MORALS FROM THE COURTHOUSE
A study of recent Texas cases impacting the wills, probate and trust practice

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Wills

Interpretation and Construction – Personal Effects

Matter of Estate of Ethridge – Page 1
Eastland Court of Appeals

Background
- Testatrix prepared own will
- Left "personal effects" to nephew-in-law
- No residuary clause
- Nephew-in-law asserted "personal effects" included cash, receivables, and oil and gas interests and royalties

Matter of Estate of Ethridge – Page 1
Eastland Court of Appeals

Decision
- "Personal effects" is narrow subset of personal property
- "Articles bearing intimate relation or association to the person of the testator"
- Clothing, jewelry, eyeglasses, luggage, and similar items
- Rest of estate passed by intestacy

Moral: Wills should contain residuary clauses to prevent intestacy and should of course be prepared by an attorney

Interpretation and Construction – Personal Property

In re Estate of Hunt – Page 1
Houston [1st Dist.] Court of Appeals

Background

- Will made gift of all "remaining household and *personal property*"
- Dispute over who was entitled to intangible personal property (bank accounts and stocks)
- Trial court granted summary judgment that specific bequest included intangible personal properly

In re Estate of Hunt – Page 1
Houston [1st Dist.] Court of Appeals

Decision

- Affirmed
- "Personal property" is not ambiguous
- All property, tangible or intangible, that does not qualify as real property

Moral: Term "personal property" unambiguously encompasses both tangible and intangible person property

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2020 Estate Planning, Guardianship, and Elder Law eConference

First appeared as part of the conference materials for the
22nd Annual Estate Planning, Guardianship and Elder Law Conference session
"Morals From the Courthouse: A Study of Recent Texas Cases Impacting the Wills, Probate, and Trust Practice"