

Index

ADHESION CONTRACTS

Considerations, § 4:12

ADJUSTMENT OF DEBTS

Advantages and disadvantages, § 16:17

Codebtor stay, § 16:14

Commencement of the case, § 16:13

The debt adjustment plan, § 16:15

Discharge of the chapter 13 debtor,
§ 16:16

Family farmers

Commencement, § 16:18

Debt adjustment plan, § 16:19

Discharge, § 16:20

ADVERTISING

Motor vehicles

Miscellaneous unfair and deceptive
practices, § 2:39

AFFIRMATION OF FACT OR PROMISE

Creation of warranties, § 3:4

AGENTS

Insurance, § 5:5

ARBITRATION

Deceptive Trade Practices Act, § 1:11

ASSOCIATIONS

Property owners, regulation, § 7:16

ATTORNEYS FEES

Deceptive Trade Practices Act, § 1:5

Fee-shifting statutes in consumer protec-
tion litigation, § 17:4

Historical basis

American rule vs. the English rule,
§ 17:2

Introduction, § 17:1

Practice checklist for proving attorneys'
fees in consumer protection cases,
§ 17:5

Texas supreme court clarifies attorneys'
fee

Rohrmoos venture v. UTSW DVA
Healthcare, LLP, § 17:3

BARGAINING POWER

Considerations, inequality of, § 4:11

BREACH OF CONTRACT

Unfair and deceptive conduct, § 2:5

BREACH OF WARRANTY

See also Warranty

Unfair and deceptive conduct, § 2:4

BUSINESS OPPORTUNITIES

Miscellaneous unfair and deceptive
practices, § 2:29

BUSINESS SALES

Miscellaneous unfair and deceptive
practices, § 2:33

BUYERS RIGHTS AND DUTIES

Breach of warranty, § 3:45

CARS

Warranty, F.T.C., used car rule, § 3:21

CHAPTER 541

See also Insurance

CIVIL LIABILITY

Lending act

Administrative enforcement, § 12:37

Attorneys' fees, § 12:35

Background, § 12:33

Defenses, § 12:36

Remedies statutory penalties and
actual damages, § 12:34

CLAIMS ANALOGOUS TO FRAUD

Unfair and deceptive conduct, § 2:3

CLARITY

Warranty, § 3:39

CLASS ACTION

Deceptive Trade Practices Act, § 1:7

COMMON LAW FRAUD

See also Consumer Protection

CONSPICUOUSNESS

Warranty, § 3:37

CONSUMER

Generally, § 7:1

Acts required

Furnishing

Copies of appraisal reports, § 9:19

Credit information about married
persons, § 9:18

CONSUMER—Cont'd

- Acts required—Cont'd
 - Notice of adverse action, § 9:16
 - Notification of action taken, § 9:15
 - Retention of records, § 9:17
- Credit availability
 - Administrative regulations, § 9:2
 - Introduction, ECOA, § 9:1
 - Relationship to other laws, § 9:3
- Federal interstate land sales full disclosure act
 - Background, § 7:3
 - Exemptions, § 7:5
 - Operation, § 7:4
 - Private remedies, § 7:6
 - Public enforcement, § 7:7
- Fraud
 - Protection against fraudulent sales practice, § 7:2
- Rebates
 - Miscellaneous unfair and deceptive practices, § 2:42
- Remedies
 - Jurisdiction and statutory defenses, § 9:21
 - Private, § 9:20
- Tenant
 - Disputes with landlord
 - Generally, §§ 8:9 to 8:14
 - Forcible entry and detainer. evictions, § 8:11
 - Injuries and damages, landlord's liability, § 8:13
 - Lien and removal of property, § 8:9
 - Miscellaneous statutes, § 8:14
 - Retaliation against the tenant, § 8:12
 - Tenancies, termination of, § 8:10
 - Premise condition
 - Generally, §§ 8:3 to 8:8
 - Constructive eviction, § 8:4
 - Landlord's duty to repair or remedy, § 8:3
 - Security deposits, § 8:5
 - Security devices, § 8:6
 - Smoke alarms and fire extinguishers, § 8:7
 - Utilities, § 8:8
 - Relationship with landlord, overview of, § 8:1
 - Security deposits
 - Premise condition, § 8:5
 - Tenancies and lease agreements, types of, § 8:2
 - Vulnerability, considerations, § 4:13

