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## Use of Declaratory Judgements In Probate Court

James W. Carter  
Through February 11, 2016

Group	Subgroup	Title	Citation	Courtline	Filed Date	Jury	Probate Court	Attorney's Fees?	Summary
Estates	Construction	Estate of Rhoades	Not Reported in S.W.3d	Fort Worth	6/11/15	MSJ	Yes	Waived by procedural error	Seeking declaration that estate passed under the residuary clause because distributions to father failed; counter-petition that entire estate passed due to timing of death
Estates	Construction	Wassmer v. Hopper	463 S.W.3d 513	El Paso	12/3/14	MSJ	Yes	Not presented	"Advisory opinion" is one which decides an abstract question of law without binding the parties and is not permitted. Parties filed numerous requests for declarations concerning estate property and distributions.
Estates	Construction	In re Estate of Luthen	Not Reported in S.W.3d	Corpus Christi – Edinburg	9/25/14	N/A	Yes	Not presented	Beneficiaries sought declaration as to what monies were community property, that trust was underfunded, and that monies were wrongfully transferred to another trust
Estates	Construction	Davey v. Margaret Jordan Royalties, Inc.	Not Reported in S.W.3d	Tyler	8/13/14	MSJ	No	Denied	Requested that certain deeds be declared void, as not passing title, and that a prior judgment is void. Court refused this collateral attack on prior judgment by declaration. Also, seeking title by declaratory judgment is improper. Determination of title is only dispute to be raised by declaratory judgment.
Estates	Construction	Lane-Jones v. Estate of	Not Reported in S.W.3d	Houston (14th Dist.)	7/22/14	N/A	Yes	Not presented	Petitioner sought declaration that she was the wife of decedent.
Estates	Construction	Greenfield v. Greenfield	Not Reported in S.W.3d	Houston (14th Dist.)	7/15/14	Yes	Yes	Not presented	Wife sought declaration that she was informally married to her husband for 19 years prior to her ceremonial marriage.
Estates	Construction	In re Alsbrooks	Not Reported in S.W.3d	Beaumont	3/27/14	N/A	Yes	Not presented	Administrator sought declaration as to character of certain property, to determine value of contributions to the FLP, and to determine whether wife became a limited partner when her husband died.
Estates	Construction	Estate of Finney	424 S.W.3d 608	Dallas	8/30/13	Yes	Yes	Not presented	Daughter sued for declaration that caregiver was not entitled to gifts because she failed to comply with conditions precedent in the will.
Estates	Construction	Pine v. Deblieux	405 S.W.3d 140	Houston (1st Dist.)	2/21/13	MSJ	Yes	Granted	Daughter sought declaratory judgment declaring her ownership in POD account and certain rights in her father's trust.
Estates	Construction	In re Estate of Walker	Not Reported in S.W.3d	Corpus Christi – Edinburg	8/23/12	No	Yes	Not presented	Court asked to interpret distributive provisions of will

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Estates	Construction	Roberts v. Wilson	394 S.W.3d 45	El Paso	7/5/12	No	No	Granted	Parties sought declaration relating to inherited mineral interests and to interpret will.
Estates	Construction	Nash v. Beckett	365 S.W.3d 131	Texarkana	3/23/12	MSJ	No	Not presented	Parties sought construction of wills, primarily the distribution of assets of two separate terminated trusts.
Estates	Construction	Rentfro v. Cavazos	Not Reported in S.W.3d	San Antonio	2/15/12	MSJ	No	Granted	Brothers sought declaration that they were the owners of certain real property free and clear of claims by Trust or Estates of their parents.
Estates	Construction	In re Estate of Denman	362 S.W.3d 134	San Antonio	11/23/11	MSJ	Yes	Granted	Beneficiary sought declaration as to whether devise was subject to GST tax
Estates	Construction	Lacis v. Lacis	355 S.W.3d 727	Houston (1st Dist.)	6/30/11	No	Yes	Not presented	Parties sought determination as to whether specific bequests and devises in will had lapsed upon deaths of testator's children as named beneficiaries such that property passed into the residue of the estate, or whether they passed through to children's lineal descendants pursuant to the anti-lapse statute.
Estates	Construction	Hansen v. JP Morgan Chase Bank, N.A.	346 S.W.3d 769	Dallas	6/13/11	No	Yes	Granted	Executor sought determination of its authority to sell house under terms of will.
Estates	Construction	Coleman v. Coleman	350 S.W.3d 201	San Antonio	5/11/11	MSJ	Yes	Not presented	Parties sought declaratory judgment that construed a bequest as excluding rights to royalties from wells drilled after testator's death.
Estates	Construction	Cardona v. Garcia	Not Reported in S.W.3d	Corpus Christi – Edinburg	3/17/11	MSJ	Yes	Not presented	Parties improperly asked court to determine rights and interest of parties by collateral attack on existing judgment.
Estates	Construction	In re Estate of Florence	307 S.W.3d 887	Fort Worth	3/11/10	MSJ	Yes	Not presented	Heirs sought declaration regarding interpretation of term in will; court held limitations ran when executor asserted his interpretation of will term.
Estates	Construction	In re Estate of Washington	289 S.W.3d 362	Texarkana	6/30/09	N/A	Yes	Denied	Former Administratrix unsuccessfully sought reimbursement of attorneys' fees in defending declaratory judgment to construe will.
Estates	Construction	Mathis v. Carter	Not Reported in S.W.3d	Amarillo	1/15/09	N/A	Yes	Not presented	Court declared a residence as habitable and that a trust had no obligation to complete renovations to the property.

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Estates	Construction	Eisen v. Capital One, National Association	232 S.W.3d 309	Beaumont	8/2/07	MSJ	Yes	Not presented	Income beneficiary of testamentary trust sought declaratory judgment as to construction of will to be permitted to remove appointed trustee without consent of remainder beneficiaries.
Estates	Construction	Pickelner v. Adler	229 S.W.3d 516	Houston (1st Dist.)	6/28/07	N/A	Yes	Not presented	Independent executor of testator's will brought action for declaratory judgment seeking, among other things, an interpretation of sole devise instructing devisee to take and to distribute certain property.
Estates	Construction	In re Estate of Bean	206 S.W.3d 749	Texarkana	10/31/06	Yes	Yes	Granted	Beneficiaries under residuary clause brought declaratory judgment action seeking to construe will provision transferring real property to independent executor.
Estates	Construction	In re Estate of Willett	211 S.W.3d 364	San Antonio	7/5/06	MSJ	Yes	Not presented	Parties sought declaration that the will was an election will, that party was bound when she accepted its benefits, and as to the division of property.
Estates	Construction	Key v. Metcalf	Not Reported in S.W.3d	Houston (14th Dist.)	2/16/06	N/A	Yes	Not presented	Legatee brought declaratory judgment action against independent executor of decedent's estate in which legatee sought declaration that cash bequest under will to legatee was general bequest to be satisfied from general assets of decedent's estate.
Estates	Construction	Patrick v. Patrick	182 S.W.3d 433	Austin	12/23/05	MSJ	Yes	Not presented	Executor requested determination of whether estate taxes should have been apportioned among all of testator's assets, including IRAs.
Estates	Construction	In re Estate of Friesenhahn	185 S.W.3d 16	San Antonio	11/2/05	MSJ	Yes	Denied	Widow filed petition for declaratory judgment in probate proceeding, seeking to have court construe decedent's will and determine that will devised certain real property to her in fee simple.
Estates	Construction	In re Estate of Nash	164 S.W.3d 856	Beaumont	5/26/05	N/A	Yes	Not presented	Parties petitioned for a declaratory judgment on the rights, status, and legal relation of the parties as to the decedent's will.
Estates	Construction	In re Estate of Grant	Not Reported in S.W.3d	Eastland	9/16/04	N/A	Yes	Not presented	Granddaughter asked court to construe certain provisions in the will, but failed to include the decedent's children, who were necessary parties.
Estates	Construction	Marsh v. Frost Nat. Bank	129 S.W.3d 174	Corpus Christi – Edinburg	1/29/04	N/A	Yes	Granted	Executor of testator's estate brought declaratory judgment action seeking construction of provision of testator's holographic will that created a trust.

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Estates	Construction	In re Estate of Moffatt	Not Reported in S.W.3d	El Paso	10/23/03	MSJ	Yes	Yes	Testator's surviving spouse sought declaratory judgment regarding interests passed to her under will.
Estates	Construction	Marion v. Davis	106 S.W.3d 860	Dallas	5/22/03	MSJ	Yes	Denied	Trustee of testamentary trust filed action seeking declaration that beneficiary, who was also guardian of testator's wife, had forfeited his share of the trust by placing testator's wife in a nursing home contrary to trust's terms.
Estates	Construction	Estate of Hearn v. Hearn	101 S.W.3d 657	Houston (1st Dist.)	2/27/03	MSJ	Yes	Not presented	Testator's children from a previous marriage brought action against testator's wife, alleging that she was obliged, under contractual wills, to fund trust with her own property after testator's death.
Estates	Construction	In re Estate of Dillard	98 S.W.3d 386	Amarillo	2/20/03	N/A	Yes	Not presented	Testatrix's son sued her husband for a declaratory judgment construing will and trust and to determine validity of husband's actions regarding trust.
Estates	Construction	Garden View Care Center Of Chesterfield, Inc. v. Edwards	Not Reported in S.W.3d	Dallas	5/16/02	No	Yes	Not presented	Declaratory judgment action was brought to construe a bequest under a trust to entity that did not exist. Held that testator's intent was to make bequest to entity or its successor.
Estates	Construction	Shaw v. Norwest Bank Texas, N.A.	Not Reported in S.W.3d	Corpus Christi	6/21/01	MSJ	Yes	Not presented	The amended petition also sought a declaratory judgment to construe the term "belongings" in the codicil, arguing the term meant only personal property, not real property. Held that "belongings" was not an ambiguous term.
Estates	Construction	Edmonds v. Estate of Gordon	Not Reported in S.W.3d	Dallas	2/9/01	N/A	Yes	Granted	Request for declaratory judgment construing the will's provision of monthly payments out of the proceeds of certain bonds.
Estates	Construction	In re Estate of Dillard	Not Reported in	Amarillo	2/5/01	N/A	Yes	Not	Request for construction of will and in terrorem clause (denied).
Estates	Construction	San Antonio Area Foundation v. Lang	35 S.W.3d 636	Supreme Court of Texas	11/9/00	MSJ	Yes	Not presented	Declaratory judgment action was brought concerning construction of will that bequeathed decedent's interest in real property to her niece and nephew.
Estates	Construction	Garza v. Rodriguez	18 S.W.3d 694	San Antonio	1/26/00	N/A	No	Not presented	District court did not have jurisdiction to make declarations over action that sought to undo prior probate order entered by constitutional county court.

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Estates	Construction	Wright v. Greenberg	2 S.W.3d 666	Houston (14th Dist.)	9/9/99	MSJ	Yes	Not presented	Court declared that father could and did exercise power of appointment vested in him at first wife's death by express language in his own will that he intended to dispose of all of his property by his will, including "any property over which I may have a power of appointment" and that such testamentary language specifically referred to the power of appointment vested in him by his first wife's will and by making specific bequests, then transferring rest, residue and remainder of his "estate" to the trustee of a family trust, father expressed his intention that his appointive estate become part of his residual estate, and thus the appointive estate passed to the trustee of the family trust.
Estates	Construction	Martin v. Palmer	1 S.W.3d 875	Houston (1st Dist.)	9/2/99	MSJ	Yes	Not presented	Because of ambiguity, Decedent's nieces and nephews unsuccessfully sought summary judgment to declare that phrase "my nieces and nephews" in decedent's will referred only to the decedent's blood-related nieces and nephews and not to the nieces and nephews of decedent's wife, who predeceased her husband.
Estates	Construction	Lang v. San Antonio Area Foundation	5 S.W.3d 738	San Antonio	8/25/99	MSJ	Yes	Not presented	Declaratory judgment action was brought concerning construction of will that bequeathed decedent's interest in a real estate development project to her niece and nephew.
Estates	Construction	In re Estate of Wilson	7 S.W.3d 169	Eastland	4/15/99	N/A	Yes	Not presented	Trial court properly entered a declaratory judgment construing the will and determining the effect of Probate Code Section 69 upon the will.
Estates	Construction	Peterson v. Mayse	993 S.W.2d 217	Tyler	3/31/99	N/A	Yes	Not presented	Court ruled that apportionment provisions of will required that all death taxes, including those for nonprobate property, be paid out of the residuary probate estate.
Estates	Construction	Troutman v. Ramsay	960 S.W.2d 176	Austin	10/30/97	N/A	No	Granted	Court declared wife of settlor lacked authority to bind a testamentary trust created by her husband thirteen years after the date of the trust's express termination.
Estates	Construction	Allen v. Talley	949 S.W.2d 59	Eastland	7/24/97	MSJ	Yes	Not presented	Declaratory judgment as to whether testator's will contained words of survivorship precluding application of anti-lapse statute.

