

WILLS & TRUSTS

CLASS INFORMATION & SYLLABUS

Spring 2026

Dr. Gerry W. Beyer

Governor Preston E. Smith Regents Professor of Law

Texas Tech University School of Law

Course Materials – Required

GERRY W. BEYER, TEXAS WILLS, TRUSTS, AND ESTATES (2026).

GERRY W. BEYER, TEXAS ESTATE PLANNING STATUTES WITH COMMENTARY (2025-2027 ed.).

Course Materials – Optional

GERRY W. BEYER, WILLS, TRUSTS, AND ESTATES – EXAMPLES & EXPLANATIONS (8th ed. 2023).

Contact Information:

Office: Law 310

Telephone (office): (806) 834-4270 (If I am not in my office when you call, please leave a message on the voice mail system and I will return your call.)

Fax: (978) 285-7941

Cell/Text: (806) 392-6998

E-mail: gwb@ProfessorBeyer.com or gerry.beyer@ttu.edu

Website: <http://www.ProfessorBeyer.com>

Blog: <http://www.BeyerBlog.com>

Twitter: Gerry_Beyer

Instagram: Prof_Gerry

Office Hours (in-person or Zoom):

Whenever I am in my office — below are typical times (but subject to change):

Monday through Thursday:

10:00 a.m. to noon, 2:00 p.m. to 3:00 p.m., 4:00 p.m. to 5:00 p.m.

Friday:

No set times.

E-mail List:

It is *essential* that you register for e-mail updates as these updates serve as the official source of all class announcements. Please submit your name and preferred e-mail address to me directly or via e-mail if you are not already receiving class announcements. Please place my two e-mail addresses, gwb@professorbeyer.com and gerry.beyer@ttu.edu, in your “safe senders” list.

Attendance:

Your grade will be affected by class participation (details below) and attendance. I reserve the right to raise or lower your grade based on class participation and/or absences. I also reserve the right to lower grades for students whose absences exceed my policy. This includes the possibility of being removed from the class prior to the final exam and not receiving credit for the course.

- You are expected to attend **every** class meeting.
- **Prompt Arrival:** You are expected to be in your seat or on-line and ready to begin when class is scheduled to start. It is unprofessional and impolite to arrive or log-in at or after the start of class. Attendance will be taken via TopHat immediately *before* class starts.
- **Tardy:** You are tardy if you (1) arrive late, (2) leave early, or (3) leave in the middle of class and return. Three tardies equates to one absence. (If you are really creative, you could come late, leave and return during class, and then leave early and get one absence in one day even though you are in class for awhile!)
- **Excessive Absences:** Other than in exceptional circumstances, if you accrue eight (8) or more absences, you will be automatically dropped from this course. Notice will be provided after the seventh absence. You may petition for relief from this rule by submitting a sworn affidavit along with supporting materials to document the reason for your absences. Note that your petition must show a justifiable reason for *all* your absences, not just the eighth and subsequent absences.

- **Student Absence for Observance of Religious Holy Day:** Section 51.911(b) of the Texas Education Code, which is reflected in TTU OP 34.19, provides excused absences for religious holy days. A student who intends to observe a religious holy day should make that intention known in writing to the professor prior to the absence. A student who is absent from class for the observation of a religious holy day shall be allowed to take an examination or complete an assignment scheduled for that day within a reasonable time after the absence. A student who is excused from class under this policy may not be penalized for the absence; however, the professor may respond appropriately if the student fails to complete the assignment satisfactorily.
- **Student Absence for Official University Business:** Department chairpersons, directors, or others responsible for a student representing the University on officially approved trips must notify the student’s instructors of the departure and return schedules. The instructor so notified must not penalize the student, although the student is responsible for material missed. Any student absent because of University business must be allowed to make up missed work within a reasonable span of time or have alternate grades substituted for work due to an excused absence. Students absent because of University business must be given the same privileges as other students.

Class Preparation:

- You must be prepared for every class.
- You must be prepared to discuss the assigned material.
- Twenty percent of your grade is based on short in-class quizzes taken via TopHat.