CONSUMER BANKRUPTCY

- Automatic stay of collection effort, § 16:4
- Background, § 16:1
- Commencement of the case, § 16:3
- Liquidation
 - Advantages and disadvantages, § 16:12
 - Commencement of the case, § 16:9
 - Discharge, § 16:10
 - Distribution of the estate, § 16:11
- Property
 - Discharge of the debtor, § 16:8
 - Estate, § 16:5
 - Exemptions, § 16:6
 - Powers of the trustee, § 16:7
- Structure of the code and available resource materials, § 16:2

CONSUMER PROTECTION

- Generally, §§ 6:1 to 6:14
- Common law fraud
 - Generally, §§ 6:7 to 6:11
 - Fraud, § 6:7
 - Duty to investigate, § 6:10
 - Knowledge and intent, § 6:9
 - Misrepresentation of material fact, § 6:8
 - Remedies, § 6:11
- Criminal sanctions
 - Federal, § 6:6
 - State, § 6:5
- Duty of good faith
 - Generally, §§ 6:12 to 6:14
 - Historical background, § 6:13
 - Requirement of special relationship, § 6:14
- Generally, § 6:1
- Public protection of consumers
 - Generally, §§ 6:2 to 6:4
 - Federal Trade Commission, § 6:3
 - Other federal agencies, § 6:4
 - State, § 6:2

CONSUMER PURCHASES

- Deceptive Trade Practices Act
 - Generally, §§ 1:1 to 1:11
 - Actions for personal injury, death, and other property damage, Contribution and Indemnity, § 1:9
 - Arbitration, § 1:11
 - Class Actions, § 1:7
 - Damages and Attorney's Fees, § 1:5
 - Defenses to DTPA Liability, § 1:4
 - Grounds for DTPA Liability, § 1:3

INDEX

CONSUMER PURCHASES—Cont'd

- Deceptive Trade Practices Act—Cont'd
 - Injunctive relief and other remedies, § 1:10
 - Introduction, § 1:1
 - Overview of, Prima Facie DTPA Case, § 1:2
 - Post-judgment relief, § 1:6
 - Pre-suit tender and settlement procedures, § 1:8
- Unfair and deceptive conduct
 - Generally, §§ 2:1 to 2:42

CONSUMERS RIGHT

- Home solicitation sales, § 2:24

CONTEST AND GIFT GIVEAWAY ACT

- Miscellaneous unfair and deceptive practices, § 2:35

CONTRACTS

- Sales transactions
 - Financing, § 7:8
 - Sale in Texas, § 7:12

CONTRIBUTION AND INDEMNITY

- Deceptive Trade Practices Act, § 1:9

CREATION OF WARRANTIES

- See also Warranty

CREDIT

- Application
 - Generally, §§ 9:11 to 9:14
 - The effects test, § 9:13
 - Introduction, § 9:11
 - Methods and evaluation, § 9:12
 - Specific regulations governing evaluation, § 9:14
- Considerations, § 4:15
- Consumer regulation
 - Basic credit math terms, § 11:6
 - Effect of federal law, § 11:5
 - Introduction, § 11:1
 - Overview of the credit code
 - Regulation of rates, § 11:4
 - Overview of the finance code
 - Structure, § 11:3
 - Sources of law, § 11:2
- Control over content of consumer reports, § 10:7
- Definition
 - Consumer report, § 10:3
 - Investigative consumer report, § 10:4
 - Reporting agency, § 10:3

