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

**Volume 1**

ANNOTATIONS BY

**GERRY W. BEYER**

**Governor Preston E. Smith Regents Professor of Law**

**Texas Tech University**

**School of Law**

**Lubbock, Texas**

**2025 Edition**



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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 four 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

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

Prof. Beyer is an Academic Fellow 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 and the Study Committee on Probate and Non-probate Integration.

## 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 Session of the 89th Texas Legislature (2025). New statutory language is in **boldfaced type** and deleted language is shown ~~struck through~~. The Commentary and Leading Cases cover decisions published through July, 2025. The Leading CLE/Law Review Materials cover course materials, articles, notes and comments published through July, 2025.

**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 2026 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 Ariana Marin (2026 J.D. Candidate, Texas Tech University School of Law) for her stunning 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, Jacie Henefey, 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 2025



# Table of Contents

## VOLUME 1

### PROPERTY CODE

#### TITLE 1. GENERAL PROVISIONS

Chapter	Page
1. General Provisions .....	1
2. Nature of Property .....	2

#### TITLE 2. CONVEYANCES

5. Conveyances .....	4
----------------------	---

#### TITLE 2—APPENDIX. TEXAS TITLE EXAMINATION STANDARDS

I. Title Examiner .....	87
II. Marketable Title .....	89
III. Name Variances .....	92
IV. Execution, Acknowledgment, and Recordation .....	97
V. Land Descriptions .....	117
VI. Corporate Conveyances .....	129
VII. Conveyances Involving Partnerships, Joint Ventures, Limited Liability Companies, and Unincorporated Associations .....	132
VIII. Powers of Attorney .....	135
IX. Conveyances Involving Trustees .....	138
X. Capacity to Convey .....	140
XI. Decedents' Estates .....	143
XII. Bankruptcies .....	152
XIII. Affidavits and Recitals .....	164
XIV. Marital Interests .....	167
XV. Liens and Lis Pendens .....	176
XVI. Foreclosures .....	192
XVII. Title From the Sovereign .....	200
XVIII. Adverse Possession .....	204
XIX. Cotenancy .....	207
XX. Zoning and Land Use .....	214
XXI. Rule Against Perpetuities .....	218

#### TITLE 3. PUBLIC RECORDS

11. Provisions Generally Applicable to Public Records .....	221
12. Recording of Instruments .....	227
13. Effects of Recording .....	252
14. Uniform Federal Lien Registration Act .....	256
15. Uniform Real Property Electronic Recording Act .....	259

## TITLE 4. ACTIONS AND REMEDIES

<b>Chapter</b>	<b>Page</b>
21. Eminent Domain .....	263
22. Trespass to Try Title .....	296
23. Partition .....	302
23A. Uniform Partition of Heirs' Property Act .....	306
24. Forcible Entry and Detainer .....	313
24A. Access to Residence or Former Residence to Retrieve Personal Property .....	347
24B. Removal of Certain Unauthorized Occupants of Real Property .....	352
25. Trial of Right of Property .....	355
26. Use of a Deceased Individual's Name, Voice, Signature, Photograph, or Likeness .....	356
27. Residential Construction Liability .....	363
28. Prompt Payment to Contractors and Subcontractors .....	373
29. Forced Sale of Owner's Interest in Certain Real Property as Reimbursement for Property Taxes Paid By Co-Owner on Owner's Behalf .....	381
30. Writ of Assistance for Repossession of Aircraft .....	383
31. Bad Faith Washout of Overriding Royalty Interest in Oil and Gas Lease .....	384

## TITLE 5. EXEMPT PROPERTY AND LIENS

### Subtitle A. Property Exempt from Creditors' Claims

41. Interests in Land .....	386
42. Personal Property .....	398
43. Exempt Public Property .....	404
44. Taxation of Retirement Benefits by Another State .....	404