The American Bar Association standards for accrediting law schools contain a formula for calculating the amount of work that constitutes one credit hour. According to ABA Standard 310(b)(1), a “credit hour” is “an amount of work that reasonably approximates: (1) not less than one hour of classroom or direct faculty instruction and two hours of out-of-class student work per week for fifteen weeks, or the equivalent amount of work over a different amount of time” This is a four-credit class, meaning that we will spend four 50-minute blocks of time together in the classroom each week and you will spend at least two hours working outside of the classroom for each class. All told, applying the ABA standard to the number of credits offered for this class, you should plan on spending a minimum of 12 hours per week (4 in class and at least 8 preparing for class) on course-related work.

Technology Etiquette:

- Turn off all mobile communication devices including cell phones prior to the beginning of class unless you are using them for TopHat.
- Boot up computers before class starts.
- Turn off computer audio.
- Disable distracting screen savers.
- Use an adequately charged battery or a power cord to avoid running out of power and the associated low battery warning noises.
- Do not use your computer for purposes that are not related to class. For example, do not write or reply to e-mail or instant messages, surf the Internet, post on Instagram, tweet, work on your Facebook or LinkedIn page, etc.

Video Recording in the Classroom

Any recordings made by the instructor for purposes of evaluation will be stored in the Law School's media services site and/or the course's RaiderCanvas shell. Students may not, without explicit permission from the instructor and all other enrolled students, download or otherwise share recordings with any individuals not enrolled in the course. To protect the privacy of all participants and encourage open discussion, students are prohibited from creating any audio or video recordings of class lectures, discussions, or other course-related activities without permission from the instructor and (as applicable) enrolled students. This policy applies to all forms of recording technology, including but not limited to smartphones, computers, and wearable devices with recording capabilities (such as smart glasses). Students interested in audiorecording the instructor's presentation of information should secure permission at least 24 hours in advance of the start time of the class during which the student proposes to engage in audiorecording.

Syllabus:

Assignments are subject to change. Updates will be sent to all students via e-mail.

<u>Date</u>	<u>Topic</u>	<u>Text</u>
	INTRODUCTION	
January 12, 2026	Introduction & Class Procedure Overview & Terminology	xxxv-xxxix 5-6
January 13, 2026	Intestate Succession – Introduction Basic Distribution Scheme	7 7-14
January 14, 2026	Basic Distribution Scheme (continued)	reread 7-14
January 15, 2026	Half & Whole Blooded Heirs Adopted Children	15 16-31
January 19, 2026	No class – MLK Day	
January 20, 2026	Non-Marital Children Children from Alternative Reproduction Technologies	31-36 37-38
January 21, 2026	Unworthy Heirs Survival	39-46 47-50
January 22, 2026	Advancements Disclaimers	50-51 51-56
January 26, 2026	Release and Conveyance of Expectancy Equitable Conversion Other Intestacy Matters	57-62 63-66 66-72
January 27, 2026	Wills – Introduction Legal Capacity Testamentary Capacity	73 73-74 74-82
January 28, 2026	Testamentary Intent Attested Wills	82-87 87-112
January 29, 2026	Attested Wills (continued)	reread 87-112
February 2, 2026	Holographic Wills Nuncupative Wills Military Testaments Statutory Wills Notarized Wills	112-120 120-121 121 122 122

<u>Date</u>	<u>Topic</u>	<u>Text</u>
February 3, 2026	Prepare Your Will Will Execution Ceremony Types of Testamentary Gifts	review 847-863 reread 104-112 123-129
February 4, 2026	Ademption Satisfaction Exoneration Changes in Value	130-137 137-141 141-144 145-149
February 5, 2026	Abatement Tax Apportionment Marriage Divorce and Annulment	149-150 150-154 155 155-156
February 9, 2026 [special instructions TBA]	Pretermitted Children	156-159
February 10, 2026 [special instructions TBA]	Lapse	159-163
February 11, 2026	Will Revocation – Introduction Revocation by Operation of Law Revocation by Physical Act	165 165-172
February 12, 2026	Revocation by Subsequent Writing Burden of Proof Revival	172 173-180 181-182
February 16, 2026	Conditional Revocation Republication Multiple Originals Will Interpretation & Construction – Introduction	183-185 185-187 187-190 191
February 17, 2026	Ambiguity Integration	191-217 217-219
February 18, 2026	Incorporation by Reference Facts of Independent Significance Pour-Over Provisions	219-226 226-229 230-234
February 19, 2026	Contents Precatory Language Class Gifts Dead Person’s Statute Will Contests – Introduction Procedural Matters	235 235-236 236-240 240-241 243-244