CREDIT—Cont'd

- Issues common to usury
 - Contract for, charge or receive, § 11:24
 - Interest charges
 - Front end, § 11:22
 - Rear end, § 11:23
 - Proper
 - Forum, § 11:25
 - Parties, § 11:26
 - Law of usury
 - Elements, § 11:7
 - Installment sales, § 11:8
 - Intent, § 11:10
 - Leases, § 11:9
 - Presumptions and burdens of proof, § 11:11
 - Permissible purposes of consumer reports, § 10:6
 - Remedies
 - Civil liability
 - Defenses, § 10:14
 - Limitation on common law liability, § 10:15
 - Negligent noncompliance, § 10:12
 - Willful noncompliance, § 10:13
 - Criminal liability, § 10:16
 - Federal administrative enforcement, § 10:17
 - Related legislation, § 10:19
 - Texas Regulation of Consumer Credit Reporting Agencies, § 10:18
 - Repair
 - Federal regulation, § 10:20
 - Texas regulation, § 10:21
 - Reports
 - Consumer access to agency files, § 10:9
 - Correction of inaccurate reports, § 10:10
 - Industry, § 10:1
 - Required disclosures, § 10:8
 - Responsibilities of furnishers of information, § 10:11
 - Statutory
 - Exceptions, § 10:5
 - Regulation, § 10:2
- ### **CREDIT CARDS**
- Billing, § 13:6
 - Define
 - Unauthorized use, § 13:5
 - Liability for unauthorized use, § 13:4
 - Nature of transactions, § 13:2
 - Unsolicited, § 13:3

CREDIT REGULATION

- Generally
 - Remedies, § 11:27
- Other defensive tactics, § 11:29
- Statutory defenses, § 11:28
- Texas Finance Code
 - Credit charges, § 11:14
 - Disclosures, § 11:15
 - Installment sales, § 11:13
 - Manufactured homes, § 11:18
 - Overview, § 11:12
 - Prohibited provisions, § 11:17
 - Related insurance, § 11:16

CRIMINAL SANCTIONS

- See also Consumer Protection
- Consumer protection, § 6:5

DAMAGES

- Breach of warranty, suit for, § 3:46
- Deceptive Trade Practices Act, § 1:5

DEATH

- Deceptive Trade Practices Act, § 1:9

DEBT COLLECTION

- Creditor collection efforts, § 15:1
- Judicial procedures
 - Constitutional requirements, § 15:5
 - Debt acknowledgment, § 15:7
 - Per-judgment writs, § 15:4
 - Statutes of limitations, § 15:7
 - Sworn accounts, § 15:6
- Protection of the homestead, § 15:3
- Regulation of collection agencies, § 15:2
- Specific prohibited practices
 - Communications with third persons, § 15:14
 - Harassment and abuse of debtors, § 15:15
 - Misrepresentations, § 15:13
 - Tort remedies for abusive collection practices, § 15:16
- Unfair collection efforts
 - Federal regulation
 - Fair Debt Collection Practices Act, § 15:10
 - Other federal laws, § 15:11
 - Texas regulation
 - The Texas Debt Collection Practices Act, § 15:12

DECEPTIVE SALES AND ADVERTISING

- See also Consumer Practices

DECEPTIVE TRADE PRACTICES ACT

- See also Consumer Practices
- Defenses to liability, § 1:4
- Grounds for liability, § 1:3

DEFENSES

- Insurers duty to insureds, § 5:15

DISCLOSURES

- Lending act
 - Annual percentage rate, § 12:17
 - Background pre 1982 issues, § 12:12
 - Closed end credit, § 12:21
 - Credit advertising, § 12:27
 - Credit insurance, § 12:20
 - Finance charge, § 12:16
 - Form, § 12:14
 - High cost mortgage loans, § 12:25
 - Home equity loans, § 12:22
 - Advertising, § 12:23
 - Model loans, § 12:26
 - Open end credit, § 12:18
 - Other general requirement, § 12:15
 - Requirement for reverse mortgage loans, § 12:24
 - Special credit and charge card disclosure requirements, § 12:19
 - Types of credit, § 12:13

