the Real Estate, Probate, and Trust Law Section of the State Bar of Texas.

Prof. Beyer has received numerous awards for his classroom work including the following awards since 2000: 1L Professor of the Year-Texas Tech University School of Law (presented by Phi Alpha Delta) (2015-2016); President's Academic Achievement Award (2015); Professor of the Year (2014–2015) Award—Texas Tech University School of Law (presented by Phi Alpha Delta), Professor of the Year (2014–2015)—Hispanic Law Students Association; Advanced Professor of the Year—Texas Tech University School of Law (presented by Phi Alpha Delta (2012–2013); Professor of the Year—Hispanic Law Students Association (2012–2013); 2010 Chancellor's Council Distinguished Teaching Award; Advanced Professor of the Year—Texas Tech University School of Law (2009–2010) (presented by Phi Alpha Delta); Professor of the Year—Hispanic Law Students Association (2009–2010); Faculty Member of the Year (Texas Tech University School of Law Student Bar Association (2008-2009); 1L Professor of the Year—Texas Tech University School of Law (presented by Phi Alpha Delta) (2008-2009); President's Excellence in Teaching Award (Texas Tech University) (2007); Professor of the Year—Hispanic Law Students Association (2007-2008); Professor of the Year—Black Law Students Association (2007-2008); Faculty Member of the Year—Texas Tech University School of Law Student Bar Association (2006-2007); Outstanding Professor of the Year—Texas Tech University School of Law (presented by Phi Alpha Delta) (2007); Outstanding Professor Award—Phi Alpha Delta (Texas Tech University Chapter) (2006); Professor of the Year Award—Tartlon Inn (St. Mary's University) of Phi Delta Phi (2004-2005); Student Bar Association Professor of the Year Award—St. Mary's University (2002-2003); Most Outstanding Professor Overall Award—Tartlon Inn (St. Mary's University) of Phi Delta Phi (2003); Student Bar Association Professor of the Year Award—St. Mary's University (2001-2002); and the Russell W. Galloway Professor of the Year Award—Santa Clara University (2000). In addition, he was voted as the “Most Influential Professor” at Texas Tech as reported in Jeanne

## ABOUT THE AUTHOR

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Graham, *Dear Dean Survey: Students Grade Their Law Schools in Key Categories*, TEX. LAW., Aug. 18, 2008.

Prof. Beyer is an Academic Fellow and Regent of the American College of Trust and Estate Counsel and maintains membership in numerous organizations including the American Law Institute, the American Bar Foundation, the Texas Bar Foundation, and the College of the State Bar of Texas. Prof. Beyer is also the Editor-in-Chief of the *REPTL Reporter* for the Real Estate, Probate, and Trust Law Section of the State Bar of Texas and served as the Reporter for the Uniform Electronic Estate Planning Documents Act.

## Publisher's Preface

This publication is designed to provide a compact and authoritative presentation of the Texas Property Code and related Texas laws, including the full text of the Texas Title Examination Standards with the most recent updates by the Title Standards Joint Editorial Board. The publication is intended to combine the most salient features of an unannotated code—compactness and portability—and those of a fully annotated code—interpretative aids—into a single publication containing a carefully constructed selection of primary law materials relating to Texas property law practice. Thus the publication contains the full text of the Property Code, and related statutes, accompanied by interpretive aids constructed by the author and the publisher's editorial staff to provide materials which are highly focused, concise, practical, and authoritative.

The Commentary, Leading Cases, and Leading CLE/Law Review Publications have been prepared by the author, Professor Gerry W. Beyer. The remainder of the editorial components were prepared by the editorial staff of the publisher.

This publication contains legislation affecting the Texas Property Code and related Texas codes enacted through the Regular and Second Called Sessions of the 88th Legislature(2023). New statutory language is in **boldfaced type** and deleted language is shown ~~struck through~~. The Commentary and Leading Cases cover decisions published through June, 2023. The Leading CLE/Law Review Materials cover course materials, articles, notes and comments published through June, 2023.

**To order additional copies of the Beyer's Texas Property Code Annotated,  
please call 1-800-344-5009.**

## Author's Preface

This book is a compilation of Texas statutes which are significant to Property matters under Texas law. In addition to the complete Property Code, I included a wide variety of other statutes which impact significant property-related issues. Many sections include *Commentary* in which I provide background information, explanations, and citations to key cases which should assist you in identifying the significance of the statutes and how they operate. Despite my best efforts and those of the publisher, errors may have crept into the text or the *Commentary*. In addition, new cases and legislation make important changes to the law. Accordingly, be certain to verify all information before relying on it.

I invite you to assist me in making the 2024 edition of this book even more useful. Please let me know if you detect any problems with this book or have suggestions for future editions. I am especially interested in recommendations regarding other statutes which should be included and areas in which additional commentary would be helpful. You may contact me via e-mail at [gwb@ProfessorBeyer.com](mailto:gwb@ProfessorBeyer.com).

I wish to thank Jacie Henefey for her outstanding assistance in the preparation of this edition. The excellent work of Leia Bates, Brandy Booth, Pamela Ann Dallefeld, Ernesto Flores, Adam J. Fulkerson, Connor Heep, Elizabeth Nanez, Spencer Peeler, Umema Syed, Robert Whitmer, Jake Villanueva, Stephanie Ann Williams, and Kyle Wolf on prior editions remains evident in this edition.

In addition, I express my appreciation to Prof. Stanley Johanson for allowing me to adapt his annotations to Title 9 of the Property Code from his JOHANSON'S TEXAS ESTATES CODE ANNOTATED.

Gerry W. Beyer  
Texas Tech University School of Law  
August 2023

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