<u>Date</u>	<u>Topic</u>	<u>Text</u>
February 23 2026	Review of Will Contest Grounds Previously Covered Insane Delusions Undue Influence & Duress Fraud	244 244-248 249-262 262-263
February 24, 2026 [special instructions TBA]	Mistake Public Policy Acceptance of Benefits Remedies Will Contest Prevention	263-266 267-270 270-275 275-279 279-295
February 25, 2026	Will Contest Prevention (continued) Ante-Mortem Probate Family Settlement Agreements	reread 279- 295 295-298 298-302
February 26, 2026	Conditional Wills Conditional Gifts	303-309 309-310
March 2, 2026	Combination Wills Election Wills Burial Plots [end of material covered on mid-term exam]	310-320 320-323 323
March 3, 2026	Guest Speaker – Dan Bitting, FBFK Law, Austin	
March 4, 2026 [special instructions TBA]	Review Session for Mid-Term – Part 11	
March 5, 2026 [special instructions TBA]	Review Session for Mid-Term – Part 2	
March 6, 2026 1 p.m. to 3 p.m.	Mid-Term Examination	
March 9, 2026	Trusts – Basic Operation Purposes and Uses of Trusts Texas Trust Legislation	535-537 537-540 541-542
March 10, 2026	Trust Creation – Introduction Trust Intent	543-544 544-554
March 11, 2026	Trust Intent (continued)	554-561
March 12, 2026	Methods of Express Trust Creation Relevance of Consideration Statute of Frauds	561-562 562-563 563-570
March 16-20, 2026	Spring Break – No classes	

<u>Date</u>	<u>Topic</u>	<u>Text</u>
March 23, 2026	Rule Against Perpetuities Trust Purposes	570-576 576-587
March 24, 2026	The Settlor Trust Property	587-594 594-598
March 25, 2026	The Trustee	598-603
March 26, 2026	The Beneficiary	603-609
March 30, 2026	Spendthrift Trusts	610-613
March 31, 2026	Discretionary Trusts Support Trusts	613-618 618-625
April 1, 2026	Charitable Trusts Pour-Over Wills (review)	625-633 633
April 2, 2026	Life Insurance Trusts Trust Administration – Introduction	634 635-638
April 6, 2026	No class – Day of No Classes	
April 7, 2026	Standard of Care & Investments	639-643
April 8, 2026	Trustee Powers	643-646
April 9, 2026	Trust Distributions Duty of Loyalty	646-647 647-655
April 13, 2026	Liability of Trustee to Third Parties – Contract Liability Liability of Trustee to Third Parties – Tort Liability	655 656-657
April 14, 2026	Allocation of Receipts and Expenses	657-662
April 15, 2026	Allocation (continued) Trustee’s Duty to Inform Beneficiaries Accountings	662-664 664-665 665-669
April 16, 2026	Trustee Compensation Trust Modifications by the Court (Deviation and Cy Pres)	669 670-679
April 20, 2026	Trust Modification by the Parties Trust Termination	679-690 690-692
April 21, 2026	Trust Enforcement – Procedural Matters Remedies Against the Trustee	693-696 696-704

<u>Date</u>	<u>Topic</u>	<u>Text</u>
April 22, 2026	Remedies Against the Beneficiary Remedies Against Trust Property	704-705 705-708
April 23, 2026 [special instructions TBA]	Use of Artificial Intelligence in an Estate Planning Practice	
April 27, 2026	Causes of Action Against Third Parties Enforcement of Charitable Trusts Barring of Remedies	708 708-713 713-732
April 28, 2026	Trust Depository Accounts Resulting Trusts Constructive Trusts	733-740 741-746 746-750
April 29, 2026	Review Session for Final Examination – Part 1	
April 30, 2026	Review Session for Final Examination – Part 2	
May 4, 2026	Final Exam	

Course Purpose:

The purpose of this course is to provide students with a background of the Texas law of intestate succession, wills, and trusts.