DISCRIMINATION

- General rule against discrimination, § 9:5
- Grounds
 - Sex and marital status, § 9:6
 - Other categories, § 9:7
- Scope and coverage of the ECOA, § 9:4

DISPARAGEMENT

- Unfair and deceptive conduct, § 2:14

DISTANT FORUM ABUSE

- Miscellaneous unfair and deceptive practices, § 2:29

DUTY TO DEFEND

- Insurers duty to insureds, § 5:13

DUTY TO INVESTIGATE

- Consumer protection, § 6:9

ELECTRONIC FUND TRANSFER

- Generally
 - Introduction, §§ 13:1, 13:10
 - Texas regulation, § 13:17
- Electronic fund transfer act
 - Civil liability and defenses, § 13:16
 - Disclosures and documentation, § 13:12

INDEX

ELECTRONIC FUND TRANSFER

—Cont'd

- Electronic fund transfer act—Cont'd
- Error resolution, § 13:13
- Liability for unauthorized electronic fund transfers, § 13:14
- Miscellaneous provisions, § 13:15
- Scope, § 13:11

EMPLOYMENT SERVICES

- Miscellaneous unfair and deceptive practices, regulation of, § 2:38

EXPRESS WARRANTIES

- Warranty, § 3:30

FAIR DEALING

- Insurers duty to insureds, § 5:14

FAMILY FARMERS

- Adjustment of debts
- Commencement, § 16:18
- Debt adjustment plan, § 16:19
- Discharge, § 16:20

FEDERAL AGENCIES

- Consumer protection, § 6:4

FEDERAL INTERSTATE LAND SALES FULL DISCLOSURE ACT

- Background, § 7:3
- Exemptions, § 7:5
- Operation, § 7:4
- Private remedies, § 7:6
- Public enforcement, § 7:7

FEDERAL LAWS AND REGULATION

- Insurance, § 5:3
- Warranty, § 3:22

FEDERAL TRADE COMMISSION

- Consumer protection, § 6:3

FORECLOSURE

- Challenges, § 7:15
- Procedures, § 7:14

FOREIGN LANGUAGE TRANSACTIONS

- Home solicitation sales, § 2:25

FRAUD

- Consumer
- Protection against fraudulent sales practice, § 7:2
- Consumer protection, § 6:7

GEOGRAPHIC ORIGIN

- Unfair and deceptive conduct, § 2:9

GOOD FAITH

- See also Consumer Protection

GOOD FAITH—Cont'd

- Insurers duty to insureds, § 5:14

HOME SOLICITATION SALES

- See also Unfair and Deceptive Conduct

IMPLIED WARRANTIES

- Warranty, § 3:31

INJUNCTIVE RELIEF

- Deceptive Trade Practices Act, § 1:10

INSURANCE

- Generally, §§ 5:1 to 5:18
- Chapter 541
- Generally, §§ 5:8 to 5:12
- Background, § 5:8
- Private remedy, § 5:9
- Prohibited conduct, § 5:11
- Miscellaneous provisions, § 5:12
- Proper parties, § 5:10
- Insurers duty to insureds
- Generally, §§ 5:13 to 5:18
- Duty of good faith and fair dealing, § 5:14
- Defenses, § 5:15
- Duty to defend and Stowers doctrine, § 5:13
- Prompt payment of claims, statutory basis, § 5:16
- Unfair claim settlement practices, private remedy, § 5:18
- Unfair claim settlement practices, statutory basis, § 5:17
- Introduction
- Generally, §§ 5:1 to 5:3
- Extent of federal regulation, § 5:3
- Texas Insurance Code, § 5:2
- Texas regulation
- Generally, §§ 5:4 to 5:7
- Insurance agents, § 5:5
- Misrepresentations by policyholders, § 5:7
- Protection of policyholders, § 5:4
- Unauthorized insurers, § 5:6