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Estates	Construction	Penland v. Agnich	940 S.W.2d 324	Dallas	2/11/97	MSJ	Yes	Not presented	Testamentary trust trustees sought declaratory judgment to determine whether testator's adopted relatives were "lawful issue" entitled to share in class gifts.
Estates	Construction	Sammons v. Elder	940 S.W.2d 276	Waco	2/5/97	No	Yes	Denied	Construction of will to determine whether to include money in decedent's savings account or savings certificate decedent's checking accounts, money market accounts, certificates of deposit, and individual retirement accounts.
Estates	Construction	Estate of Crawford v.	933 S.W.2d 727	Fort Worth	10/17/96	N/A	No	Not	Declaratory judgment sought to construe will.
Estates	Construction	Perez v. Idoux	Not Reported in S.W.2d	San Antonio	3/29/96	MSJ	Yes	Granted	Declaration to decide the issue of who owned the undivided one-half interest in real property.
Estates	Construction	Turner v. Turner	Not Reported in S.W.2d	Houston (14th Dist.)	11/30/95	No	Yes	Not presented	Declaratory judgment construing the dispositive provisions of two wills
Estates	Construction	Nowlin v. Frost Nat. Bank	908 S.W.2d 283	Houston (1st Dist.)	9/14/95	MSJ	Yes	Not presented	Brother of deceased trust beneficiary brought suit alleging that decedent's exercise of special testamentary power of appointment, naming two charities, was invalid.
Estates	Construction	In re Estate of Hunt	908 S.W.2d 483	San Antonio	8/23/95	MSJ	Yes	Not presented	Trustee for testamentary trust filed suit for declaratory judgment with reference to disposition of remainder interest in trust after death of named beneficiary.
Estates	Construction	Harkins v. Crews	907 S.W.2d 51	San Antonio	8/16/95	N/A	Yes	Not	Declaratory judgment to declare will and codicils invalid.
Estates	Construction	Davis v. Shanks	898 S.W.2d 285	Supreme Court of Texas	4/13/95	MSJ	Yes	Not presented	Executor of decedent's estate brought declaratory judgment action to construe provision of will making special gift of house and "all the contents therein."
Estates	Construction	In re Estate of Kraus	Not Reported in S.W.2d	Beaumont	9/15/94	No	Yes	Not presented	Parties sought declaration construing the dispositive provisions of will.
Estates	Construction	Barker v. Rosenthal	875 S.W.2d 779	Houston (1st Dist.)	5/5/94	MSJ	Yes	Not presented	Administratrix sued for declaration as to construction of decedent's will.



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Estates	Construction	Foster v. Foster	884 S.W.2d 497	Dallas	9/17/93	N/A	Yes	Not presented	Brother requested the court to construe the will as granting him a general power of appointment to distribute the assets of his brother's estate.
Estates	Construction	McLendon v. McLendon	862 S.W.2d 662	Dallas	8/17/93	Yes	Yes	Granted	Sisters sought declaratory judgment that partnership amendments were invalid based on a breach of fiduciary duty and void as against public policy, that decedent was incompetent and subject to undue influence at the time of the execution of the amendments, and that a company terminated upon death and the in terrorem clause in will was invalid or did not apply to appellees' claims.
Estates	Construction	Thomasson v. Kirk	859 S.W.2d 493	Houston (14th Dist.)	7/1/93	N/A	Yes	Not presented	Request for declaration as to whether the testator intended to, and could, legally condition his testamentary gifts to his siblings so as to require that each of them, in order to inherit, must be living at the time his estate was ready to be distributed.
Estates	Construction	Bank One Texas, N.A. v. Ameritrust Texas, N.A.	858 S.W.2d 516	Dallas	5/7/93	MSJ	Yes	Not presented	Trust company moved for a declaratory judgment that it was proper executor of will, bank answered and counterclaimed for declaratory judgment that it was the proper executor, and both parties moved for
Estates	Construction	McGill v. Johnson	799 S.W.2d 673	Supreme Court of Texas	11/28/90	N/A	Yes	Not presented	Testator's son, life tenant, sought declaratory judgment that remainder to testator's sister lapsed on her death and passed to son by intestacy.
Estates	Construction	Wiemers v. Wiemers	683 S.W.2d 355	Supreme Court of Texas	10/31/84	N/A	No	Not presented	Action was brought seeking a declaratory judgment that joint will was contractual and the imposition of a constructive trust upon certain property.
Estates	Construction	Pickering v. Miles	477 S.W.2d 267	Supreme Court of Texas	2/23/72	No	No	Not presented	Suit to construe particular trust terms in will.
Estates	Construction	Dougherty v. Humphrey	424 S.W.2d 617	Supreme Court of Texas	2/28/68	MSJ	No	Not presented	Court asked to make determinations regarding joint and contractual will.
Estates	Construction	Kettler v. Atkinson	383 S.W.2d 557	Supreme Court of Texas	10/21/64	No	No	Not presented	Action for declaratory judgment and construction of trust provisions of holographic will.



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Estates	Construction	Frost Nat. Bank of San Antonio v. Newton	554 S.W.2d 149	Supreme Court of Texas	6/22/77	N/A	No	Not presented	Declaratory judgment that (1) language in will providing that trust would continue during remainder of lifetime of last survivor of following named three beneficiaries and would terminate upon death of last survivor of said three last named beneficiaries would be construed to mean that trust established under will would terminate upon death of last to survive of named beneficiaries; (2) trust established in will could not be judicially terminated on ground that its primary purposes had been accomplished where trust expressly provided for its termination upon the happening of specified events; (3) even though all surviving beneficiaries requested termination of trust created by will, as one purpose of trust, i. e., the payment of excess income to named beneficiaries, remained unfulfilled, trust could not be terminated.
Estates	Construction	Murphy v. Slaton	154 Tex. 35	Supreme Court of Texas	12/8/54	No	No	Not presented	Court declared that will, which had been executed by husband and wife and which set forth comprehensive plan for disposing of whole estate of either or both, was a mutual will which was contractual in nature, and therefore, surviving wife, who had probated the will and accepted benefits thereunder, was estopped to change of any of its provisions but was bound by provisions of such mutual will as to disposition of all property owned by her or husband, either jointly, as community, or by either or by both in their separate right.
Estates	Duties	Wood v. Boldt	Not Reported in S.W.3d	Fort Worth	4/9/09	N/A	Yes	Not presented	Trustee asked the court to make declarations concerning the timing and source of distributions, and the standard for making distributions.
Estates	Duties	Bigbee v. Castleberry	Not Reported in S.W.3d	Corpus Christi – Edinburg	1/17/08	N/A	Yes	Not presented	Executor sought declaratory judgment concerning a bad faith claim.
Estates	Duties	Epstein v. Hutchison	Not Reported in S.W.3d	Houston (1st Dist.)	7/23/04	N/A	Yes	Not presented	Party sought declaratory judgment that she properly administered estate and breached no fiduciary duties.

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Estates	Duties	West Texas Rehabilitation Center v. Allen	810 S.W.2d 870	Austin	6/12/91	N/A	Yes	Granted	Residual beneficiaries under will brought action for declaration that independent executor of estate made improper and excessive distribution.
Estates	In Terrorem	Ard v. Hudson	Not Reported in S.W.3d	Fort Worth	8/20/15	MSJ	Yes	Not presented	Request for declaration that lawsuit would not violate in terrorem clause.
Estates	In Terrorem	In re Estate of Gibbons	451 S.W.3d 115	Houston (14th Dist.)	11/25/14	Yes	Yes	Granted	Declaration requested as to decedent's capacity to change her beneficiary designations, was not unduly influenced, that contestant was not beneficiary, and that decedent valid changed sole beneficiary to be her estate.
Estates	In Terrorem	Guillermo Benavides Garza Inv. Co. v. Benavides	Not Reported in S.W.3d	San Antonio	7/9/14	N/A	No	Not presented	Sought declaration that a beneficiary violated in terrorem clause, that the ranch wrongfully distributed profits, and that a beneficiary had a right to audit ranch books.
Estates	In Terrorem	Ferguson v. Ferguson	111 S.W.3d 589	Fort Worth	4/24/03	N/A	Yes	Not presented	After executor and decedent's widow entered into a settlement agreement to resolve widow's contest of decedent's inventory, executor filed a petition for declaratory relief and for possession of real property against widow which sought to have widow vacate the marital residence and widow counterclaimed and asserted that she was entitled to the property.
Estates	In Terrorem	In re Estate of Schiwetz	102 S.W.3d 355	Corpus Christi – Edinburg	3/27/03	MSJ	Yes	Not presented	Court declared that offering to probate four writing purporting to be codicils to decedent's will did not trigger the forfeiture provision in the will.
Estates	In Terrorem	In re Estate of Dillard	Not Reported in S.W.3d	Amarillo	2/5/01	N/A	Yes	Not presented	Request for construction of will and in terrorem clause (denied).
Estates	Judicial Discharge	Messner v. Boon	466 S.W.3d 191	Texarkana	1/28/15	MSJ	Yes	Not presented	Broad language of settlement nor releases nor reference to 149D through 149G of Probate Code barred estate's legal malpractice claim.

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Estates	In Terrorem	McLendon v. McLendon	862 S.W.2d 662	Dallas	8/17/93	Yes	Yes	Granted	Sisters sought declaratory judgment that partnership amendments were invalid based on a breach of fiduciary duty and void as against public policy, that decedent was incompetent and subject to undue influence at the time of the execution of the amendments, and that a company terminated upon death and the in terrorem clause in will was invalid or did not apply to appellees' claims.
Estates	In Terrorem	Boswell v. Handley	397 S.W.2d 213	Supreme Court of Texas	11/24/65	MSJ	No	Not presented	Suit for declaratory judgment determining that beneficiaries of testamentary trusts would not forfeit their rights as beneficiaries of will containing in terrorem clause by filing or joining in filing of suit to surcharge former co-independent executors for mishandling and waste; court determined that beneficiaries were not entitled to summary judgment in absence of certified copy of the will and order probating it.
Estates	Litigation	Estate of Tacke	Not Reported in S.W.3d	Fort Worth	4/2/15	MSJ	Yes	Not presented	Co-executors moved for declaration as to value of property for purposes of calculating percentage share of residual estate
Estates	Litigation	Herrera v. Martinez	Not Reported in S.W.3d	San Antonio	4/30/14	No	Yes	Not presented	Battle for control over intestate estate; one party sought declaration that she was the decedent's common law wife. Reversed on procedural grounds.
Estates	Litigation	Selzer v. Dunn	Not Reported in S.W.3d	Tyler	1/31/14	MSJ	No	Denied	Beneficiary of life insurance policy requested declaration of same.
Estates	Litigation	Kellner v. Kellner	419 S.W.3d 541	San Antonio	11/13/13	MSJ	Yes	Not presented	Parties request judgment as to validity of deeds and declaration of in whom trust property had vested.
Estates	Construction	Vaughn v. Vaughn	161 Tex. 104	Supreme Court of Texas	7/6/60	No	No	Not presented	Court declared where will of testator provided that if any child of my son is born after my death trustees shall immediately create a new trust for such child, class included only natural children of testator's son, so that son's adopted child, born after testator's death, was not entitled to have a trust created for his benefit.

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Estates	Litigation	In re San Jacinto County	416 S.W.3d 639	Houston (14th Dist.)	9/19/13	N/A	Yes	Not presented	Opinion relates to venue, but declaratory judgment was sought to determine whether conditional gift to county had lapsed.
Estates	Litigation	Meekins v. Wisnoski	404 S.W.3d 690	Houston (14th Dist.)	5/16/13	MSJ	No	Denied	Discussing difference between declaratory judgment concerning right under certain instruments versus trespass to try title action which is sole method of determining title.
Estates	Litigation	Sontag v. Cadena	Not Reported in S.W.3d	San Antonio	5/15/13	MSJ	No	Granted	Executor sued grantee to invalidate decedent's inter vivos transfer of real property.
Estates	Litigation	In re Estate of Braman	Not Reported in S.W.3d	Corpus Christi – Edinburg	7/26/12	MSJ	No	Denied	Client sued attorney seeking declaration of her obligations under attorney-client agreement.
Estates	Litigation	Hubbard v. Rosenthal	Not Reported in S.W.3d	Waco	5/30/12	N/A	Yes	Granted	Probate court asked to declare apportionment of proceeds from settlement of wrongful death and survival action.
Estates	Litigation	In re Estate of Melchior	365 S.W.3d 794	San Antonio	2/15/12	MSJ	Yes	Not presented	Estate sought declaration concerning conversion claim; court granted MSJ based on running of limitations.
Estates	Litigation	In re Estate of Isaacs	Not Reported in S.W.3d	Tyler	2/15/12	No	Yes	Not presented	Daughter requested declaratory judgment that disclaimers filed were void and that they were tenants in common with beneficiary.
Estates	Litigation	In re O'Quinn	355 S.W.3d 857	Houston (1st Dist.)	11/3/11	N/A	No	Not presented	Party sought declaration as to marital status, existence of children, subject of personal bequests, and beneficiary status.
Estates	Litigation	Humphries v. Humphries	349 S.W.3d 817	Tyler	8/31/11	MSJ	Yes	Not presented	Brother sued for declaration of the amount of ownership interest he held in land.
Estates	Litigation	Vance v. Tamborello	Not Reported in S.W.3d	Houston (14th Dist.)	10/26/10	N/A	Yes	Not presented	Executor requested declaration and instruction from the probate court as to the manner in which the items of personal property should be distributed or otherwise disposed. Court ordered random selection.
Estates	Litigation	Garcia v. Home State County Mut. Ins. Co.	343 S.W.3d 458	El Paso	9/22/10	MSJ	Yes	Not presented	Estate sought declaration regarding insurance policy limits.

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Estates	Litigation	In re Estate of Hendler	316 S.W.3d 703	Dallas	6/25/10	MSJ	Yes	Not presented	Executor moved for declaration that testator's two children were pretermitted.
Estates	Litigation	Asafi v. Rauscher	Not Reported in S.W.3d	Houston (14th Dist.)	12/3/09	MSJ	Yes	Not presented	Case was not ripe for appeal because all declaratory relief requested had not been disposed.
Estates	Litigation	In re Vance	Not Reported in S.W.3d	Waco	11/25/09	N/A	Yes	Not presented	Beneficiary sought declaratory relief regarding ownership of certain real property and business property.
Estates	Litigation	Smith v. Hodges	294 S.W.3d 774	Eastland	8/20/09	MSJ	Yes	Not presented	Party asked for deed to be declared void because executor failed to obtain court approval; held that independent executor not required to get approval.
Estates	Litigation	Wilson v. Davis	305 S.W.3d 57	Houston (1st Dist.)	8/14/09	MSJ	Yes	Not presented	Wrongful death plaintiff asked for declaration that defendants were alter egos, failed to adhere to corporate formalities, and the legal control of vehicle was held by defendants as alter egos.
Estates	Litigation	Dolenz v. Vail	293 S.W.3d 842	Dallas	7/30/09	N/A	Yes	Not presented	Attorney sought declaration that prior judgment was void for lack of jurisdiction. Held that probate court had jurisdiction and request was refused.
Estates	Litigation	Smith v. O'Donnell	288 S.W.3d 417	Supreme Court of Texas	6/26/09	MSJ	No	Not presented	Regarding advice to pursue declaratory judgment to properly classify the stock.
Estates	Litigation	In re Lesikar	285 S.W.3d 577	Houston (14th Dist.)	5/7/09	N/A	No	Reversed	Suit for construction of trust terms; jury to determine reasonable and necessary fees on request.
Estates	Litigation	Moore v. First Financial Resolution Enterprises,	277 S.W.3d 510	Dallas	1/30/09	No	Yes	Denied	Executor sought declaration that judgment creditor's claim was barred.
Estates	Litigation	BP America Production Co. v. Marshall	288 S.W.3d 430	San Antonio	12/10/08	Yes	No	Granted (not under DJA)	When a suit does not involved the construction or validity of deeds or other documents of title, the suit is not one for declaratory judgment.
Estates	Litigation	In re Webb	Not Reported in S.W.3d	Fort Worth	8/29/08	N/A	Yes	Not presented	Court struck Plea in Intervention asserting declaratory claims because the request was not essential to protect his interest.

