

TEXAS ESTATE ADMINISTRATION

1980 CUMULATIVE SUPPLEMENT

Edited by

Charles A. Saunders

Prepared under the auspices of the
Real Estate, Probate and Trust Law Section
STATE BAR OF TEXAS



Contents

- Introduction** / ix
- Ethical Responsibilities of Estate-Planning
and Probate Attorneys** / xi
- 1 **Considerations Prior to Probate** / 1
Robert C. McGinnis
- 2 **The Probate Court and Its Function** / 8
Rust E. Reid
- 3 **Appointment and Qualification of Administrators
and Executors** / 19
Allan Howeth
- 4 **Will Contests** / 34
W. Reed Quilliam, Jr.
- 5 **Descent and Distribution—Determination of Heirship** / 58
Roger Q. Beck
- 6 **Foreign Wills and Foreign Representatives** / 69
Joseph C. Sleeth, Jr.
- 7 **Contracts To Make or Not To Make Wills** / 82
Carl G. Mueller, Jr.
- 8 **Election** / 86
J. Chrys Dougherty
- 9 **Actions By and Against Personal Representatives** / 95
J. C. Trevino III
- 10 **Collection and Valuation of Estate** / 102
Caroline W. Jackson
- 11 **Creditors' Claims** 107
Winston R. Smith

CHAPTER 4

Will Contests

W. Reed Quilliam, Jr.

II. JURISDICTION OF WILL CONTESTS

§ 4.2 Jurisdiction—Historical [*new section title*]

IV. CONTESTS IN THE PROBATE COURT

§ 4.22 After Probate

(4) Filing of Second Application [*new subsection*]

VIII. GROUNDS FOR CONTESTS OF WILLS

§ 4.27 Statutory Requirements

(2A) Jurisdiction and Venue [*new subsection*]

(3A) Qualification of Applicant [*new subsection*]

§ 4.28 Common-Law Defenses

(5) Duress [*new subsection*]

IX. PERIOD OF TIME FOR CONTESTS OF WILLS

§ 4.36 Filing of Second Application [*new section*]

W. REED QUILLIAM, JR.—Born January 21, 1929, in Beaumont; admitted to bar, 1953, Texas. Education: University of Texas (B.A., 1949; B.B.A., 1951; J.D., 1953); Harvard University (LL.M., 1969). Fraternities: Phi Alpha Delta and Order of the Coif (faculty member, Texas Tech University School of Law). Active duty as lieutenant (junior grade), U.S. Naval Reserve, 1953–55. Member, Texas House of Representatives, 1961–68. Director, State Junior Bar of Texas, 1957–59. Council Member, Real Estate, Probate and Trust Law Section, State Bar of Texas. Member, Commission of Estate Planning and Probate Law Examiners. Academic Fellow, American College of Probate Counsel. Author of articles on estate planning and probate in various law journals and State Bar publications; frequent lecturer at institutes and on Texas Tapes, State Bar of Texas. Professor of law (since 1969) and associate dean (1973–77), Texas Tech University School of Law, Lubbock.

The author wishes to acknowledge the able assistance of Charles D. Caddell and Timothy V. Coffey, both members of the class of 1981 at the Texas Tech University School of Law, in research and preparation of the 1980 supplement to chapter 4. Mr. Caddell leads his class scholastically, and Mr. Coffey is 1980–81 editor in chief of the *Texas Tech Law Review*. Deborah O. Brown and Timothy A. Lobstein, 1977 law graduates, ably assisted in the research and preparation of the 1978 supplement, much of which is carried over into this one. Law school secretary Darla Humphreys (who will enter law school in fall 1980) and administrative assistant Carolyn Cloud were of great help in typing and proofreading the supplement.