

# MORALS FROM THE COURTHOUSE

## A study of recent Texas cases impacting the wills, probate and trust practice

---

MATERIALS BY GERRY W. BEYER  
GOVERNOR PRESTON E. SMITH REGENTS PROFESSOR OF LAW  
TEXAS TECH UNIVERSITY SCHOOL OF LAW

PRESENTED BY ELISA DILLARD RAINEY  
RAINEY & RAINEY, ATTORNEYS AT LAW, L.P.  
WACO, TEXAS

RAINEY & RAINEY  
ATTORNEYS AT LAW LP

1

# Wills

---

RAINEY & RAINEY  
ATTORNEYS AT LAW LP

2

## 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 [1<sup>st</sup> 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 property

In re Estate of Hunt – Page 1  
Houston [1<sup>st</sup> 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 personal property

Find the full text of this and thousands of other resources from leading experts in dozens of legal practice areas in the [UT Law CLE eLibrary \(utcle.org/elibrary\)](https://utcle.org/elibrary)

## Title search: Morals From the Courthouse: A Study of Recent Texas Cases Impacting the Wills, Probate, and Trust Practice

Also available as part of the eCourse

[2020 Estate Planning, Guardianship, and Elder Law eConference](#)

First appeared as part of the conference materials for the  
22<sup>nd</sup> 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"