Expected Learning Outcomes:

Upon completion of this course, a student will have acquired knowledge of how property passes when a person dies intestate or with a will. In addition, the student will learn how to create, administer, and enforce trusts. The specific tasks the student will be able to complete include the following:

- How to distribute property under Texas law when a person dies intestate and the impact of facts relating to family circumstances and actions taken by a potential heir.
- Determine whether a will is valid under Texas law.
- Differentiate among the various types of wills.
- Draft a basic will.
- Analyze the impact of changes that occur to property after will execution.

- Determine the effect of changes that occur to a potential beneficiary after will execution.
- Interpret and construe wills using appropriate statutory and judicial rules.
- Recognize situations which may increase the likelihood of a will contest.
- Ascertain whether a will may be successfully contested and if so, on what ground or grounds.
- Protect a will from contest.
- Recognize other issues that may arise in a will context.
- Explain why a person would elect to create a trust.
- Identify the elements of a valid trust and the different types of trusts.
- Determine whether a valid trust was created.
- Ascertain the roles played by the settlor, trustee, and beneficiary in a trust context.
- Plan how to limit the interest the settlor grants to the beneficiary.
- Identify the trustee's fiduciary duties such as the standard of care and duty of loyalty.
- Determine the liability of a trustee in contract and tort contexts.
- Allocate receipts and expenditures between principal and income.
- Explain how a trustee must account to the beneficiaries.
- Recognize how a trust may be altered by the court or the parties.
- Enforce trusts and obtain remedies.
- Explain the workings of trust bank accounts, resulting trusts, and constructive trusts.

Method of Assessing Learning Outcomes:

Examinations:

- Midterm exam on March 6, 2026 (40%).
- Final exam on May 4, 2026 (40%).

Both exams will include essay and objective questions.

Class Preparation:

- Brief in-class quizzes administered via TopHat (*not* announced ahead of time) (20%).

Criteria for Grade Determination:

The following factors will be considered in grading the examinations and quizzes: accuracy (e.g., legally correct), completeness (e.g., number of issues spotted), and analysis (including organization, clarity, quality, and presentation).

Academic Integrity

Academic integrity is taking responsibility for one's own class and/or course work, being individually accountable, and demonstrating intellectual honesty and ethical behavior. Academic integrity is a personal choice to abide by the standards of intellectual honesty and responsibility. Because education is a shared effort to achieve learning through the exchange of ideas, students, faculty, and staff have the collective responsibility to build mutual trust and respect. Ethical behavior and independent thought are essential for the highest level of academic achievement, which then must be measured. Academic achievement includes scholarship, teaching, and learning, all of which are shared endeavors. Grades are a device used to quantify the successful accumulation of knowledge through learning. Adhering to the standards of academic integrity ensures grades are earned honestly. Academic integrity is the foundation upon which students, faculty, and staff build their educational and professional careers.

Texas Tech University Operating Policy 34.12 also sets forth the definitions of "cheating," "plagiarism," "collusion," "falsifying academic records," and "misrepresenting facts." Like the legal profession, the Law School is governed by ethical principles, which are set forth in the Law School's Honor Code and the University's Student Handbook, which includes the Code of Conduct. Please refer to these Codes so that you are familiar with the policies governing academic integrity. Attempts by students to present as their own work any work that they have not honestly performed is regarded by the faculty and administration as a serious offense and renders offenders liable to serious consequences, including even suspension or expulsion from the Law School.

Reasonable Accommodations for Students with Disabilities

Any student who, because of disability, may require special arrangements in order to meet the course requirements should contact the Registrar's Office at the School of Law

and provide appropriate verification from Student Disability Services. Accommodations cannot be provided to a student until appropriate verification from Student Disability Services has been submitted. For additional information, you may contact the Student Disability Services Office at 335 West Hall or 806-742-2405.

Accommodations for Pregnant Students

Any pregnant student will be provided reasonable accommodations as would be provided a student with a temporary medical condition including: 1) ability to maintain a safe distance from hazardous substances, areas, or activities; 2) excused absences; 3) ability to make up missed assignments or assessments; 4) additional time for assignment completion; and 5) access to instructional materials and recordings of classes for which the student has an excused absence.