INSURERS DUTY OF INSURED

- See also Insurance

INVALID DISCLAIMERS

- Warranty, § 3:35

JUDICIAL PROCEDURES

- Debt collection
- Constitutional requirements, § 15:5
- Debt acknowledgment, § 15:7
- Pre-judgment writs, § 15:4
- Statutes of limitations, § 15:7
- Sworn accounts, § 15:6

KNOWLEDGE AND INTENT

Consumer protection, § 6:9

LANDLORD-TENANT DISPUTES

Consumer

Evictions (forcible entry and
detainer), § 8:11

Lien and removal of property, § 8:9

Retaliation against the tenant, § 8:12

Termination of tenancies, § 8:10

LAW OF USURY

Credit

Elements, § 11:7

Installment sales, § 11:8

Intent, § 11:10

Leases, § 11:9

Presumptions and burdens of proof,
§ 11:11

LEASES

Consumer as tenant, § 8:2

Contracts for which disclosures are
required, § 13:7

Requirements for consumer, § 13:8

Texas Regulation of Motor Vehicle
Leases, § 13:9

Warranty

Article 2A, § 3:17

LEMON LAW

Warranty, Texas, § 3:20

LENDING ACT

Generally, § 12:6

Civil liability

Administrative enforcement, § 12:37

Attorneys' fees, § 12:35

Background, § 12:33

Defenses, § 12:36

Remedies statutory penalties and
actual damages, § 12:34

Construction, § 12:4

Disclosures

Annual percentage rate, § 12:17

Background pre 1982 issues, § 12:12

Closed end credit, § 12:21

Credit advertising, § 12:27

Credit insurance, § 12:20

Finance charge, § 12:16

Form, § 12:14

High cost mortgage loans, § 12:25

Home equity loans, § 12:22

Advertising, § 12:23

Model loans, § 12:26

Open end credit, § 12:18

Other general requirement, § 12:15

LENDING ACT—Cont'd

Disclosures—Cont'd

Requirement for reverse mortgage
loans, § 12:24

Special credit and charge card
disclosure requirements, § 12:19

Types of credit, § 12:13

History, § 12:1

Legislative intent, § 12:3

Purpose, § 12:2

Rescission

Consumer right background, § 12:28

Effect, § 12:31

Exercise of the right, § 12:32

General rule, § 12:29

Notice of right, § 12:30

Statutory scheme, § 12:3

Threshold issues

Define

Consumer credit, § 12:7

Jurisdiction, § 12:10

Liable person, § 12:9

Statute of limitations, § 12:11

Transactions subject to TILA, § 12:8

Truth in simplification, overview, § 12:5

LIMITATION OF REMEDIES

Warranty, § 3:34

LIQUIDATION

Consumer bankruptcy

Advantages and disadvantages,
§ 16:12

Commencement of the case, § 16:9

Discharge, § 16:10

Distribution of the estate, § 16:11

**MAGNUSON-MOSS WARRANTY
ACT**

See also Warranty

MISCELLANEOUS PROVISIONS

Chapter 541, § 5:12

**MISCELLANEOUS UNFAIR AND
DECEPTIVE PRACTICES**

See also Unfair and Deceptive Conduct

MISREPRESENTATION

Material fact

Consumer protection, § 6:8

Policyholders

Insurance, § 5:7

MULTIPLE DAMAGES

Breach of warranty, § 3:49

INDEX

ODOMETER DISCLOSURES AND PROHIBITIONS

Miscellaneous unfair and deceptive practices, § 2:31

PASSING OFF

Unfair and deceptive conduct
Deceptive Trade Practices Act, § 2:9

PAYMENT OF CLAIMS

Insurers duty to insureds, § 5:16

PERSONAL INJURY

Deceptive Trade Practices Act, § 1:9

POST-JUDGMENT RELIEF

Deceptive Trade Practices Act, § 1:6

PREMISE CONDITION

Consumer
Tenant
Landlord's duty to repair or remedy, § 8:3
Utilities, § 8:8
Consumer as tenant
Constructive eviction, § 8:4
Security devices, § 8:6
Smoke alarms and fire extinguishers, § 8:7
Security deposits
Consumer as tenant, § 8:5

