

PREFACE

This pamphlet reflects Texas law regarding real estate transactions as announced by the decisions of the Texas and federal appellate courts through April 2025. Coverage also includes statutory enactments through the 2023 Regular Session of the 88th Texas Legislature.

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

- Requirements for validity of contracts for sale of real estate (see § 3:3);
- Introduction to executory contracts for conveyance of real estate (see § 3A:1);
- Construction of descriptions of land in contracts and conveyances (see § 4:2);
- Instrument is void if description of land is inadequate (see § 4:3);
- Curative real estate title instruments—Correction and quitclaim deeds (see § 7:3);
- Foreclosure of deed of trust by junior lien holder (see § 12:2);
- Notice of acceleration of debt under deed of trust (see § 12:13);
- Introduction to foreclosure of home equity liens (see § 12:38);
- Ownership, exploration and production rights in oil and gas (see § 16:2);
- Ownership, exploration and production rights under oil and gas lease (see § 16:3);
- Ownership, exploration and production rights under oil and gas lease—Lessor’s interest (see § 16:4);
- Ownership, exploration and production rights under oil and gas lease—Lessee’s interest (see § 16:5);
- Drafting real estate deeds with reservations of mineral or royalty rights (see § 16:10);
- Drafting royalty deeds for conveyance of oil and gas rights (see § 16:12);
- Drafting oil and gas leases for conveyance of oil and gas rights—Description of land (see § 16:15); and
- Drafting oil and gas leases for conveyance of oil and gas rights—Production in paying quantities (see § 16:16).

David Nowlin

September 2025

PREFACE

This pamphlet reflects Texas law regarding family law as announced by the decisions of the Texas and federal appellate courts through April 2025. Coverage also includes statutory enactments through the 2023 Regular Session of the 88th Texas Legislature.

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

- Temporary orders regarding money and other property in divorce proceedings (see § 18:37);
- 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);
- Temporary orders pending appeal of final decree of divorce (see § 18:88);
- Contempt remedy for enforcement of family law orders (see § 18B:7);
- Family violence as ground for protective orders (see § 22:4); and
- Hearing on application for family law protective order (see § 22:14).

David Nowlin

September 2025

PREFACE

2025 was a legislative year in Texas. The Texas legislature passed two items of legislation pertaining to the Texas UCC:

- SB 1239, amending Chapter 8 to encourage selection of Texas law in sovereign debt transactions; and
- SB 2221, adding to Chapter 9's fraudulent filing rules.

There were also several case decisions of interest over 2024 and the early part of 2025. These include:

Targa N. Del., LLC v. Franklin Mountain Energy 2, LLC, 2025 WL 952987 (Tex. Bus. Ct. 2025), finding a contract required the seller to sever and sell natural gas to the buyer and deliver it to the buyer at designated locations, which made it personal property rather than real property. See § 25:4.

Advantage Aviation Techs. II LLC v. Sw. Aviation Specialties LLC, 2025 WL 847866 (N.D. Tex. Mar. 17, 2025), dealing with a battle of the forms in a lease under Chapter 2A. See § 26:13.

Bayport Polymers LLC v. CB&I LLC, 699 S.W.3d 626, 114 U.C.C. Rep. Serv. 2d 537 (Tex. App.—Houston [14th Dist.] 2024, no pet.), considering the definition of material fraud in connection with a letter of credit under Chapter 5. See § 30:11.

In re With Purpose, Inc., 2025 WL 1698694 (Bankr. N.D. Tex. June 16, 2025), questionably holding that a secured party had no interest in a commercial tort claim as proceeds. See § 34:12.

In addition to the cases noted here, several other cases of interest interpreting and applying the Texas UCC are included.

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August 2025

INTRODUCTION TO THE 2026–2027 EDITION

This 2026–2027 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 May 2026. Coverage also includes pertinent statutory law enacted by the 89th Texas Legislature of 2025. 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:
 - Forcible entry and detainer (see § 63:27);
 - Nuisances (see § 63:39);
 - Anticipated injury for permanent injunction (see § 63:59);
 - Temporary injunctions (see § 63:63);
 - Permanent injunctions (see § 63:64);
 - General venue for injunctions (see § 63:71);
 - Enforcement of injunctions (see § 63:101);
- a fully revised chapter discussing mandamus actions, including relevant updates to the Texas Rules of Appellate Procedure (see §§ 64:1 et seq.);
- recent Texas case law discussing quo warranto proceedings and receiverships, including:
 - Nature and availability of quo warranto proceedings (see § 65:1);
 - Jurisdiction in quo warranto proceedings (see § 65:2);
 - Venue in quo warranto proceedings (see § 65:3);
 - Hearings in quo warranto proceedings (see § 65:7);
 - Availability of receiverships as a remedy (see § 66:1);
 - Venue for receiverships (see § 66:4);
- recent United States Supreme Court and Texas case law discussing various eminent domain topics, including:
 - Power of eminent domain (see § 67:1);
 - Inverse condemnation and compensable taking (see § 67:2);
 - Right to repurchase after cancellation of public use (see § 67:24);
- a fully revised chapter discussing eviction actions, including all relevant legislative and rules updates (see §§ 67:1 et seq.);

- recent Texas case law discussing other special judicial proceedings, receivership, partition, trial of right of property, distress warrants, writs of attachment, and more.

PART 10. ALTERNATIVE DISPUTE RESOLUTION

- recent Texas caselaw discussing arbitration.