### Subtitle B. Liens

51. Provisions Generally Applicable to Liens .....	405
52. Judgment Lien .....	422
53. Mechanic's, Contractor's, or Materialman's Lien .....	433
54. Landlord's Liens .....	482
55. Hospital and Emergency Medical Services Liens .....	490
56. Liens Against Mineral Property .....	496
57. Railroad Laborer's Lien .....	502
58. Farm, Factory, and Store Worker's Liens .....	504
59. Self-Service Storage Facility Liens .....	506
60. Newspaper Employee's Lien .....	514
61. Motor Vehicle Mortgagee's Lien .....	514
62. Broker's and Appraiser's Lien on Commercial Real Estate .....	515
63. Manufactured Home Lien .....	529
64. Assignment of Rents to Lienholder .....	530
65. Authority of Co-Owner to Encumber Residential Property .....	538
66. Sale of Property Subject to Oil or Gas Lease .....	540
67. Oil and Gas Liens .....	541
68. RICO Liens .....	547
70. Miscellaneous Liens .....	553

## TITLE 6. UNCLAIMED PROPERTY

71. Escheat of Property .....	573
72. Abandonment of Personal Property .....	582
73. Property Held by Financial Institutions .....	590
74. Report, Delivery, and Claims Process .....	594

<b>Chapter</b>	<b>Page</b>
75. Texas Minerals .....	621
76. Report, Delivery, and Claims Process for Certain Property .....	622
77. Report, Delivery, and Claims Process for Unclaimed Restitution Payments .....	632

## TITLE 6A. PROPERTY LOANED TO MUSEUMS

80. Ownership, Conservation, and Disposition of Property Loaned to Museum .....	641
---	-----

## TITLE 7. CONDOMINIUMS

81. Condominiums Created Before Adoption of Uniform Condominium Act .....	645
82. Uniform Condominium Act .....	656

## TITLE 8. LANDLORD AND TENANT

91. Provisions Generally Applicable to Landlords and Tenants .....	710
92. Residential Tenancies .....	714
93. Commercial Tenancies .....	792
94. Manufactured Home Tenancies .....	800

## TITLE 9. TRUSTS

### Subtitle A. Provisions Generally Applicable to Trusts

101. Provisions Generally Applicable to Trusts .....	827
--	-----

### Subtitle B. Texas Trust Code: Creation, Operation, and Termination of Trusts

111. General Provisions .....	829
112. Creation, Validity, Modification, and Termination of Trusts .....	841
113. Administration .....	890
114. Liabilities, Rights, and Remedies of Trustees, Beneficiaries, and Third Persons .....	928
115. Jurisdiction, Venue, and Proceedings .....	950
116. Uniform Principal and Income Act .....	961
117. Uniform Prudent Investor Act .....	1009

### Subtitle C. Miscellaneous Trusts

121. Employees' Trusts .....	1020
122. Charitable Trusts [Repealed] .....	1024
123. Attorney General Participation in Proceedings Involving Charitable Trusts .....	1025
124. Partition of Mineral Interests of Charitable Trust .....	1031

## TITLE 10. MISCELLANEOUS BENEFICIAL PROPERTY INTERESTS

### Subtitle A. Persons Under Disability

141. Transfers to Minors .....	1033
142. Management of Property Recovered in Suit by a Next Friend or Guardian Ad Litem .....	1045
143. Pooled Trust Subaccounts .....	1052

## Subtitle B. Fiduciaries

<b>Chapter</b>	<b>Page</b>
161. Management and Control of Securities .....	1055
162. Construction Payments, Loan Receipts, and Misapplication of Trust Funds .....	1059
163. Management, Investment, and Expenditure of Institutional Funds .....	1064