Any student who is pregnant or parenting a child up to age 18 may contact Texas Tech's designated Pregnancy and Parenting Liaison to discuss support available through the University. The Liaison can be reached by emailing titleix@ttu.edu or calling 742-7233. Additional information is available online.

Discrimination, Harassment, and Sexual Violence

Texas Tech University is committed to providing and strengthening an educational, working, and living environment where students, faculty, staff, and visitors are free from gender and/or sex discrimination of any kind. Sexual assault, discrimination, harassment, and other Title IX violations are not tolerated by the university. Report any incidents to (806)-742-SAFE (7233) or file a report online at <https://www.depts.ttu.edu/titleix/students/>. Faculty and staff members at TTU are committed to connecting you to resources on campus. Some of these available resources are:

- TTU Student Counseling Center, 806-742-3674, <https://www.depts.ttu.edu/scc/> (provides confidential support on campus.)
- TTU 24-hour Crisis Helpline, 806-742-5555, (assists students who are experiencing a mental health or interpersonal violence crisis). If you call the helpline, you will speak with a mental health counselor.
- Voice of Hope Lubbock Rape Crisis Center, 806-763-7273, voiceofhopelubbock.org (24-hour hotline that provides support for survivors of sexual violence)

- The Risk, Intervention, Safety and Education (RISE) Office, 806-742-2110, <https://www.depts.ttu.edu/rise/> (provides a range of resources and support options focused on prevention education and student wellness)
- Texas Tech Police Department, 806-742-3931, <http://www.depts.ttu.edu/ttpd/> (to report criminal activity that occurs on or near Texas Tech campus)

Wellness Resources:

The Law School wants you to be successful—academically and personally. Thus, your well-being matters. Please seek help when you need it and encourage others to seek help as well. The Associate Dean for Student Life and other members of the Law School community work with law students to resolve issues that might impact their wellness and ultimate success. Never hesitate to reach out!

Click [here](#) to view a “toolkit” with more information about the Law School’s support and wellness resources. Additional information about student support is located [here](#).

Any student who faces challenges securing their food or housing and believes this may affect their performance is urged to contact the Associate Dean for Student Life for support. Furthermore, the Law School maintains a Food Pantry that is available to all law students. Law students may also visit [Raider Red’s Food Pantry](#) on main campus, which is located in Doak 117.

Also, don’t forget that the Texas Lawyers Assistance Program (TLAP) from the State Bar of Texas is a resource—not only for practicing lawyers, but for law students as well. TLAP offers confidential crisis counseling, referrals, and peer assistance relating to alcohol and drug abuse, mental health issues, and wellness. Contact TLAP through <https://tlaphelps.org> or by calling 800.343.8527 (available 24/7). Additionally, the Center for Collegiate Recovery Communities at Texas tech offers students in recovery a nurturing and supportive community. Click [here](#) to learn more about the Center and the services it provides to students.

For an emergency after business hours, please call 911. And for a non-emergency situation, keep in mind that the TTU Crisis Helpline (806.742.5555) is available 24 hours a day, 365 days a year.

Civility Statement

Texas Tech University is a community of faculty, students, and staff that enjoys an expectation of cooperation, professionalism, and civility during the conduct of all forms of

university business, including the conduct of student–student and student–faculty interactions in and out of the classroom. Further, the classroom is a setting in which an exchange of ideas and creative thinking should be encouraged and where intellectual growth and development are fostered. Students who disrupt this classroom mission by rude, sarcastic, threatening, abusive or obscene language and/or behavior will be subject to appropriate sanctions according to university policy. Likewise, faculty members are expected to maintain the highest standards of professionalism in all interactions with all constituents of the university.

Student Support Statement

The Office of Campus Access and Engagement works across Texas Tech University to foster, affirm, celebrate, engage, and strengthen all student communities. For more information about services, opportunities for participation, and ways in which Texas Tech can support your success at the Law School, please call main campus at (806) 742-7025 or contact the Law School’s Associate Dean for Student Life.