Group	Subgroup	Title	Citation	Courtline	Filed Date	Jury	Probate Court	Attorney's Fees?	Summary
Estates	Litigation	Citigroup Global Markets, Inc. v. Brown	261 S.W.3d 394	Houston (14th Dist.)	8/5/08	MSJ	Yes	Not presented	Declaratory judgment requested as to principal's mental capacity to execute power of attorney.
Estates	Litigation	Fernandez v. Frost Nat. Bank	267 S.W.3d 75	Corpus Christi – Edinburg	5/22/08	N/A	No	Not presented	Summary judgment prohibiting direct attack on 1949 declaratory judgment reversed for jurisdictional reasons.
Estates	Litigation	McCuen v. Huey	255 S.W.3d 716	Waco	4/30/08	MSJ	No	Granted	Estate requested declaration as to ownership of non-participating royalty interests in oil and gas leases.
Estates	Litigation	In re Graham	251 S.W.3d 844	Austin	3/28/08	N/A	Yes	Not presented	Mother sought declaration that her disclaimer of husband's estate was invalid.
Estates	Litigation	In re Estate of Stafford	244 S.W.3d 368	Beaumont	1/17/08	MSJ	Yes	Not presented	Insurer sought declaration as to whether proceeds of policy should be paid to murderer or contingent beneficiary.
Estates	Litigation	Southtex 66 Pipeline Co., Ltd. v. Spoor	238 S.W.3d 538	Houston (14th Dist.)	10/23/07	MSJ	Yes	Not presented	Estate landowner sued for declaration as to trespass and validity of lease.
Estates	Litigation	O'Donnell v. Smith	234 S.W.3d 135	San Antonio	7/25/07	MSJ	Yes	Not presented	Executor brought legal malpractice claim concerning advice to seek declaratory judgment about characterization of property.
Estates	Litigation	Pollard v. Pollard	Not Reported in S.W.3d	Dallas	5/10/07	N/A	Yes	Not presented	Parties sought declaration of marital status; order found not to be appealable because not final.
Estates	Litigation	Spiegel v. KLRU Endowment Fund	228 S.W.3d 237	Austin	4/26/07	N/A	Yes	Not presented	Executor of decedent's estate brought action for declaratory judgment to enforce a mediated divorce settlement agreement that was pending between decedent and her husband at the time of decedent's death, for declaration that decedent's devise of homestead to husband was adeemed, and for clarification as to whether the settlement revoked husband's beneficiary status as to nonprobate assets awarded to decedent.
Estates	Litigation	Jeter v. McGraw	218 S.W.3d 850	Beaumont	3/22/07	MSJ	Yes	Not presented	Plaintiff who was born out of wedlock brought action for a declaratory judgment declaring him an heir of his alleged biological father and a 50% undivided interest owner of certain real property.

Group	Subgroup	Title	Citation	Courtline	Filed Date	Jury	Probate Court	Attorney's Fees?	Summary
Estates	Litigation	In re Estate of Nash	220 S.W.3d 914	Supreme Court of Texas	4/20/07	N/A	Yes	Not presented	Putative heirs petitioner for declaratory judgment that will beneficiaries "take nothing" and that all provisions in will favoring former spouse must be read as if former spouse failed to survive testator, but said provision did not effect contingent provisions favoring former spouse's daughter.
Estates	Litigation	Baker Botts, L.L.P. v. Cailloux	224 S.W.3d 723	San Antonio	2/14/07	Yes	Yes	Not presented	Wife, children, and bank sought declaration concerning the impact of disclaimers on the operation of decedent's will.
Estates	Litigation	Jones v. Krown	218 S.W.3d 746	Fort Worth	1/25/07	N/A	Yes	Granted	Testator's sister sought declaratory judgment that will's bequests and devises to independent contractor who worked in office of attorney who prepared the will were void under probate code.
Estates	Litigation	In re Estate of Kuykendall	206 S.W.3d 766	Texarkana	11/2/06	No	Yes	Denied	Party requested a declaratory judgment that a 1954 joint and mutual will was contractual.
Estates	Litigation	Ross v. Goldstein	203 S.W.3d 508	Houston (14th Dist.)	9/14/06	N/A	Yes	Not presented	Same sex partner requested declaratory judgment that assets were jointly acquired, and requested constructive trust and adoption of "marriage-like relationship" equitable remedy.
Estates	Litigation	Ruiz v. Stewart Mineral Corp.	202 S.W.3d 242	Tyler	4/28/06	MSJ	No	Granted	Trust and mineral company brought action against defendants, seeking declaratory judgment that they owned an undivided one-half mineral interest in seven tracts of land.
Estates	Litigation	Kirby v. Tjarks	Not Reported in S.W.3d	Austin	3/23/06	N/A	No	Denied	The Children filed suit in district court seeking a declaration that the Estate contained assets that lawfully belonged to them as beneficiaries of the Trust.
Estates	Litigation	Mangrum v. Conrad	185 S.W.3d 602	Dallas	3/9/06	MSJ	Yes	Not presented	Independent executrix sought declaratory judgment that surviving wife had elected to exercise statutory share of husband's estate and was estopped from electing to take under will.
Estates	Litigation	First Financial Resolution Enterprises, Inc. v. Moore	Not Reported in S.W.3d	Dallas	3/7/06	N/A	Yes	Not presented	Executor of judgment debtor's estate brought suit seeking a declaratory judgment that any claim judgment creditor's assignee had against estate was barred.



Group	Subgroup	Title	Citation	Courtline	Filed Date	Jury	Probate Court	Attorney's Fees?	Summary
Estates	Litigation	In re Estate of Hawkins	187 S.W.3d 182	Fort Worth	2/16/06	N/A	Yes	Granted	Former wife sought declaration of child's rights under estate.
Estates	Litigation	Paul v. Merrill Lynch Trust Co. of Texas	183 S.W.3d 805	Waco	12/14/05	N/A	Yes	Granted	Executor sought declaratory judgment from the trial court as to the ownership of the gun collection.
Estates	Litigation	Adams v. First Nat. Bank of Bells/Savoy	154 S.W.3d 859	Dallas	1/25/05	MSJ	Yes	Not presented	Court overruled request for declaratory judgment that the foreclosure was wrongful because the language reciting the reason for foreclosure in the foreclosure sale deeds was not correct.
Estates	Litigation	Stark v. Benckenstein	156 S.W.3d 112	Beaumont	12/30/04	MSJ	Yes	Granted	Co-executors sought declaration concerning effect of release executed in prior litigation.
Estates	Litigation	Walker v. Estate of	Not Reported in	Corpus Christi –	8/26/04	N/A	Yes	Not	Claims for declaratory relief to enforce a contract.
Estates	Litigation	Dolenz v. Vail	143 S.W.3d 515	Dallas	8/19/04	N/A	Yes	Not presented	Petition for declaratory judgment asking court to hold that final judgment from probate court proceeding was void for lack of jurisdiction.
Estates	Litigation	Taylor v. Taylor	Not Reported in S.W.3d	Houston (14th Dist.)	8/12/04	N/A	Yes	Not presented	Party sought declaratory judgment regarding Rule 11 agreement and breach of contract issues.
Estates	Litigation	Kaplan v. Kaplan	129 S.W.3d 666	Fort Worth	1/8/04	N/A	Yes	Not presented	Divorced wife sought declaratory judgment that her father's estate was owner of wife's stock that she agreed to transfer to former husband as part of marital settlement agreement but that she also assigned to father purportedly in payment of judgment against husband.
Estates	Litigation	Haugen v. Olson	Not Reported in S.W.3d	Dallas	12/15/03	Yes	Yes	Granted	Parties sought declaratory judgment regarding enforceability of a community property agreement.
Estates	Litigation	Massey v. Massey	Not Reported in S.W.3d	Houston (1st Dist.)	7/17/03	N/A	Yes	Not presented	Executor of grandmother's estate brought declaratory relief action, seeking order to disinter granddaughter's remains from burial plot owned by estate.
Estates	Litigation	Ball v. SBC Communications, Inc.	Not Reported in S.W.3d	San Antonio	6/25/03	N/A	No	Not presented	Employee brought declaratory judgment action seeking declaration that it had insurable interest in employee's life and that claims against policy proceeds of employee's heir were barred.

Group	Subgroup	Title	Citation	Courtline	Filed Date	Jury	Probate Court	Attorney's Fees?	Summary
Estates	Litigation	In re Sims	88 S.W.3d 297	San Antonio	7/17/02	N/A	No	Not presented	Independent executor bank sought declaratory judgment regarding its duty to pay the \$1.5 million under the Agreement and continued obligation to make monthly alimony payments.
Estates	Litigation	Christley v. Leasing Associates, Inc.	Not Reported in S.W.3d	Houston (14th Dist.)	7/11/02	MSJ	Yes	Not presented	Court entered take nothing judgment on executrix's declaratory judgment claims.
Estates	Litigation	Certain Underwriters at Lloyd's London v. Smith	77 S.W.3d 859	Houston (14th Dist.)	4/25/02	No	No	Granted	Wife moved to declare her entitled to recover the insurance proceeds arising from her husband's death.
Estates	Litigation	Norman v. Finley	Not Reported in S.W.3d	San Antonio	3/6/02	N/A	Yes	Denied	Executrix filed a counterclaim for declaratory relief regarding ownership of assets and a motion for commissions and reimbursements.
Estates	Litigation	Levin v. Harrington	Not Reported in S.W.3d	Houston (14th Dist.)	4/26/01	MSJ	Yes	Granted	Personal injury attorneys appealed probate court ruling concerning declaration as to enforceability of their fee agreements.
Estates	Litigation	In re Estate of Glenn	Not Reported in S.W.3d	Corpus Christi – Edinburg	4/19/01	MSJ	Yes	Not presented	Executrix filed request for determination of her rights as a named beneficiary in the policy as against the rights of appellee Bank because of the assignment to it by the deceased.
Estates	Litigation	Skelley v. Hayden	Not Reported in	Dallas	4/17/01	Yes	Yes	Granted	Executor sought to determine which assets remained in the Estate.
Estates	Litigation	In re Ramsey	28 S.W.3d 58	Texarkana	8/3/00	N/A	Yes	Not presented	Heir of estate of one putative partner filed suit in district court against alleged partnership and administrator for estate of other putative partner, seeking to establish existence of oral partnership agreement and to have a receiver appointed to wind up partnership.
Estates	Litigation	Zegub v. Manos	Not Reported in	Austin	6/22/00	N/A	Yes	Granted	Court asked to make declarations regarding a disclaimer.
Estates	Litigation	Columbia Rio Grande Regional Hosp. v. Stover	17 S.W.3d 387	Corpus Christi	4/28/00	MSJ	Yes	Granted	Hospital filed declaratory judgment action in county court at law against independent executrix for estate of worker for whom it provided medical services following on-the-job injury, urging its rights under hospital lien.

Group	Subgroup	Title	Citation	Courtline	Filed Date	Jury	Probate Court	Attorney's Fees?	Summary
Estates	Litigation	In re Estate of Judd	8 S.W.3d 436	El Paso	12/21/99	N/A	Yes	Not presented	Executors of artist's estate filed action against out-of-state art gallery seeking declaratory judgment as to ownership of three works of art.
Estates	Litigation	Harrison v. Querner	Not Reported in S.W.3d	San Antonio	11/30/99	Yes	Yes	Not presented	Co-independent executors and beneficiaries of their father's Estate filed a declaratory judgment action seeking a judgment that \$188,000.00 had been fully paid and discharged at a 1984 closing,
Estates	Litigation	Comerica Bank-Texas v. Texas Commerce Bank Nat. Ass'n	2 S.W.3d 723	Texarkana	9/23/99	MSJ	Yes	Not presented	Bank trustee filed a motion for summary judgment contending that the power of attorney did not create a valid agency relationship, or, in the alternative, that the power of attorney did not authorize another party to convey assets to the trust.
Estates	Litigation	Marcus v. Schultz	Not Reported in S.W.2d	Dallas	5/19/99	No	Yes	Denied	Court refused to construe pleadings as requesting declaratory relief, and found that even if pleadings were liberally construed, the court did not err in refusing to grant attorneys' fees.
Estates	Litigation	In re Estate of Chavana	993 S.W.2d 311	San Antonio	4/28/99	MSJ	Yes	Not presented	Declaratory judgment action was brought to determine intestate heirship.
Estates	Litigation	NationsBank of Texas, N.A. v. Akin, Gump, Hauer & Feld, L.L.P.	979 S.W.2d 385	Corpus Christi	10/8/98	MSJ	No	Not presented	Trial court had jurisdiction to consider merits of declaratory judgment action by which corporation sought declaration that law firm would be liable to client's trust and/or estate for amount of any judgment against them in separate litigation.
Estates	Litigation	Estate of Lee	981 S.W.2d 288	Amarillo	7/14/98	N/A	Yes	Not presented	Parties sought declaration of the liabilities of the heirs to each other. Court ruled that petitioner was entitled to rely on deemed admission by former executrix that she possessed estate property valued at more than \$36,000; and that actual invoices, checks, and other documents produced in court were legally and factually sufficient evidence to support court's calculations of beneficiaries' entitlements under will.
Estates	Litigation	In re Estate of Ramon	Not Reported in S.W.2d	San Antonio	6/24/98	N/A	Yes	Not presented	Court affirmed judgment declaring heirs of decedent.