PRE-SUIT TENDER

Deceptive Trade Practices Act, § 1:8

PRICE DISPARITY

Considerations, § 4:14

PRIMARY DAMAGES

Breach of warranty, § 3:47

PRIVATE REMEDY

Chapter 541, § 5:9
Insurers duty to insureds, § 5:18

PROHIBITED CONDUCT

Chapter 541, § 5:11

PROPER PARTIES

Chapter 541, § 5:10

PROPERTY DAMAGE

Deceptive Trade Practices Act, § 1:9

PROTECTION OF POLICYHOLDERS

Insurance, § 5:4

PUBLIC PROTECTION OF CONSUMERS

See also Consumer Protection

PUFFING

Creation of warranties, § 3:8

PYRAMID SALES

Miscellaneous unfair and deceptive practices, § 2:28

REAL ESTATE

Warranty, § 3:19

REBATE

Consumer, miscellaneous unfair and deceptive practices, § 2:42

REJECTION

Breach of warranty, § 3:43

REMEDIES

Generally
Credit regulation, § 11:27
Consumer
Jurisdiction and statutory defenses, § 9:21
Private, § 9:20
Consumer protection, § 6:11
Credit
Civil liability
Defenses, § 10:14
Limitation on common law liability, § 10:15
Negligent noncompliance, § 10:12
Willful noncompliance, § 10:13
Criminal liability, § 10:16
Home solicitation sales, § 2:27
Other defensive tactics, § 11:29
Statutory defenses, § 11:28

REMEDY MODIFICATION

Considerations, § 4:16

RENTAL-PURCHASE AGREEMENTS

Miscellaneous unfair and deceptive practices, § 2:34

REPORTS

Credit
Consumer access to agency files, § 10:9
Correction of inaccurate reports, § 10:10
Industry, § 10:1
Required disclosures, § 10:8
Responsibilities of furnishers of information, § 10:11
Statutory
Exceptions, § 10:5
Regulation, § 10:2

RESCISSION

Lending Act
Consumer right background, § 12:28
Effect, § 12:31

RESCISSION—Cont'd

- Lending Act—Cont'd
 - Exercise of the right, § 12:32
 - General rule, § 12:29
 - Notice of right, § 12:30

RESIDENTIAL CONSTRUCTION LIABILITY

- Breach of warranty, § 3:42

RESTRICTIONS ON DISCLAIMERS

- Warranty, § 3:33

REVOCAION

- Breach of warranty, § 3:44

SALES AND SALES TRANSACTIONS

- Consumer as purchaser
 - Contracts
 - Financing, § 7:8
 - Sale in Texas, § 7:12
 - Federal real estate settlement procedures act (RESPA), § 7:9
 - Private mortgage insurance, § 7:10
 - Real estate brokers, § 7:11
 - Texas timeshare act, § 7:12
- Motor vehicles
 - Miscellaneous unfair and deceptive practices, § 2:39

SECURITY DEPOSITS

- See also Premise Condition

SERVICES AND SERVICE CONTRACTS

- Creation of warranties, § 3:9
- Warranty
 - Non-U.C.C. warranties, § 3:18
 - Scope of Article 2, § 3:16

SETTLEMENT PROCEDURES

- Deceptive Trade Practices Act, § 1:8

STOWERS DOCTRINE

- Insurers duty to insureds, § 5:13

SWEEPSTAKES

- Miscellaneous unfair and deceptive practices, § 2:36

TELEPHONE SOLICITATION

- Miscellaneous unfair and deceptive practices, § 2:37

TEXAS FINANCE CODE

- Credit regulation
 - Consumer loans, § 11:19
 - Credit charges, § 11:14
 - Disclosures, § 11:15
 - Home loans, § 11:20
 - Installment sales, § 11:13