## Subtitle C. Powers of Appointment

181. Powers of Appointment .....	1071
----------------------------------	------

## TITLE 11. RESTRICTIVE COVENANTS

201. Restrictive Covenants Applicable to Certain Subdivisions .....	1076
202. Construction and Enforcement of Restrictive Covenants .....	1086
203. Enforcement of Land Use Restrictions in Certain Counties .....	1102
204. Powers of Property Owners' Association Relating to Restrictive Covenants in Certain Subdivisions .....	1103
205. Restrictive Covenants Applicable to Revised Subdivisions in Certain Counties .....	1110
206. Extension of Restrictions Imposing Regular Assessments in Certain Subdivisions ...	1111
207. Disclosure of Information by Property Owners' Associations .....	1113
208. Amendment and Termination of Restrictive Covenants in Historic Neighborhoods ...	1118
209. Texas Residential Property Owners Protection Act .....	1122
210. Extension or Modification of Residential Restrictive Covenants by Petition in Certain Subdivisions .....	1160
211. Amendment and Enforcement of Restrictions in Certain Subdivisions .....	1163
212. Extension of Restrictions by Majority Vote in Certain Subdivisions .....	1167
213. Modification or Termination of Restrictions in Certain Real Estate Developments by Property Owners' Association or Property Owner Petition [Expired] .....	1170
214. Amendment of Dedicatory Instruments of Certain Mixed-Use Real Estate Developments .....	1170
215. Master Mixed-Use Property Owners' Associations .....	1171
216. Extension or Amendment of Restrictions in Certain Older Subdivisions .....	1182

## TITLE 12. MISCELLANEOUS SHARED REAL PROPERTY INTERESTS

221. Texas Timeshare Act .....	1187
222. Texas Membership Camping Resort Act .....	1237
223. Business Entity-Owned Residential Arrangements .....	1246

## TITLE 13. DISCLAIMER OF PROPERTY INTERESTS

240. Texas Uniform Disclaimer of Property Interests Act .....	1249
---	------

## TITLE 15. FAIR HOUSING PRACTICES

301. Texas Fair Housing Act .....	1265
-----------------------------------	------

**CONSTITUTION  
OF THE  
STATE OF TEXAS 1876**

<b>Article</b>	<b>Page</b>
I. Bill of Rights .....	1285
VIII. Taxation and Revenue .....	1286
XIV. Public Lands and Land Office .....	1314
XVI. General Provisions .....	1314

**BUSINESS AND COMMERCE CODE**

**TITLE 2. COMPETITION AND TRADE PRACTICES**

<b>Chapter</b>	<b>Page</b>
21. Regulation of Certain Residential Foreclosure Consulting Services .....	1331
21A. Execution of Deeds in Certain Transactions Involving Residential Real Estate .....	1335

**TITLE 3. INSOLVENCY, FRAUDULENT TRANSFERS,  
AND FRAUD**

24. Uniform Fraudulent Transfer Act .....	1337
26. Statute of Frauds .....	1347
27. Fraud .....	1350

**CIVIL PRACTICE AND REMEDIES CODE**

**TITLE 2. TRIAL, JUDGMENT, AND APPEAL**

**Subtitle B. Trial Matters**

16. Limitations .....	1353
-----------------------	------

**Subtitle C. Judgments**

37. Declaratory Judgments .....	1377
---------------------------------	------

**TITLE 4. LIABILITY IN TORT**

75. Limitation of Landowners' Liability .....	1382
80. Trespass: Outdoor Sign .....	1389
84. Charitable Immunity and Liability .....	1390
95. Property Owner's Liability for Acts of Independent Contractors and Amount of Recovery .....	1399
95A. Actions Involving the Carrying of Handguns on Certain Property .....	1401