Group	Subgroup	Title	Citation	Courtline	Filed Date	Jury	Probate Court	Attorney's Fees?	Summary
Estates	Litigation	Hornbeck v. Moran	Not Reported in S.W.2d	Dallas	6/17/98	N/A	Yes	Granted	Children filed request for declaration as to decedent's interest in the marital home.
Estates	Litigation	Cloakey v. Mills	Not Reported in S.W.2d	Corpus Christi	6/4/98	N/A	Yes	Granted	Parties unsuccessfully sought declaration to require estate to make a series of loans.
Estates	Litigation	Jordan v. Jordan	938 S.W.2d 177	Houston (1st Dist.)	1/9/97	Yes	Yes	Not presented	Declaratory judgment suit seeking determination of competing claims against decedent's estate by two persons claiming to be decedent's wife.
Estates	Litigation	Woodward v. Jaster	933 S.W.2d 777	Austin	11/6/96	N/A	No	Denied	Attorney sought declaration to perfect judgment lien against estate property.
Estates	Litigation	Sanders v. Capitol Area Council	930 S.W.2d 905	Austin	9/18/96	MSJ	Yes	Not presented	Daughter sought declaration that an irrevocable inter vivos trust created by the decedent, which was executed before the will and placed all property in trust, was valid and that the trust assets passed to daughter pursuant to the trust.
Estates	Litigation	National Union Fire Ins. Co. of Pittsburgh, Pa. v. Olson	920 S.W.2d 458	Austin	4/3/96	MSJ	Yes	Granted	Independent executor of insolvent estate filed declaratory judgment seeking determination that decedent's creditor had no rights in homestead property or any sale proceeds.
Estates	Litigation	Hirtz v. Eichenour	Not Reported in S.W.2d	Houston (1st Dist.)	10/5/95	N/A	Yes	Not presented	Petition for declaratory judgment asking the court to determine ownership of attorneys' files.
Estates	Litigation	Maris v. McCraw	902 S.W.2d 191	Eastland	6/29/95	Yes	Yes	Granted	Surviving children filed a declaratory judgment action asserting entitlement to life insurance proceeds.
Estates	Litigation	Bryant v. Flint	894 S.W.2d 397	Houston (1st Dist.)	12/8/94	N/A	Yes	Not presented	Estate of deceased husband filed declaratory judgment action to enforce previous settlement agreement with surviving wife in which she agreed to pay one-half of any potential federal income tax liability, not to exceed \$75,000.
Estates	Litigation	Harwell v. State Farm Mut. Auto. Ins. Co.	876 S.W.2d 494	Fort Worth	4/19/94	MSJ	No	Not presented	Insurer sued for declaration regarding its obligation under auto policy to pay judgment is suit against deceased driver's estate.

Group	Subgroup	Title	Citation	Courtline	Filed Date	Jury	Probate Court	Attorney's Fees?	Summary
Estates	Litigation	Hinojosa v. Hinojosa	866 S.W.2d 67	El Paso	11/24/93	N/A	Yes	Not presented	Testator's wife brought declaratory action against second wife to determine that she was surviving spouse.
Estates	Litigation	Green v. Watson	860 S.W.2d 238	Austin	8/11/93	N/A	No	Granted	Widow requested declaration for wrongful execution.
Estates	Litigation	Turner v. Adams	855 S.W.2d 735	El Paso	3/31/93	N/A	Yes	Not presented	Request for declaration as to whether share in a remainder, devised by will, had lapsed.
Estates	Litigation	Hext v. Price	847 S.W.2d 408	Amarillo	2/8/93	Yes	Yes	Granted	Request for declaration by wife to determine share of accumulated bonus and royalty payments from oil and gas leases and whether her deceased husband had waived his right to them.
Estates	Litigation	Estate of Kuenstler v. Trevino	836 S.W.2d 715	San Antonio	7/15/92	N/A	Yes	Not presented	Alleged donee of pickup truck filed suit for declaratory judgment against alleged donor's estate and assignee of retail installment contract for truck asserting ownership of truck and that estate had obligation to pay assignee balance owing on agreement.
Estates	Litigation	McCraw v. Maris	828 S.W.2d 756	Supreme Court of Texas	2/19/92	N/A	Yes	Not presented	Surviving children filed declaratory judgment action asserting entitlement to life insurance proceeds.
Estates	Litigation	Ortega v. First RepublicBank Fort Worth, N.A.	792 S.W.2d 452	Supreme Court of Texas	2/28/90	MSJ	Yes	Not presented	Adopted children of testator's granddaughter were not permitted to assert bill of review contesting prior declaratory judgment that adopted children were not entitled to share in testamentary trust or request declaratory judgment that adopted children were trust contingent remaindermen.
Estates	Litigation	McKinley v. McKinley	496 S.W.2d 540	Supreme Court of Texas	6/20/73	No	No	Not presented	Court asked to rule on the character of property held in various bank accounts.
Estates	Litigation	Unthank v. Rippstein	386 S.W.2d 134	Supreme Court of Texas	12/31/64	MSJ	No	Not presented	Suit against executors for declaratory judgment adjudicating the executors' liability to pay future installments.
Estates	Miscellaneous	Hogg v. Lynch, Chappell & Alsup, P.C.	--- S.W.3d ---	El Paso	11/10/15		Yes	Denied	Request to declare contingent fee agreement unconscionable; ruling concerns denial of motion to compel arbitration

Group	Subgroup	Title	Citation	Courtline	Filed Date	Jury	Probate Court	Attorney's Fees?	Summary
Estates	Litigation	Clements v. Chajkowski	146 Tex. 408	Supreme Court of Texas	3/3/48	No	No	Not presented	Court declared for vacation of probate court orders, denying plaintiff's motion to remove defendant as Administratrix and allowing defendant's claim against estate of plaintiff's decedent for reimbursement of half of the amount paid plaintiff's decedent by defendant on distribution of the estate of defendant's decedent, and for a declaratory judgment.
Estates	Miscellaneous	Magana v. Citibank, N.A.	454 S.W.3d 667	Houston (14th Dist.	12/30/14	Yes	Yes	Granted	Parties sought declaration determining rightful distribution of funds, that one party was no longer a signatory, that bank should honor a \$2.5MM check, ordering bank to implead funds.
Estates	Miscellaneous	Matter of Estate of Boyle	Not Reported in S.W.3d	Eastland	12/18/14	MSJ	Yes	Not presented	Bank sought declaration that all matters entrusted to it had been handled and accounted for, that bank had no further duties to beneficiaries of will, and that bank had no liability to any beneficiaries as a result of its administration of the estate.
Estates	Miscellaneous	Harris v. Mayfield	Not Reported in S.W.3d	Tyler	12/17/14	MSJ	Yes	Refused to Defendant	Executor sought declaration regarding validity of judgment and judgment lien against estate
Estates	Miscellaneous	In re Estate of Hardesty	449 S.W.3d 895	Texarkana	11/18/14	MSJ	Yes	Granted	Son sought declaratory relief to invalidate foreclosure; lender prevailed and was awarded attorneys' fees.
Estates	Miscellaneous	In re Estate of Bessire	399 S.W.3d 642	Amarillo	4/2/13	N/A	Yes	Granted	Sister of former executor sought declaration that executor's actions were made in bad faith and sanctionable.
Estates	Miscellaneous	In re Estate of Chaffin	Not Reported in S.W.3d	Eastland	3/21/13	N/A	Yes	Denied (procedural	Executor sought declaration for discharge and release as independent executor.
Estates	Miscellaneous	Hahn v. Estate of Stange	Not Reported in S.W.3d	San Antonio	2/13/08	No	Yes	Not presented	Independent administrator sought declaration to determine beneficiaries under holographic will.
Estates	POD account	Dawson v. Lowrey	441 S.W.3d 825	Texarkana	7/29/14	MSJ	No	Granted	Dispute concerning proceeds of bank account.

Group	Subgroup	Title	Citation	Courtline	Filed Date	Jury	Probate Court	Attorney's Fees?	Summary
Estates	Miscellaneous	Smith v. Lanier	998 S.W.2d 324	Austin	7/29/99	N/A	Yes	Not presented	After wife then husband died in quick succession, independent executor of wife's estate sought declaratory and injunctive relief against husband's heir, requesting determination of the characterization of the couple's assets and an order freezing one-half of the assets. Case was decided on jurisdictional grounds only.
Estates	POD account	In re Estate of Minton	Not Reported in S.W.3d	Corpus Christi – Edinburg	1/30/14	Yes	Yes	Not presented	Request to determine validity of POD accounts and whether payable to beneficiary or estate
Estates	POD account	In re Estate of Brown	Not Reported in	San Antonio	6/27/12	MSJ	Yes	Not	Executor sought declaration as to ownership of account funds.
Estates	POD account	Asafi v. Rauscher	Not Reported in S.W.3d	Houston (14th Dist.)	9/13/11	MSJ	Yes	Granted	Beneficiary sought declaration that he owned certain stock, bank, and brokerage accounts
Estates	POD account	McKeehan v. McKeehan	355 S.W.3d 282	Austin	7/6/11	MSJ	Yes	Not presented	Issue for relief concerning ownership of investment accounts under right of survivorship under Michigan law.
Estates	POD account	Franklin Templeton Bank & Trust v. Tigert	Not Reported in S.W.3d	Dallas	6/24/11	No	Yes	Granted	Parties sought determination of beneficiaries' identity.
Estates	POD account	In re Ernst	Not Reported in S.W.3d	San Antonio	1/12/11	No	Yes	Granted	Family sought declaratory as to bank account ownership.
Estates	POD account	Clark v. Wells Fargo Bank, N.A.	Not Reported in S.W.3d	Houston (1st Dist.)	6/10/10	MSJ	Yes	Not presented	Bank asked court to determine validity of account documents and to identify the correct owner.
Estates	POD account	Holmes v. Beatty	290 S.W.3d 852	Supreme Court of Texas	9/25/09	MSJ	Yes	Not presented	Executor of wife's estate sued executor of husband's estate for declaratory judgment that brokerage accounts and securities in certificate form were not owned by wife and husband with a right of survivorship and thus did not pass to husband upon wife's death.
Estates	POD account	Clark v. Wells Fargo Bank, N.A.	Not Reported in S.W.3d	Houston (1st Dist.)	3/27/08	MSJ	Yes	Not presented	Bank sought declaration of rights between the parties, declaration of parties' rights to CDs, and a determination of "any other questions" as to ownership of CDs.



Group	Subgroup	Title	Citation	Courtline	Filed Date	Jury	Probate Court	Attorney's Fees?	Summary
Estates	POD account	Beatty v. Holmes	233 S.W.3d 475	Houston (14th Dist.)	8/14/07	MSJ	Yes	Not presented	Independent executor of wife's estate brought action against independent executor of husband's estate, seeking a declaratory judgment that certain accounts and securities were not owned by husband and wife with a right of survivorship and thus did not pass to husband upon wife's death. Held that signature was required to create effective survivorship agreement.
Estates	POD account	In re Estate of Dellinger	224 S.W.3d 434	Dallas	1/23/07	MSJ	Yes	Not presented	Son of decedent brought a declaratory judgment action against his brother, individually and in his capacity as executor of decedent's estate, requesting probate court to declare that a bank account was a joint account and to include the proceeds in the decedent's estate.
Estates	POD account	Armstrong v. Roberts	211 S.W.3d 867	El Paso	12/7/06	N/A	Yes	Not presented	Daughter filed declaratory judgment action, seeking to establish that deceased father's bank account and certificates of deposit passed to her because of her right of survivorship.
Estates	POD account	Herring v. Johnson	Not Reported in S.W.3d	Houston (14th Dist.)	3/4/04	MSJ	Yes	Not presented	Declared that signature card for joint checking account did not establish a right of survivorship, even though the option was checked for joint with right of survivorship.
Estates	POD account	Allen v. Wachtendorf	962 S.W.2d 279	Corpus Christi	2/5/98	MSJ	Yes	Not presented	Language on signature card declared sufficient to create right of survivorship.
Estates	POD account	Cweren v. Danziger	923 S.W.2d 641	Houston (1st Dist.)	8/17/95	MSJ	Yes	Not presented	Administrator of depositor's estate brought declaratory judgment action seeking determination that estate, rather than joint account survivors, owned disputed accounts.
Estates	POD account	Ivey v. Steele	857 S.W.2d 749	Houston (14th Dist.)	6/17/93	MSJ	Yes	Not presented	Coexecutrix of estate filed petition for declaratory judgment to determine ownership to certain bank accounts and certificates of deposit.
Estates	POD account	Stegall v. Oadra	868 S.W.2d 290	Supreme Court of Texas	6/9/93	Yes	Yes	Granted	Request for declaration as to ownership of bank accounts.