TEXAS FINANCE CODE—Cont'd

- Credit regulation—Cont'd
 - Manufactured homes, § 11:18
 - Overview, § 11:12
 - Prohibited provisions, § 11:17
 - Related insurance, § 11:16
 - Revolving accounts, § 11:21

TEXAS HEALTH SPA ACT

- Miscellaneous unfair and deceptive practices, § 2:32

TEXAS INSURANCE CODE

- Insurance, § 5:2

TEXAS REGULATION OF INSURANCE

- See also Insurance

TEXAS RESIDENTIAL CONSTRUCTION COMMISSION

- Breach of warranty, § 3:41

THIRD PARTY FINANCING

- Generally
 - Holder in due course and other cut off devices, § 14:1
- Challenging the holder in due course status, § 14:2
- Credit card transactions, § 14:7
- Federal regulation, § 14:5
- F.T.C. rule as basis for relief under Texas Consumer Protection Act, § 14:11
- Limitations on cut off, Texas law, § 14:4
- Policy reasons for change, § 14:3
- Remedies
 - Under federal law, § 14:10
 - Violation of texas statutes, § 14:9
- Special rules for high cost second mortgage loans, § 14:8
- Waiver of defense clauses, § 14:6

TITLE

- Warranty, § 3:15

TRUTH IN SAVINGS

- Miscellaneous unfair and deceptive practices, § 2:41

UNAUTHORIZED INSURERS

- Insurance, § 5:6

UNBARGAINED TERMS

- Warranty, § 3:38

UNCONSCIONABILITY

- Generally, §§ 4:1 to 4:16
- Considerations
 - Generally, §§ 4:11 to 4:16
 - Adhesion contracts, § 4:12

INDEX

UNCONSCIONABILITY—Cont'd

- Considerations—Cont'd
 - Consumer vulnerability, § 4:13
 - Credit terms, § 4:15
 - Inequality of bargaining power, § 4:11
 - Price disparity, § 4:14
 - Remedy modification, § 4:16
- Definition, § 4:2
- DTPA, § 4:8
- Elements, § 4:10
- Extension beyond sales, § 4:4
- Leases, § 4:5
- Procedural and substantive, § 4:3
- Related U.C.C. provisions, §§ 4:6, 4:9
- Remedies, § 4:7

UNFAIR AND DECEPTIVE CONDUCT

- See also Consumer Practices
- Deceptive sales and advertising
 - Generally, §§ 2:8 to 2:16
 - Confusion of source, endorsement, § 2:10
 - Disparagement, § 2:14
 - Failure to disclose, § 2:15
 - Floral business telephone directory listings, § 2:11
 - Geographic origin, § 2:9
 - Insincere offers, § 2:13
 - Miscellaneous violations, § 2:16
 - Passing off, § 2:8
 - Prior use, § 2:12
- Deceptive sales and advertising, price
 - Generally, § 2:17:2:19
 - Closing out sales, § 2:18
 - Referral schemes, § 2:19
- Deceptive sales and advertising, repairs
 - Generally, § 2:20:2:21
 - Need for repairs, repairs performed, § 2:20
 - Repairs, Warranty, § 2:21
- General misrepresentations
 - Generally, §§ 2:2 to 2:5
 - Claims analogous to fraud, § 2:3
 - Claims analogous to breach of contract, § 2:5
 - Claims analogous to breach of warranty, § 2:4
 - Misrepresentation generally, § 2:2
- Home solicitation sales
 - Generally, §§ 2:22 to 2:27
 - Consumers right to cancel, § 2:24
 - Foreign language transactions, § 2:25
 - Sources of the law, § 2:22
 - Definition, § 2:23