**TITLE 6. MISCELLANEOUS PROVISIONS**

121. Acknowledgments and Proofs of Written Instruments .....	1402
125. Common and Public Nuisances .....	1410

**VOLUME 2**

**TEXAS RULES OF CIVIL PROCEDURE**

<b>Part</b>	<b>Page</b>
II. Rules of Practice in District and County Courts .....	1
<b>Section</b>	
11. Trial of Causes .....	1
V. Rules of Practice in Justice Courts .....	1
VI. Rules Relating to Ancillary Proceedings .....	37
3. Executions .....	37
8. Sequestration .....	38
VII. Rules Relating to Special Proceedings .....	39
1. Procedures Related to Foreclosures of Certain Liens .....	39
2. Justice Court Proceedings to Enforce Landlord's Duty to Repair or Remedy Residential Rental Property [Repealed] .....	45
3. Forcible Entry and Detainer [Repealed] .....	45
4. Partition of Real Estate .....	45
5. Partition of Personal Property .....	49
6. Partition: Miscellaneous Provisions .....	49
7. Quo Warranto .....	50
8. Trespass to Try Title .....	50

**ELECTION CODE**

**TITLE 15. REGULATING POLITICAL FUNDS AND  
CAMPAIGNS**

<b>Chapter</b>	<b>Page</b>
259. Political Signs .....	57

**ESTATES CODE**

**TITLE 2. ESTATES OF DECEDENTS; DURABLE POWERS OF  
ATTORNEY**

**Subtitle C. Passage of Title and Distribution of Decedents' Property in  
General**

114. Transfer on Death Deed .....	59
-----------------------------------	----

**FAMILY CODE**

**TITLE 1. THE MARRIAGE RELATIONSHIP**

**Subtitle B. Property Rights and Liabilities**

3. Marital Property Rights and Liabilities .....	67
4. Premarital and Marital Property Agreements .....	78
5. Homestead Rights .....	84

Subtitle C. Dissolution of Marriage

<b>Chapter</b>	<b>Page</b>
7. Award of Marital Property .....	87
9. Post-Decree Proceedings .....	91

TITLE 2. CHILD IN RELATION TO THE FAMILY

Subtitle A. Limitations of Minority

31. Removal of Disabilities of Minority .....	94
---	----

**FINANCE CODE**

TITLE 3. FINANCIAL INSTITUTIONS AND BUSINESSES

Subtitle A. Banks

59. Miscellaneous Provisions .....	97
------------------------------------	----

**GOVERNMENT CODE**

TITLE 3. LEGISLATIVE BRANCH

Subtitle B. Legislation

311. Code Construction Act .....	101
312. Construction of Laws .....	109

TITLE 4. EXECUTIVE BRANCH

Subtitle A. Executive Officers

406. Notary Public; Commissioner of Deeds .....	114
---	-----

TITLE 10. GENERAL GOVERNMENT

Subtitle A. Administrative Procedure and Practice

2007. Governmental Action Affecting Private Property Rights .....	136
---	-----

Subtitle E. Government Property

2206. Eminent Domain .....	144
----------------------------	-----

# HEALTH AND SAFETY CODE

## TITLE 8. DEATH AND DISPOSITION OF THE BODY

### Subtitle B. Disposition of the Body

Chapter	Page
694. Burial .....	153

### Subtitle C. Cemeteries and Crematories

711. General Provisions Relating to Cemeteries .....	154
712. Perpetual Care Cemeteries .....	191
713. Local Regulation of Cemeteries .....	219
714. Miscellaneous Provisions Relating to Cemeteries .....	228
715. Certain Historic Cemeteries .....	230
716. Crematories .....	235

## TITLE 9. SAFETY

### Subtitle A. Public Safety

756. Miscellaneous Hazardous Conditions .....	248
757. Pool Yard Enclosures .....	256

### Subtitle C. Fire

791. Fire Escapes .....	264
-------------------------	-----

# LOCAL GOVERNMENT CODE

## TITLE 7. REGULATION OF LAND USE, STRUCTURES, BUSINESSES, AND RELATED ACTIVITIES

### Subtitle A. Municipal Regulatory Authority

211. Municipal Zoning Authority .....	279
212. Municipal Regulation of Subdivisions and Property Development .....	306
213. Municipal Comprehensive Plans .....	363
214. Municipal Regulation of Housing and Other Structures .....	365
215. Municipal Regulation of Businesses and Occupations .....	404
216. Regulation of Signs by Municipalities .....	411
217. Municipal Regulation of Nuisances and Disorderly Conduct .....	418
218. Regulation of Mixed-Use and Multifamily Residential Use and Development in Certain Municipalities .....	420
219. Municipal Comprehensive Plans [Redesignated] .....	425
229. Miscellaneous Regulatory Authority of Municipalities .....	425
230. Miscellaneous Regulatory Authority of Municipalities [Redesignated] .....	433