Group	Subgroup	Title	Citation	Courtline	Filed Date	Jury	Probate Court	Attorney's Fees?	Summary
Estates	POD account	Ephran v. Frazier	840 S.W.2d 81	Corpus Christi	9/17/92	N/A	Yes	Denied	Request for declaration as to whether bank accounts were held by surviving tenant in joint tenancy with right of survivorship (held insufficient).
Estates	POD account	Martinez v. Martinez	805 S.W.2d 873	San Antonio	2/27/91	N/A	Yes	Not presented	Court declared that account signature card did not create a joint account with rights of survivorship.
Estates	POD account	Williams v. McKnight	402 S.W.2d 505	Supreme Court of Texas	5/4/66	N/A	No	Not presented	Court declared that husband and wife could not create a joint tenancy with right of survivorship out of community funds in savings account without first reducing those funds to their separate estates by statutory partition, and that section of Probate Code providing that any husband and wife may, by written agreement, create a joint estate out of their community property, with rights of survivorship is unconstitutional.
Estates	Real Estate	Staley Family Partnership, Ltd. v.	435 S.W.3d 851	Dallas	6/18/14	No	Yes	Granted	Family partnership sought judicial declaration that is held an easement by necessity
Estates	Real Estate	Cockrell v. Matlock	Not Reported in S.W.3d	Waco	8/12/09	N/A	No	Not presented	Defendants asked for declaration that their use of the property was not in violation of the deed restrictions.
Estates	Real Estate	In re Estate of Frenzel	Not Reported in S.W.3d	Corpus Christi – Edinburg	7/23/09	N/A	Yes	Not presented	"Final Judgment" did not address all declaratory relief, and so appellate court lacked jurisdiction to consider request concerning validity of deeds.
Estates	Real Estate	Financial Freedom Sr. Funding Corp. v.	294 S.W.3d 749	Houston (14th Dist.)	7/21/09	MSJ	Yes	Not presented	Beneficiaries of estate subject to reverse mortgage successfully sought declaration that they were sole owner of the homestead.
Estates	Real Estate	In re Estate of LaValle	218 S.W.3d 834	Beaumont	3/15/07	MSJ	Yes	Not presented	Parties sought declaration as to title to the estate's major purported asset.
Estates	Real Estate	Mandell v. Mandell	214 S.W.3d 682	Houston (14th	1/9/07	MSJ	Yes	Granted	Landowner brought action against estate to declare.
Estates	Real Estate	Shankles v. Shankles	195 S.W.3d 884	Dallas	7/7/06	MSJ	Yes	Granted	Payors of real estate lien note brought action against executors of estate of payee, seeking declaratory judgment that note was void and an order extinguishing lien on payors' property.

Group	Subgroup	Title	Citation	Courtline	Filed Date	Jury	Probate Court	Attorney's Fees?	Summary
Estates	Real Estate	Johnson v. Driver	198 S.W.3d 359	Tyler	6/30/06	MSJ	Yes	Not presented	Trustee of living trust of daughter brought action for declaratory judgment as to the legal effect of a deed of property that trust allegedly held an undivided one-half interest in by heirship from father.
Estates	Real Estate	Florey v. Estate of McConnell	212 S.W.3d 439	Austin	6/9/06	N/A	Yes	Granted	Wife's estate brought declaratory judgment action to quiet title on real property owned jointly by the estate and by husband, who was convicted of wife's murder, by invalidating deed of trust granted by husband to his attorney to secure payment of husband's legal fees.
Estates	Real Estate	Steger v. Muenster Drilling Co., Inc.	134 S.W.3d 359	Fort Worth	12/11/03	N/A	Yes	Not presented	Court requested to declare whether devisees held a working interest in property.
Estates	Real Estate	Ferguson v. Ferguson	111 S.W.3d 589	Fort Worth	4/24/03	N/A	Yes	Not presented	After executor and decedent's widow entered into a settlement agreement to resolve widow's contest of decedent's inventory, executor filed a petition for declaratory relief and for possession of real property against widow which sought to have widow vacate the marital residence and widow counterclaimed and asserted that she was entitled to the property.
Estates	Real Estate	Dillon v. Rosalie Dahl Estate Trust	Not Reported in S.W.3d	Houston (14th Dist.)	3/27/03	N/A	No	Granted	Testamentary trust sued to declare void a deed conveyed by trust beneficiary to two of her daughters and a son in law.
Estates	Real Estate	Gorham v. Gates ex rel. Estate of Badouh	82 S.W.3d 359	Austin	2/7/02	MSJ	Yes	Granted	In ongoing dispute over residence, the probate court's order granting partial summary judgment and severance addressed party's attempted disclaimer of her interest in decedent's estate.
Estates	Real Estate	Hopkins v. Netterville	Not Reported in S.W.3d	Tyler	1/16/02	Yes	Yes	Denied	Vendor's heirs and executrix of vendor's estate filed quiet title action against purchaser, alleging that deed between vendor and purchaser was tainted, and purchaser counterclaimed for declaration that he was the rightful owner.
Estates	Real Estate	San Antonio Area Foundation v. Lang	35 S.W.3d 636	Supreme Court of Texas	11/9/00	MSJ	Yes	Not presented	Declaratory judgment action was brought concerning construction of will that bequeathed decedent's interest in real property to her niece and nephew.

Group	Subgroup	Title	Citation	Courtline	Filed Date	Jury	Probate Court	Attorney's Fees?	Summary
Estates	Real Estate	Herring v. Welborn	27 S.W.3d 132	San Antonio	7/12/00	N/A	No	Not presented	Party asked the trial court to void the conveyance and quiet title. Court's ruling based on jurisdictional issues only.
Estates	Real Estate	Badouh v. Hale	22 S.W.3d 392	Supreme Court of Texas	1/27/00	MSJ	Yes	Not presented	Mother's estate filed suit for declaratory relief concerning ownership of property devised to daughter in light of daughter's disclaimer, prior judgment against daughter in favor of brother, and prior deed of trust and lien against daughter's expectancy interest in property in favor of creditor. Held that daughter could not disclaim because of her exercise of dominion and control over expectancy interest, and brother did not violate in terrorem provisions by applying for turnover relief.
Estates	Real Estate	Hartmann v. Solbrig	12 S.W.3d 587	San Antonio	1/26/00	No	Yes	Granted	Executrix filed declaratory judgment action, seeking construction of testamentary request involving tract of land.
Estates	Real Estate	Deviney v. NationsBank	993 S.W.2d 443	Waco	5/12/99	N/A	Yes	Not presented	Executor of decedent's estate filed declaratory judgment action seeking determination of whether estate had any title or interest in family farm property.
Estates	Real Estate	Hornbeck v. Moran	Not Reported in S.W.2d	Dallas	6/17/98	N/A	Yes	Granted	Children filed request for declaration as to decedent's interest in the marital home.
Estates	Real Estate	Hayes v. Floyd	881 S.W.2d 617	Beaumont	8/25/94	N/A	No	Not presented	Parties sought declaration of ownership concerning several commercial properties.
Estates	Real Estate	Howell v. Murray Mortg. Co.	890 S.W.2d 78	Amarillo	6/17/94	MSJ	Yes	Not presented	Administrator of estate of borrower who executed deed of trust containing due-on-sale clause sought declaratory judgment cancelling restrictions on transfer of the property subject to the deed
Estates	Real Estate	Pine v. Salzer	824 S.W.2d 779	Houston (1st Dist.)	2/6/92	MSJ	Yes	Not presented	Request to declare property bequeathed to other beneficiaries in wife's will legally belonged to husband on ground that it was community property.
Estates	Real Estate	Magids v. American Title Ins. Co., Miami,	473 S.W.2d 460	Supreme Court of Texas	11/10/71	Yes	No	Not presented	Suit by executor to remove clouds by forged deed of trust.

Group	Subgroup	Title	Citation	Courtline	Filed Date	Jury	Probate Court	Attorney's Fees?	Summary
Estates	Real Estate	Williams v. Williams	569 S.W.2d 867	Supreme Court of Texas	5/31/78	No	No	Not presented	In reliance on a premarital agreement that had been executed by their late father, adult children who were beneficiaries under their father's will brought suit for declaratory judgment to obtain possession of certain property which their father's widow refused to vacate.
Estates	Taxes	Rosen v. Wells Fargo Bank Texas, N.A.	114 S.W.3d 145	Austin	7/30/03	N/A	Yes	Denied	Testator's widow, as independent executrix of his estate, filed action seeking declaratory judgment that transfer taxes, which testator directed be paid out of the residuary estate, should be apportioned under default provisions of probate statute.
Estates	Validity	Nuding v. Smith	Not Reported in S.W.3d	Eastland	6/15/06	N/A	Yes	Denied	Administratrix sought declaration that decedent had created a valid trust, and that the corpus of the trust passed to decedent's heirs at law upon his death.
Estates	Validity	Proctor v. White	155 S.W.3d 438	El Paso	10/28/04	MSJ	Yes	Not presented	Parties unsuccessfully sought declaration that decedent did not own shares and that all assets of the corporation be excluded from the estate.
Estates	Validity	McClure v. JPMorgan Chase Bank	147 S.W.3d 648	Fort Worth	9/23/04	MSJ	Yes	Not presented	Parties sought declaratory judgment regarding the status of the trust.
Estates	Validity	In re Estate of Bean	120 S.W.3d 914	Texarkana	11/14/03	N/A	Yes	Not presented	Devises filed petition seeking declaration that portion of will and first codicil transferring real property to independent executor failed for lack of specificity.
Estates	Validity	In re Shore	106 S.W.3d 817	Texarkana	5/14/03	N/A	Yes	Not presented	Parties asked the court to determine whether a portion of the will and its codicils transferring real property failed for lack of specificity.
Estates	Validity	Rollins v. Simmons	Not Reported in S.W.3d	Houston (1st Dist.)	11/27/02	MSJ	Yes	Not presented	Beneficiaries filed declaratory judgment action seeking determination that decedent's bequests to beneficiary who was subscribing witness to will were void.
Estates	Validity	In re Staley	Not Reported in S.W.3d	Amarillo	1/10/01	MSJ	Yes	Not presented	Request for determination of the validity of the settlement agreement.

Group	Subgroup	Title	Citation	Courtline	Filed Date	Jury	Probate Court	Attorney's Fees?	Summary
Estates	Will contest	Stern v. Marshall	471 S.W.3d 498	Houston (1st Dist.)	7/14/15	Yes	Yes	Waived by failure to	Court declared that testator did not intend to give widow a gift from the assets that passed through his will or held in living trust.
Estates	Will contest	In re Estate of Gibbons	451 S.W.3d 115	Houston (14th Dist.)	11/25/14	Yes	Yes	Granted	Declaration requested as to decedent's capacity to change her beneficiary designations, was not unduly influenced, that contestant was not beneficiary, and that decedent valid changed sole beneficiary to be her estate
Estates	Will contest	In re Estate of Hemsley	460 S.W.3d 629	El Paso	11/12/14	No	Yes	Not presented	Will contestants sought declaration awarding right to dispose of the testator's remains. Court found Hemsley had testamentary capacity and that Executor was entitled to dispose of Hemsley's remains.
Estates	Will contest	Dudley v. Jake and Nina Kamin Foundation	Not Reported in S.W.3d	Houston (1st Dist.)	1/28/14	MSJ	Yes	Not presented	Request to construe will.
Estates	Will contest	In re Blankenship	392 S.W.3d 249	San Antonio	12/5/12	MSJ	Yes	Not presented	Party sought declaratory judgment that Mexican will was the only valid testamentary instrument; held to be impermissible collateral attack on existing judgment.
Estates	Will contest	In re Estate of Blankenship	Not Reported in S.W.3d	San Antonio	5/6/09	N/A	Yes	Not presented	Heirs at law and devisees under will are interested persons with standing to contest a will, and may do so in a declaratory judgment action. Court could consider effects of prior order based on fraud by collateral attack.
EStates	Will contest	Stoll v. Henderson	285 S.W.3d 99	Houston (1st Dist.)	2/26/09	MSJ	Yes	Not presented	Co-trustees filed declaratory judgment action in which they sought guidance on how to distribute the trust assets, questioning the effect of a will and its subsequent handwritten revocation, and the distribution of the trust assets that were subject to decedent's power of appointment. Ruled to be direct attack on earlier order barred by two-year limitations.
Estates	Will contest	Carroll v. Mertz	Not Reported in S.W.3d	Austin	11/1/07	MSJ	Yes	Not presented	Putative beneficiaries filed suit to set aside earlier probate and to obtain judgment affirming their inheritance rights based on testator's alleged insane delusion and lapsed gifts.

Group	Subgroup	Title	Citation	Courtline	Filed Date	Jury	Probate Court	Attorney's Fees?	Summary
Estates	Will contest	Lorenz v. Janssen	116 S.W.3d 421	Corpus Christi – Edinburg	9/4/03	MSJ	Yes	Not presented	Testators' adopted grandchildren brought action against natural grandchildren for declaration that adopted grandchildren were entitled to take remainder interests under surviving testator's will
Estates	Will contest	Dullye v. Dullye	Not Reported in S.W.2d	Austin	8/31/98	Yes	Yes	Denied	Request for declaratory judgment involved the same issues as did the probating of the will; court held, therefore, that the declaratory judgment was unnecessary and could not support declaratory relief or the award of attorney's fees.
Estates	Will contest	Webb v. Sayeg	Not Reported in S.W.2d	Houston (1st Dist.)	7/16/98	Yes	Yes	Granted	Declaratory judgment action to establish the validity of the trust and its March 1994 amendment.
Estates	Will contest	Maxfield v. Terry	870 S.W.2d 614	Dallas	12/30/93	MSJ	Yes	Not presented	Son sought declaration that decedent mother was a resident of Florida.
Guardianship	Construction	Di Portanova v. Monroe	402 S.W.3d 711	Houston (1st Dist.)	11/30/12	N/A	Yes	Not presented	Party's filing of declaratory request did not violate in terrorem clause.
Guardianship	Construction	Di Portanova v. Monroe	229 S.W.3d 324	Houston (1st Dist.)	8/3/06	MSJ	Yes	Not presented	Guardian filed action seeking declaration that the wills of ward's grandparents that established trust for ward's benefit permitted use of trust assets to fund a proposed trust for persons with whom ward was living. Held not to violate in terrorem clause. Court would strictly construe the clause and only violate it when the acts of the parties clearly fall within the express terms of the clause.
Guardianship	In Terrorem	Di Portanova v. Monroe	402 S.W.3d 711	Houston (1st Dist.)	11/30/12	N/A	Yes	Not presented	Party's filing of declaratory request did not violate in terrorem clause.
Guardianship	In Terrorem	Di Portanova v. Monroe	229 S.W.3d 324	Houston (1st Dist.)	8/3/06	MSJ	Yes	Not presented	Guardian filed action seeking declaration that the wills of ward's grandparents that established trust for ward's benefit permitted use of trust assets to fund a proposed trust for persons with whom ward was living. Held not to violate in terrorem clause. Court would strictly construe the clause and only violate it when the acts of the parties clearly fall within the express terms of the clause.