UNFAIR AND DECEPTIVE CONDUCT—Cont'd

- Home Solicitation Sales Act
 - Violations, § 2:26
 - Violations, remedies, § 2:27
- Miscellaneous unfair and deceptive practices
 - Generally, §§ 2:28 to 2:42
 - Business opportunities, § 2:30
 - Consumer rebates, § 2:42
 - Contest and Gift Giveaway Act, § 2:35
 - Distant forum abuse, § 2:29
 - Going out of business sales, § 2:33
 - Pyramid sales, § 2:28
 - Regulation of employment services, § 2:38
 - Rental-purchase agreements, § 2:34
 - Sale and advertising of motor vehicles, § 2:39
 - Sending unordered merchandise, § 2:40
 - Sweepstakes, § 2:35
 - Telephone solicitation, § 2:35
 - Texas Health Spa Act, § 2:32
 - Truth in savings, § 2:41
- Misrepresentation of contractual rights
 - Generally, § 2:6
 - Warranty and others, § 2:7
- Scope, sources of the law, § 2:1

UNFAIR CLAIM SETTLEMENT

- Insurers duty to insureds, § 5:17

UNORDERED MERCHANDISE

- Miscellaneous unfair and deceptive practices, § 2:40

USED GOODS

- Warranty, § 3:13

VIOLATIONS

- Home solicitation sales, § 2:26

WARRANTY

- Generally, §§ 3:1 to 3:50
- Article 2A, leases, § 3:17
- Breach of warranty
 - Generally, §§ 3:41 to 3:50
 - Damages, primary, § 3:47
 - Incidental and consequential damages, § 3:48
 - Damages, multiple, § 3:49
 - Rejection, § 3:43
- Remedies under Article 2A, leases, § 3:50
- Residential construction liability, § 3:42

WARRANTY—Cont'd

- Breach of warranty—Cont'd
 - Revocation, § 3:44
 - Revocation,, buyers rights and duties, § 3:45
 - Suit for damages, § 3:46
 - Texas Residential Construction Commission, § 3:41
- Creation of warranties
 - Generally, §§ 3:3 to 3:21
 - Express warranties, § 3:3
 - Generally, §§ 3:3 to 3:9
 - Affirmation of fact or promise, § 3:4
 - Basis of bargain, § 3:7
 - Description, § 3:5
 - Puffing, § 3:8
 - Samples and models, § 3:6
 - Services, § 3:9
 - Warranty of merchantability
 - Generally, §§ 3:11 to 3:13
 - Defined, § 3:12
 - Merchant, isolated sales rule, § 3:11
 - Used goods, § 3:13
- Disclaimer and modification of warranties
 - Generally, §§ 3:29 to 3:40
 - Under Article 2A, leases, § 3:40
 - Conflicts between express and implied warranties, § 3:32
 - Express warranties, § 3:30
 - Implied warranties, § 3:31
 - Invalid disclaimers or limitations, unconscionability, § 3:35
 - Clarity, § 3:39
 - Conspicuousness, § 3:37
 - Failure of essential purpose, § 3:36

WARRANTY—Cont'd

- Disclaimer and modification of warranties—Cont'd
 - Invalid disclaimers or limitations, unconscionability, § 3:35
 - Cont'd
 - Unbargained terms, § 3:38
 - Limitation of remedies, § 3:34
 - Restrictions on disclaimers, federal law, § 3:33
 - Fitness for a particular purpose, § 3:14
 - F.T.C. used car rule, § 3:21
 - Introduction, focus of this chapter, § 3:1
 - Lemon Law, texas, § 3:20
 - Magnuson-Moss warranty act
 - Effect of federal law, § 3:22
 - Magnuson-Moss warranty act
 - Generally, §§ 3:22 to 3:28
 - Coverage of the Act, written warranties, § 3:23
 - Service contract, § 3:24
 - Disclosure requirements, § 3:27
 - Pre-sale availability of warranty terms, § 3:26
 - Remedies under Magnuson-Moss, § 3:28
 - Substantive requirements of act, § 3:25
 - Non-U.C.C. warranties, services, § 3:18
 - Non-U.C.C.implied warranties, real estate, § 3:19
 - Scope of Article 2, leases and service contracts, § 3:16
 - Source of law, § 3:2
 - Title, § 3:15
- WRITTEN**
 - Warranty, § 3:23