### Subtitle B. County Regulatory Authority

231. County Zoning Authority .....	433
232. County Regulation of Subdivisions .....	468

<b>Chapter</b>	<b>Page</b>
233. County Regulation of Housing and Other Structures .....	549
234. County Regulation of Businesses and Occupations .....	562
235. County Regulation of Matters Relating to Explosives and Weapons .....	571
236. County Regulation of Firearms, Archery Equipment, Knives, Ammunition, Firearm Supplies, and Sport Shooting Ranges .....	577
237. County Regulation of Alarm Systems [Redesignated] .....	578
238. County Regulation of Certain Outdoor Businesses [Redesignated] .....	579
239. County Regulation of Structures [Redesignated] .....	579
240. Miscellaneous Regulatory Authority of Counties .....	579

**Subtitle C. Regulatory Authority Applying to More Than One Type of  
Local Government**

241. Municipal and County Zoning Authority Around Airports .....	592
242. Authority of Municipality and County to Regulate Subdivisions in and Outside Municipality's Extraterritorial Jurisdiction .....	603
243. Municipal and County Authority to Regulate Sexually Oriented Business .....	607
244. Location of Certain Facilities and Shelters .....	610
245. Issuance of Local Permits .....	615
246. Construction of Certain Telecommunications Facilities .....	620
247. Third-Party Review of Development Documents and Inspection of Improvements .....	621
248. Regulation of Energy Sources and Engines .....	625
250. Miscellaneous Regulatory Authority .....	627

**TITLE 8. ACQUISITION, SALE, OR LEASE OF PROPERTY**

**Subtitle A. Municipal Acquisition, Sale, or Lease of Property**

251. Municipal Right of Eminent Domain .....	635
--	-----

**Subtitle B. County Acquisition, Sale, or Lease of Property**

261. County Right of Eminent Domain .....	636
---	-----

**NATURAL RESOURCES CODE**

Author Note .....	583
-------------------	-----

**TAX CODE**

**TITLE 1. PROPERTY TAX CODE**

**Subtitle A. General Provisions**

1. General Provisions .....	639
-----------------------------	-----

**Subtitle B. Property Tax Administration**

5. State Administration .....	652
6. Local Administration .....	673

## Subtitle C. Taxable Property and Exemptions

<b>Chapter</b>	<b>Page</b>
11. Taxable Property and Exemptions .....	713

## Subtitle D. Appraisal and Assessment

21. Taxable Situs .....	822
22. Renditions and Other Reports .....	830
23. Appraisal Methods and Procedures .....	846
24. Central Appraisal .....	938
25. Local Appraisal .....	941
26. Assessment .....	967

## Subtitle E. Collections and Delinquency

31. Collections .....	1040
32. Tax Liens and Personal Liability .....	1069
33. Delinquency .....	1079
34. Tax Sales and Redemption .....	1118

## Subtitle F. Remedies

41. Local Review .....	1138
41A. Appeal Through Binding Arbitration .....	1168
42. Judicial Review .....	1180
43. Suit Against Appraisal Office .....	1199

## **TRANSPORTATION CODE**

### TITLE 7. VEHICLES AND TRAFFIC

#### Subtitle A. Certificates of Title and Registration of Vehicles

501. Certificate of Title Act .....	1201
-------------------------------------	------

## **WATER CODE**

Author Note .....	1259
-------------------	------

<b>Table of Cases</b> .....	<b>T-1</b>
<b>Index</b> .....	<b>I-1</b>