Group	Subgroup	Title	Citation	Courtline	Filed Date	Jury	Probate Court	Attorney's Fees?	Summary
Guardianship	Litigation	Webre v. Black	458 S.W.3d 113	Houston (1st Dist.)	1/13/15	N/A	Yes	Not presented	Guardian sought declaratory relief that the inventory was incorrect and should be set aside, the proper characterization of the properties, the proper funding of all testamentary trusts, and the legitimacy of certain property exchanges between estates.
Guardianship	Litigation	James v. Underwood	438 S.W.3d 704	Houston (1st Dist.)	5/8/14	N/A	No	Not presented	Involving denial of allegation against probate judge for neglectful management of guardianship (found no statutory duty had attached).
Guardianship	Litigation	Anderson v. McCormick	Not Reported in S.W.3d	Houston (1st Dist.)	10/31/13	N/A	Yes	Granted	Dispute between attorneys for ward and seeking declaration concerning reasonableness of fees.
Guardianship	Litigation	Kaufman County v. Combs	393 S.W.3d 336	Dallas	7/31/12	MSJ	Yes	Denied	Ad litem sought declaration regarding her right to recover attorneys' fees for services rendered and county's obligation to pay.
Guardianship	Litigation	In re Barbee	Not Reported in S.W.3d	Tyler	6/17/09	N/A	Yes	Not presented	Successor guardian sued predecessor seeking declaratory judgment regarding the ownership of certain real / personal property.
Guardianship	Litigation	Wood, ex rel. Green v. Dalhart R & R Machine Works, Inc.	259 S.W.3d 229	Amarillo	5/27/08	MSJ	No	Not presented	Corporation sought declaratory judgment to adjudicate value of stock and compel return from a former director; court held that probate court had exclusive jurisdiction over former director.
Guardianship	Litigation	In re Guardianship of Moon	216 S.W.3d 506	Texarkana	2/6/07	N/A	Yes	Not presented	Guardian sought declaration concerning ownership of bank accounts.
Guardianship	Litigation	Bennett v. Miller	137 S.W.3d 894	Texarkana	6/8/04	MSJ	Yes	Not presented	Attorney presented request for declaratory relief concerning victim's ability to retain attorney and guardian's authority to retain attorney.
Guardianship	Litigation	Meduna v. Holder	Not Reported in S.W.3d	Austin	1/16/03	N/A	Yes	Granted	Guardian sought declaration and subsequent appeal concerned award of attorneys' fees and inextricable intertwining of the declaratory judgment, application for guardianship, and probate of will.
Guardianship	Litigation	Ulloa v. Davila	860 S.W.2d 202	San Antonio	8/3/93	N/A	Yes	Not presented	Request for declaratory judgment as to ownership of a ranch and CDs.

Group	Subgroup	Title	Citation	Courtline	Filed Date	Jury	Probate Court	Attorney's Fees?	Summary
Guardianship	Litigation	Hunter v. NCNB Texas National Bank	Not Reported in S.W.2d	Houston (14th Dist.)	5/2/96	MSJ	Yes	Granted	Declaratory judgment seeking declaration that property is part of the guardianship estate, that the Revocable Trust Agreement does not establish a valid express trust and that the Huisache property is not subject to the Trust.
Guardianship	Miscellaneous	Conte v. Ditta	287 S.W.3d 28	Houston (1st Dist.)	8/31/07	N/A	Yes	Not presented	Guardian of trust beneficiary sought removal of trustee.
Guardianship	Real Estate	James v. Calkins	446 S.W.3d 135	Houston (1st Dist.)	8/21/14	N/A	No	Granted	Dispute involved validity of a 2007 deed conveying home to a trust
Guardianship	Real Estate	In re CC & M Garza Ranches Ltd.	409 S.W.3d 106	Houston (1st Dist.)	6/27/13	N/A	Yes	Not presented	Limited partnership sued guardian of primary trust beneficiary seeking to compel execution of deeds to it.
Guardianship	Real Estate	Palmer v. Palmer	831 S.W.2d 479	Texarkana	5/19/92	N/A	Yes	Not presented	Payees brought declaratory judgment action against guardian seeking declaration that four of the annual installments were barred by statute of limitations.
Guardianship	Validity	Henry v. LaGrone	842 S.W.2d 324	Amarillo	10/1/92	N/A	Yes	Not presented	Trustee sought application to approve the trust agreement and validate various transfers as against guardian.
Trusts	Construction	McMordie v. McMordie	Not Reported in S.W.3d	Amarillo	7/24/15	MSJ	Yes	Not presented	Request to determine who was entitled to undistributed income accumulated during primary beneficiary's life and whether that income was payable on demand.
Trusts	Construction	In re Benavides	Not Reported in S.W.3d	San Antonio	12/10/14	N/A	No	Not presented	Party sought declaratory judgment as to her rights and status under an existing trust.
Trusts	Construction	In re Estate of Luthen	Not Reported in S.W.3d	Corpus Christi – Edinburg	11/24/14	MSJ	Yes	Not presented	Declaration requested as to whether corporate stock should pass to trust beneficiaries or according to terms of Will. Court held the trust's terms were ambiguous, precluding summary judgment.
Trusts	Construction	Schmidt v. Ward	Not Reported in S.W.3d	Dallas	10/6/14	MSJ	No	Not presented	Trustee/settlor sought declaration that he was the sole party entitled to proceeds from oil & gas lease, that any claim by the trust has been defeated, and the oil company may distribute proceeds to him.

Group	Subgroup	Title	Citation	Courtline	Filed Date	Jury	Probate Court	Attorney's Fees?	Summary
Trusts	Construction	Lesikar v. Moon	Not Reported in S.W.3d	Houston (1st Dist.)	9/4/14	MSJ	No	Granted	Parties sought determination concerning right to reimbursement for a loan, expenses, and foreclosure of a lien and certain authority to act for trust.
Trusts	Construction	Ward v. Stanford	443 S.W.3d 334	Dallas	8/14/14	MSJ	No	Not presented	Request for declaration concerning the validity of a prior declaratory judgment as to title.
Trusts	Construction	Archer v. Archer	Not Reported in S.W.3d	Dallas	6/17/14	N/A	No	Not presented	Beneficiaries sought declaration ordering a detailed accounting and disbursement to beneficiaries of separate trusts and determining obligation to fiduciary fees, settling account, and resolution of questions related to administration. Motion to compel arbitration overruled.
Trusts	Construction	Green Tree Servicing, LLC v. Sanders	Not Reported in S.W.3d	San Antonio	5/28/14	No	No	Denied	Trustee and servicer sought declaration that trust owned certain notes, confirmation of identity of the trust, that the trust held a lien, that the trust was entitled to rents, and that loan servicer is entitled to excess proceeds.
Trusts	Construction	Di Portanova v. Monroe	402 S.W.3d 711	Houston (1st Dist.)	11/30/12	N/A	Yes	Not presented	Party's filing of declaratory request did not violate in terrorem clause.
Trusts	Construction	Gamboa v. Gamboa	383 S.W.3d 263	San Antonio	8/31/12	N/A	No	Granted	Trustee sought declaration that he was and continued to be the trustee of the trusts.
Trusts	Construction	Lesikar v. Moon	Not Reported in S.W.3d	Houston (14th Dist.)	8/30/12	Yes	No	Granted	Trustee sought unspecified construction and declaration concerning trust; awarded \$375,000 in attorneys' fees.
Trusts	Construction	Ward v. Ward	Not Reported in S.W.3d	Tyler	6/29/12	N/A	No	Not presented	Trustees sought determination of the status, validity of the trust and to determine ownership of land owned by the trust.
Trusts	Construction	Rentfro v. Cavazos	Not Reported in S.W.3d	San Antonio	2/15/12	MSJ	No	Granted	Brothers sought declaration that they were the owners of certain real property free and clear of claims by Trust or Estates of their parents.

Group	Subgroup	Title	Citation	Courtline	Filed Date	Jury	Probate Court	Attorney's Fees?	Summary
Trusts	Construction	In re Estate of Denman	362 S.W.3d 134	San Antonio	11/23/11	MSJ	Yes	Granted	Beneficiary sought declaration as to whether devise was subject to GST tax.
Trusts	Construction	In re Sherer	Not Reported in S.W.3d	Texarkana	5/27/11	N/A	No	Not presented	Parties sought declaration of their rights and responsibilities under the trust.
Trusts	Construction	Cluck v. Mecom	401 S.W.3d 110	Houston (14th Dist.)	3/15/11	MSJ	No	Not presented	Parties sought declaratory judgment to determine "rights and interests."
Trusts	Construction	Myrick v. Moody Nat. Bank	336 S.W.3d 795	Houston (1st Dist.)	2/10/11	MSJ	No	Denied	Parties sought declaration on authority to borrow funds and encumber trust estate and enter into a lease with terms extending beyond termination date of trust.
Trusts	Construction	Stoll v. Henderson	285 S.W.3d 99	Houston (1st Dist.)	2/26/09	MSJ	Yes	Not presented	Co-trustees filed declaratory judgment action in which they sought guidance on how to distribute the trust assets, questioning the effect of a will and its subsequent handwritten revocation, and the distribution of the trust assets that were subject to decedent's power of appointment. Ruled to be direct attack on earlier order barred by two-year limitations.
Trusts	Construction	In re Townley Bypass Unified Credit Trust	252 S.W.3d 715	Texarkana	4/9/08	N/A	No	Not presented	Trustee sought declaration of whether a spendthrift provision in a trust precludes the remainder beneficiary from devising by a will his interest in the assets of the trust estate (short answer: no).
Trusts	Construction	Eisen v. Capital One, National Association	232 S.W.3d 309	Beaumont	8/2/07	MSJ	Yes	Not presented	Income beneficiary of testamentary trust sought declaratory judgment as to construction of will to be permitted to remove appointed trustee without consent of remainder beneficiaries.
Trusts	Construction	Lesikar v. Moon	237 S.W.3d 361	Houston (14th Dist.)	7/10/07	MSJ	Yes	Granted with remand	Party sought declaration concerning his power to apportion and allocate real and personal properties of the Family Trust.
Trusts	Construction	Keisling v. Landrum	218 S.W.3d 737	Fort Worth	1/11/07	N/A	No	Granted	Primary beneficiary sought declaration that she was entitled to trust distributions.

Group	Subgroup	Title	Citation	Courtline	Filed Date	Jury	Probate Court	Attorney's Fees?	Summary
Trusts	Construction	Hedgcocke v. Amarillo Nat. Bank	Not Reported in S.W.3d	Amarillo	5/24/04	MSJ	No	Not presented	Trust beneficiaries sued for declaration to determine whether great-grandchildren were also beneficiaries of testamentary trust.
Trusts	Construction	Parker v. Parker	131 S.W.3d 524	Fort Worth	2/5/04	MSJ	Yes	Not presented	Parties sought to determine the terms of certain testamentary trusts and the rights of the parties under same.
Trusts	Construction	Eckels v. Davis	111 S.W.3d 687	Fort Worth	6/19/03	MSJ	Yes	Not presented	Beneficiaries, who were children of settlor, of trust filed declaratory judgment action asserting certain assets of trust were erroneously distributed entirely to settlor's wife.
Trusts	Construction	Marion v. Davis	106 S.W.3d 860	Dallas	5/22/03	MSJ	Yes	Denied	Trustee of testamentary trust filed action seeking declaration that beneficiary, who was also guardian of testator's wife, had forfeited his share of the trust by placing testator's wife in a nursing home contrary to trust's terms.
Trusts	Construction	Estate of Hearn v. Hearn	101 S.W.3d 657	Houston (1st Dist.)	2/27/03	MSJ	Yes	Not presented	Testator's children from a previous marriage brought action against testator's wife, alleging that she was obliged, under contractual wills, to fund trust with her own property after testator's death.
Trusts	Construction	Hurley v. Moody Nat. Bank of Galveston	98 S.W.3d 307	Houston (1st Dist.)	1/9/03	N/A	Yes	Not presented	Bank filed a petition for a declaratory judgment which requested the court to interpret testamentary trust to determine if the trust had terminated and whether trust beneficiary was entitled to income under the trust.
Trusts	Construction	Jones v. Stubbeman, McRae, Sealy, Laughlin & Browder, Inc.	Not Reported in S.W.3d	El Paso	4/18/02	MSJ	Yes	Granted	Bank as trustee brought declaratory judgment action after grandmother's death for declaration that it had no liability to any of the estate beneficiaries.
Trusts	Construction	Glidewell v. Glidewell	Not Reported in S.W.3d	Eastland	1/25/01	N/A	No	Not presented	Requests for declaratory judgment terminating the trust.
Trusts	Construction	Troutman v. Ramsay	960 S.W.2d 176	Austin	10/30/97	N/A	No	Granted	Court declared wife of settlor lacked authority to bind a testamentary trust created by her husband thirteen years after the date of the trust's express termination.

Group	Subgroup	Title	Citation	Courtline	Filed Date	Jury	Probate Court	Attorney's Fees?	Summary
Trusts	Construction	Roberts v. Squyres	4 S.W.3d 485	Beaumont	11/18/99	N/A	Yes	Not presented	Court declared that condition precedent in terms of the trust, providing that upon sole beneficiary's reaching age 30, trust would terminate and beneficiary would receive all corpus, became impossible to fulfill when beneficiary died three months before age 30, and thus, the trust failed, giving rise to a resulting trust in favor of settlor's estate.
Trusts	Construction	Wright v. Greenberg	2 S.W.3d 666	Houston (14th Dist.)	9/9/99	MSJ	Yes	Not presented	Court declared that father could and did exercise power of appointment vested in him at first wife's death by express language in his own will that he intended to dispose of all of his property by his will, including "any property over which I may have a power of appointment" and that such testamentary language specifically referred to the power of appointment vested in him by his first wife's will and by making specific bequests, then transferring rest, residue and remainder of his "estate" to the trustee of a family trust, father expressed his intention that his appointive estate become part of his residual estate, and thus the appointive estate passed to the trustee of the family trust.
Trusts	Construction	Shearrer v. Holley	952 S.W.2d 74	San Antonio	7/30/97	N/A	No	Not presented	Successor trustee filed declaratory judgment action seeking to determine who was entitled to trust property.
Trusts	Construction	Penland v. Agnich	940 S.W.2d 324	Dallas	2/11/97	MSJ	Yes	Not presented	Testamentary trust trustees sought declaratory judgment to determine whether testator's adopted relatives were "lawful issue" entitled to share in class gifts.
Trusts	Construction	Seymour v. American Engine & Grinding Co.	956 S.W.2d 49	Houston (14th Dist.)	8/1/96	No	No	Not presented	Corporation filed declaratory judgment action, seeking construction of stock purchase agreement funded by "key man" policy on life of company's deceased president.
Trusts	Construction	In re Estate of Hunt	908 S.W.2d 483	San Antonio	8/23/95	MSJ	Yes	Not presented	Trustee for testamentary trust filed suit for declaratory judgment with reference to disposition of remainder interest in trust after death of named beneficiary.

Group	Subgroup	Title	Citation	Courtline	Filed Date	Jury	Probate Court	Attorney's Fees?	Summary
Trusts	Construction	Bank One Texas, N.A. v. Ameritrust Texas, N.A.	858 S.W.2d 516	Dallas	5/7/93	MSJ	Yes	Not presented	Trust company moved for a declaratory judgment that it was proper executor of will, bank answered and counterclaimed for declaratory judgment that it was the proper executor, and both parties moved for summary judgment.
Trusts	Construction	Nail v. Thompson	806 S.W.2d 599	Fort Worth	4/24/91	MSJ	No	Not presented	Court declared that testamentary trust under which trust assets were to be distributed to "lawful heirs (or descendants)" "born of the body" of the testator's siblings precluded adopted family members from participating in distribution.
Trusts	Construction	Lokey v. Texas Methodist Foundation	479 S.W.2d 260	Supreme Court of Texas	4/5/72	MSJ	No	Not presented	Suit to remove foundation as trustee of two charitable trusts, in which intervenor sought cancellation of the trusts and declaration that trust funds were held for its sole use.
Trusts	Construction	Vaughn v. Gunter	461 S.W.2d 599	Supreme Court of Texas	12/31/70	N/A	No	Not presented	Request for declaration by trustee for construction as to portion of trust making distribution of corpus to children (adopted child versus natural).
Trusts	Construction	Republic Nat. Bank of Dallas v. Fredericks	155 Tex. 79	Supreme Court of Texas	10/5/55	No	No	Not presented	Court declared that where will provided that income from trust fund should be paid in equal shares to testator's son and daughter, for and during their natural lives in monthly payments, and that trustee should not advance to either the son or the daughter any monthly payment or payments due under the trust, or any part of the principal, but that in case of serious illness, trustee might, if, in its sole discretion, it deemed the cause sufficient, advance payments for such purposes only, and daughter of testator became seriously ill, trustee, in its sole discretion, was authorized to advance funds for medical treatment of daughter out of corpus of trust fund, if income was insufficient.
Trusts	Duties	Tolar v. Tolar	Not Reported in S.W.3d	Tyler	5/20/15	MSJ	No	Not presented	Court declared that Trustee had no duty to execute certain deeds to convey property to trust or to account for her one-half community or separate property.



Group	Subgroup	Title	Citation	Courtline	Filed Date	Jury	Probate Court	Attorney's Fees?	Summary
Trusts	Duties	Laven v. THBN, LLC	Not Reported in S.W.3d	Houston (14th Dist.	12/11/14	No	Yes	Not presented	Parties sought declaration concerning validity of real estate documents.
Trusts	Duties	Ogden v. Ryals	Not Reported in S.W.3d	Houston (14th Dist.)	7/24/12	Yes	No	Granted	Parties sought declaration as to identity of trustee and compliance with trust terms.
Trusts	Duties	Dirksen v. Flynn	Not Reported in S.W.3d	San Antonio	1/12/11	N/A	No	Not presented	Trustee sought declaration that he did not violate trust terms; reversed based on trustee's removal prior to final judgment.
Trusts	Duties	Wood v. Boldt	Not Reported in S.W.3d	Fort Worth	4/9/09	N/A	Yes	Not presented	Trustee asked the court to make declarations concerning the timing and source of distributions, and the standard for making distributions.
Trusts	Duties	Paschall v. Bank of America, N.A.	260 S.W.3d 707	Dallas	8/15/08	MSJ	No	Not presented	Declaratory judgment requested concerning authority of trustee to make distributions to beneficiary's daughters.
Trusts	Duties	Bigbee v. Castleberry	Not Reported in S.W.3d	Corpus Christi – Edinburg	1/17/08	N/A	Yes	Not presented	Executor sought declaratory judgment concerning a bad faith claim.
Trusts	Duties	Epstein v. Hutchison	Not Reported in S.W.3d	Houston (1st Dist.)	7/23/04	N/A	Yes	Not presented	Party sought declaratory judgment that she properly administered estate and breached no fiduciary duties.
Trusts	In Terrorem	Di Portanova v. Monroe	402 S.W.3d 711	Houston (1st Dist.)	11/30/12	N/A	Yes	Not presented	Party's filing of declaratory request did not violate in terrorem clause.
Trusts	In Terrorem	Conte v. Conte	56 S.W.3d 830	Houston (1st Dist.)	8/30/01	N/A	Yes	Denied	Trustee of family trust brought action for declaration that proposed action to remove co-trustee was not barred by in terrorem clause in trust instrument.
Trusts	In Terrorem	Boswell v. Handley	397 S.W.2d 213	Supreme Court of Texas	11/24/65	MSJ	No	Not presented	Suit for declaratory judgment determining that beneficiaries of testamentary trusts would not forfeit their rights as beneficiaries of will containing in terrorem clause by filing or joining in filing of suit to surcharge former co-independent executors for mishandling and waste; court determined that beneficiaries were not entitled to summary judgment in absence of certified copy of the will and order probating it.

Group	Subgroup	Title	Citation	Courtline	Filed Date	Jury	Probate Court	Attorney's Fees?	Summary
Trusts	Litigation	Nationstar Mortg., LLC v. Turtle Creek 3838 No.	Not Reported in S.W.3d	Dallas	4/30/14	No	No	Not presented	Land trustee sued for declaration concerning superiority of assessment lien.
Trusts	Litigation	Long v. Griffin	442 S.W.3d 253	Supreme Court of Texas	4/25/14	No	No	Granted	Trustee investor sought declaration concerning right to receive assignment of partial working interest in producing wells; court reversed for redetermination on attorneys' fees.
Trusts	Litigation	Jack M. Sanders Family Ltd. Partnership v.	434 S.W.3d 236	Houston (1st Dist.)	4/22/14	No	No	Not presented	Involves declaratory judgment involving determination of interest in FLP.
Trusts	Litigation	Millican DPC Partners, LP v. Frank Bobbitt	433 S.W.3d 67	San Antonio	2/26/14	MSJ	No	Not presented	Litigation involving competing requests for declaration as to record ownership of title to real property.
Trusts	Litigation	In re Willa Peters Hubberd Testamentary Trust	432 S.W.3d 358	San Antonio	2/12/14	N/A	Yes	Not presented	Case involves litigation subsequent to declaratory judgment request for the court to declare whether the trust should terminate or not; Supreme Court ruled the trust should continue.
Trusts	Litigation	Beal Bank v. Gilbert	417 S.W.3d 704	Dallas	11/18/13	MSJ	No	Not presented	Judgment creditor denied request for declaration that assets in wife's trust were subject to execution for judgment against husband.
Trusts	Litigation	Kellner v. Kellner	419 S.W.3d 541	San Antonio	11/13/13	MSJ	Yes	Not presented	Parties request judgment as to validity of deeds and declaration of in whom trust property had vested.
Trusts	Litigation	Cooke v. Morrison	404 S.W.3d 100	Houston (1st Dist.)	5/14/13	No	No	Denied	Trustee sought declaratory judgment regarding title to strip of land adjacent to trust property.
Trusts	Litigation	In re Estate of Richardson	Not Reported in S.W.3d	Houston (14th Dist.)	3/14/13	MSJ	Yes	Denied	Party asked for declaration of the trust termination date.
Trusts	Litigation	Shor v. Pelican Oil & Gas Management, LLC	405 S.W.3d 737	Houston (1st Dist.)	2/26/13	N/A	No	Not presented	Businesses owned by spendthrift trust received declaration that they were not liable for debts of judgment debtor who was sole beneficiary of the trust.
Trusts	Litigation	Elliott v. Weatherman	396 S.W.3d 224	Austin	2/8/13	N/A	No	Not presented	Parties sought declaratory judgment that the trust had expired by its terms and requested distribution of corpus.

Group	Subgroup	Title	Citation	Courtline	Filed Date	Jury	Probate Court	Attorney's Fees?	Summary
Trusts	Litigation	Wolfe v. Devon Energy Production Co., LP	382 S.W.3d 434	Waco	3/14/12	MSJ	No	Not presented	Parties improperly asked court to determine title to property via request for declaratory judgment.
Trusts	Litigation	Griffin v. Long	442 S.W.3d 380	Tyler	11/9/11	No	No	Granted	Parties sought declaration concerning the enforceability of certain letter agreements.
Trusts	Litigation	Davis v. Canyon Creek Estates Homeowners	350 S.W.3d 301	San Antonio	7/13/11	MSJ	No	Denied	Trust sued HOA seeking declaration that its property should no longer be burdened by restrictive covenants.
Trusts	Litigation	Harrell v. Hochderffer	345 S.W.3d 652	Austin	6/10/11	MSJ	Yes	Not presented	Parties sought declaration that proceeds from settlement represented community property.
Trusts	Litigation	Winn v. EPG Partners, LLC	Not Reported in S.W.3d	Dallas	12/21/10	No	No	Denied	Party requested declaratory judgment as to rights under redemption agreement, that parties had performed all required acts under the agreement, and that no additional consideration was due under the agreement.
Trusts	Litigation	In re Staley	320 S.W.3d 490	Dallas	8/3/10	N/A	No	Not presented	Court declared settlement agreement valid and enforceable.
Trusts	Litigation	Twyman v. Twyman	Not Reported in S.W.3d	Houston (1st Dist.)	7/16/09	MSJ	Yes	Not presented	Beneficiary sought determination of existence of conversion and theft and elder abuse.
Trusts	Litigation	Myrick v. Enron Oil and Gas Co.	296 S.W.3d 724	El Paso	6/10/09	MSJ	No	Not presented	Bank as trustee sought declaration as to interpretation and administration of Trust.
Trusts	Litigation	Twyman v. Twyman	Not Reported in S.W.3d	Houston (1st Dist.)	5/14/09	N/A	Yes	Not presented	Trustee invoked personal jurisdiction by traveling to Texas for trust business and taking beneficiary to Texas attorney to execute document extending terms of promissory note and taking beneficiary to attorney for guardianship consultation.
Trusts	Litigation	In re Lesikar	285 S.W.3d 577	Houston (14th Dist.)	5/7/09	N/A	No	Reversed	Suit for construction of trust terms; jury to determine reasonable and necessary fees on request.

Group	Subgroup	Title	Citation	Courtline	Filed Date	Jury	Probate Court	Attorney's Fees?	Summary
Trusts	Litigation	Patton Children's Trust v. Hamlin	Not Reported in S.W.3d	Amarillo	8/20/08	N/A	No	Not presented	Individual claiming to be trustee had authority to retain counsel for the trust, who in turn had authority to act in litigation on behalf of trust.
Trusts	Litigation	Dolenz v. Dallas Cent. Appraisal Dist.	259 S.W.3d 331	Dallas	6/30/08	N/A	No	Not presented	Trust sued for declaratory relief concerning tax exempt status; dismissed for want of subject matter jurisdiction.
Trusts	Litigation	Soefje v. Jones	270 S.W.3d 617	San Antonio	6/18/08	N/A	No	Not presented	Son sought declaration in ancillary proceeding that disputed transactions were unauthorized and seeking monetary damages from sister based on such actions. Son was held to be collaterally estopped.
Trusts	Litigation	In re Ray Ellison Grandchildren Trust	261 S.W.3d 111	San Antonio	4/2/08	MSJ	Yes	Granted	Trustees sought declaration that adopted adult children of grantor's son were not entitled to an accounting of the trust; natural children of grantor's son sought declaration that father's adoption of the adult children of his second wife was a sham.
Trusts	Litigation	Texas Parks and Wildlife Dept. v. Sawyer	354 S.W.3d 489	Amarillo, Panel D	8/22/07	N/A	No	Not presented	Trust landowner filed suit for declaratory judgment regarding the purported navigability of a stream on trust realty.
Trusts	Litigation	Bowers v. Taylor	263 S.W.3d 260	Houston (1st Dist.)	5/3/07	MSJ	No	Granted	Successors in interest to lessors of mineral lease sought declaration to determine whether lessees' successors held a fee interest in the mineral estate.
Trusts	Litigation	Ruiz v. Stewart Mineral Corp.	202 S.W.3d 242	Tyler	4/28/06	MSJ	No	Granted	Trust and mineral company brought action against defendants, seeking declaratory judgment that they owned an undivided one-half mineral interest in seven tracts of land.
Trusts	Litigation	Kirby v. Tjarks	Not Reported in S.W.3d	Austin	3/23/06	N/A	No	Denied	The Children filed suit in district court seeking a declaration that the Estate contained assets that lawfully belonged to them as beneficiaries of the Trust.
Trusts	Litigation	Nunn v. City of Vernon Employee Benefit Trust	Not Reported in S.W.3d	Amarillo	2/27/06	MSJ	No	Not presented	Employee filed suit seeking a declaratory judgment that his claim was covered by the health plan.

Group	Subgroup	Title	Citation	Courtline	Filed Date	Jury	Probate Court	Attorney's Fees?	Summary
Trusts	Litigation	Dolenz v. Vail	143 S.W.3d 515	Dallas	8/19/04	N/A	Yes	Not presented	Petition for declaratory judgment asking court to hold that final judgment from probate court proceeding was void for lack of jurisdiction.
Trusts	Litigation	Dimock v. Kadane	100 S.W.3d 615	Eastland	3/6/03	MSJ	No	Granted	Defendants unsuccessfully counterclaimed for declaration that prior owners waived right to partition under Operating Agreement.
Trusts	Litigation	Averitt v.	89 S.W.3d 330	Fort Worth	11/7/02	MSJ	No	Not presented	Accounting firm brought action against trustee and trust beneficiaries for declaration of nonliability for an alleged breach of an oral contract for accounting services pertaining to the formation of trust.
Trusts	Litigation	MacFarlane v. Rickard	Not Reported in S.W.3d	Austin	7/26/02	Yes	No	Granted	Settling parties sought declaratory judgment that the Agreement is in all respects binding upon and enforceable against settling party in his individual capacity and as trustee.
Trusts	Litigation	W.W. Laubach Trust/ The Georgetown Corp.	80 S.W.3d 149	Austin	6/6/02	MSJ	No	Granted	Trust sought declaration to construe disputed section of lease.
Trusts	Litigation	Texas State Bank v. Amaro	74 S.W.3d 392	Supreme Court of Texas	6/6/02	N/A	No	Granted	Trustee sought declaratory relief, seeking determination of trust's status in light of another district court's decree in a separate divorce action that beneficiary was no longer incapacitated.
Trusts	Litigation	Texas State Bank v. Amaro	Not Reported in S.W.3d	Supreme Court of Texas	3/28/02	MSJ	No	Granted	Trustee sought declaratory relief, seeking determination of trust's status in light of another district court's decree in a separate divorce action that beneficiary was no longer incapacitated.
Trusts	Litigation	Amaro v. Texas State Bank	28 S.W.3d 789	Corpus Christi	8/31/00	N/A	No	Not presented	Trustee brought declaratory judgment action seeking determination of trust's status after family court in divorce action declared that beneficiary was no longer incapacitated.
Trusts	Litigation	Paulissen v. Farmco Trust	Not Reported in S.W.3d	San Antonio	7/26/00	N/A	No	Not presented	Parties sought to determine whether actions of the planning commission were valid.

Group	Subgroup	Title	Citation	Courtline	Filed Date	Jury	Probate Court	Attorney's Fees?	Summary
Trusts	Litigation	Carter v. Carter	21 S.W.3d 441	San Antonio	3/29/00	MSJ	Yes	Not presented	Petitioner filed declaratory judgment action, seeking declaration that judgment entered against him in breach of fiduciary action was void. Court ruled that Petitioner had no standing due to pending bankruptcy.
Trusts	Litigation	Comerica Bank-Texas v. Texas Commerce Bank Nat. Ass'n	2 S.W.3d 723	Texarkana	9/23/99	MSJ	Yes	Not presented	Bank trustee filed a motion for summary judgment contending that the power of attorney did not create a valid agency relationship, or, in the alternative, that the power of attorney did not authorize another party to convey assets to the trust.
Trusts	Litigation	Kuhns v. Bank One, Texas, N.A.	Not Reported in S.W.2d	Austin	9/10/99	N/A	No	Not presented	Court declared that party held an equitable interest in the property without a right to possession and that said party's equitable interest will not prevent trustee from selling the property should trustee determine that a sale is in the trust's best interest.
Trusts	Litigation	Shamburger v. Conoco, Inc.	999 S.W.2d 462	Amarillo	7/16/99	No	No	Not presented	Oil company sought declaration that it owned certain mineral interests.
Trusts	Litigation	NationsBank of Texas, N.A. v. Akin, Gump, Hauer & Feld, L.L.P.	979 S.W.2d 385	Corpus Christi	10/8/98	MSJ	No	Not presented	Trial court had jurisdiction to consider merits of declaratory judgment action by which corporation sought declaration that law firm would be liable to client's trust and/or estate for amount of any judgment against them in separate litigation
Trusts	Litigation	Wright v. E.P. Operating Ltd. Partnership	978 S.W.2d 684	Eastland	10/1/98	N/A	No	Not presented	Court declared deeds did not reserve a mineral estate.
Trusts	Litigation	Gorman v. Gorman	966 S.W.2d 858	Houston (1st Dist.)	4/16/98	MSJ	No	Granted	Court invalidated the Trust or found that it had been revoked if it ever existed, and awarded petitioner the cash residue from the bankruptcy court amounting to the funds deposited in the trial court's registry.
Trusts	Litigation	Sheffield v. Ellison	Not Reported in S.W.2d	Austin	6/19/97	MSJ	No	Not presented	Underlying partial summary judgment declared a warranty deed created an irrevocable trust.

Group	Subgroup	Title	Citation	Courtline	Filed Date	Jury	Probate Court	Attorney's Fees?	Summary
Trusts	Litigation	Tetens v. Garcia	Not Reported in S.W.2d	Austin	11/13/96	N/A	No	Denied	Trust beneficiary sued for declaration that son had no authority to close account and that it should remain trust property.
Trusts	Litigation	Sanders v. Capitol Area Council	930 S.W.2d 905	Austin	9/18/96	MSJ	Yes	Not presented	Daughter sought declaration that an irrevocable inter vivos trust created by the decedent, which was executed before the will and placed all property in trust, was valid and that the trust assets passed to daughter pursuant to the trust.
Trusts	Litigation	French v. Chevron U.S.A. Inc.	896 S.W.2d 795	Supreme Court of Texas	3/30/95	MSJ	No	Not presented	Declaration that deed conveyed a mineral interest with a reservation of certain rights.
Trusts	Miscellaneous	American General Life Ins. Co. v. Mancillas	Not Reported in S.W.3d	Corpus Christi – Edinburg	11/20/14	MSJ	No	Not presented	Trust and life insurer disputing identity of policy ownership.
Trusts	Miscellaneous	Carpenter v. Carpenter	Not Reported in S.W.3d	Fort Worth	10/27/11	MSJ	Yes	Granted	Bank sought declaration regarding identities of the descendants of the deceased beneficiaries and the proper percentage for each beneficiary.
Trusts	POD account	Williams v. McKnight	402 S.W.2d 505	Supreme Court of Texas	5/4/66	N/A	No	Not presented	Court declared that husband and wife could not create a joint tenancy with right of survivorship out of community funds in savings account without first reducing those funds to their separate estates by statutory partition, and that section of Probate Code providing that any husband and wife may, by written agreement, create a joint estate out of their community property, with rights of survivorship is unconstitutional.
Trusts	Real Estate	Happy Jack Ranch, Inc. v. HH & L Development,	Not Reported in S.W.3d	Austin	11/6/15		No	Denied	Request to declare that properties were held in trust and that deeds vested title.
Trusts	Real Estate	Cowboy's Retail & Wholesale Beverage Distribution, LLC v. Davis	Not Reported in S.W.3d	Tyler	10/21/15	MSJ	No	Denied	Request for declaration that there was no meeting of the minds as to contract terms and to cancel a contract because it was an "incorrect draft" obtained by fraud.



Group	Subgroup	Title	Citation	Courtline	Filed Date	Jury	Probate Court	Attorney's Fees?	Summary
Trusts	Real Estate	Transcontinental Realty Investors, Inc. v. Orix	Not Reported in S.W.3d	Dallas	6/16/15	No	No	Granted	Request to declare guaranty valid and enforceable.
Trusts	Real Estate	In re CC & M Garza Ranches Ltd.	409 S.W.3d 106	Houston (1st Dist.)	6/27/13	N/A	Yes	Not presented	Limited partnership sued guardian of primary trust beneficiary seeking to compel execution of deeds to it.
Trusts	Real Estate	Gammill v. Fettner	297 S.W.3d 792	Houston (14th Dist.)	6/16/09	MSJ	No	Not presented	Trustee sought declaration that real property was part of family trust.
Trusts	Real Estate	Johnson v. Kindred	285 S.W.3d 895	Dallas	5/29/09	N/A	No	Not presented	Lender sought to rescind its release of lien and reinstate its deed of trust.
Trusts	Real Estate	Cooper v. Cochran	288 S.W.3d 522	Dallas	4/9/09	No	No	Granted	Trustee sought declaration of rights under deeds.
Trusts	Real Estate	Crocker v. Exxon Mobil Corp.	Not Reported in S.W.3d	Corpus Christi – Edinburg	3/12/09	N/A	Yes	Not presented	Parties requested declaration to remove cloud on title to real property involving two separate nonparticipating royalty interests. Held that county court had jurisdiction to hear the declaratory judgment to remove cloud because case involved attempt to clarify previous county court judgment.
Trusts	Real Estate	Hytken v. Schaefer Family Trust	Not Reported in S.W.3d	Houston (14th Dist.)	2/24/09	MSJ	No	Granted	Co-trustees sought declaration that opponent's claims to real property were void.
Trusts	Real Estate	Hardee v. City of San Antonio	Not Reported in S.W.3d	San Antonio	5/21/08	N/A	No	Not presented	Request for declaration as to requirement to comply with a city ordinance found not to be ripe.
Trusts	Real Estate	City of Del Rio v. Clayton Sam Colt Hamilton Trust	269 S.W.3d 613	San Antonio	2/27/08	N/A	No	Not presented	Trustee landowner sought declaration that it owned the groundwater beneath 15-acre tract it conveyed to city and that city's claim should be rejected.
Trusts	Real Estate	Mead v. RLMC, Inc.	225 S.W.3d 710	Fort Worth	4/12/07	MSJ	No	Not presented	Claims concerned a request for declaratory judgment related to mineral productive property, adverse possession, fenceline, and title.
Trusts	Real Estate	Patton Children's Trust v. Hamlin	Not Reported in S.W.3d	Amarillo	2/16/07	MSJ	No	Not presented	Parties sought declaration as to deed's validity and that trust had no justiciable interest in the realty.

Group	Subgroup	Title	Citation	Courtline	Filed Date	Jury	Probate Court	Attorney's Fees?	Summary
Trusts	Real Estate	Johnson v. Driver	198 S.W.3d 359	Tyler	6/30/06	MSJ	Yes	Not presented	Trustee of living trust of daughter brought action for declaratory judgment as to the legal effect of a deed of property that trust allegedly held an undivided one-half interest in by heirship from father.
Trusts	Real Estate	Long Trusts v. Griffin	144 S.W.3d 99	Texarkana	7/7/04	No	No	Granted	Declaratory judgment regarding assignment of interests provided in letter agreement between parties.
Trusts	Real Estate	Snyder v. Cowell	Not Reported in S.W.3d	El Paso	4/10/03	MSJ	No	Not presented	Trustee filed declaratory judgment to resolve which of grantor's descendants were remaindermen of trust for grantor's daughter.
Trusts	Real Estate	Dillon v. Rosalie Dahl Estate Trust	Not Reported in S.W.3d	Houston (14th Dist.)	3/27/03	N/A	No	Granted	Testamentary trust sued to declare void a deed conveyed by trust beneficiary to two of her daughters and a son in law.
Trusts	Real Estate	South Plains Lamesa Railroad, Ltd. v. High Plains Underground	52 S.W.3d 770	Amarillo	4/17/01	MSJ	No	Granted	Landowner and trust brought action for declaratory relief that water district erred in revoking one water well permit and denying another water well permit and for attorney fees.
Trusts	Real Estate	Gutierrez v. Trevino	Not Reported in S.W.3d	San Antonio	3/21/01	Yes	No	Granted	Party sought declaratory judgment as to property ownership / record title.
Trusts	Real Estate	Armstrong v. Steppes Apartments, Ltd.	Not Reported in S.W.2d	Fort Worth	8/20/98	MSJ	No	Not presented	Court entered declaratory judgment of its rights of parties under the notes and the deed of trust.
Trusts	Real Estate	Sheffield v. Ellison	Not Reported in S.W.2d	Austin	6/19/97	MSJ	No	Not presented	Underlying partial summary judgment declared a warranty deed created an irrevocable trust.
Trusts	Real Estate	PILF Investments, Inc. v. Arlitt	940 S.W.2d 255	San Antonio	1/29/97	N/A	No	Not presented	Suit for declaratory judgment to declare title to real property.
Trusts	Real Estate	Starcrest Trust v. Berry	926 S.W.2d 343	Austin	6/26/96	MSJ	No	Granted	Declaratory judgment to declare lien invalid.
Trusts	Real Estate	Street v. Skipper	887 S.W.2d 78	Fort Worth	8/24/94	N/A	No	Not presented	Parties sued trust seeking a declaratory judgment that they hold express easements across a trust tract under deeds from their father.

Group	Subgroup	Title	Citation	Courtline	Filed Date	Jury	Probate Court	Attorney's Fees?	Summary
Trusts	Real Estate	Tucker v. Graham	878 S.W.2d 681	Eastland	6/16/94	N/A	No	Granted	Property owner sued trust for declaratory judgment that dam was a nuisance and that the dam was in violation of Texas Water Code statute.
Trusts	Real Estate	Dodd v. Terrill	Not Reported in S.W.2d	Dallas	1/28/94	MSJ	No	Granted	Trust requested a judgment declaring interest under a ground lease terminated and awarding the Trust the rents due under the sublease from the date interest in the property terminated.
Trusts	Real Estate	Jones v. Fuller	856 S.W.2d 597	Waco	6/16/93	No	No	Not presented	Property owners filed suit requesting declaration that they had valid and recorded express easements appurtenant across alleged servient estate and that owner of servient estate had constructive, actual, and inquiry notice of their easements.
Trusts	Real Estate	Hunter v. NCNB Texas Nat. Bank	857 S.W.2d 722	Houston (14th Dist.)	6/10/93	N/A	Yes	Not presented	Trustee of revocable trust brought action for declaratory judgment that grantor's daughter had no homestead interest or claim in grantor's residence.
Trusts	Real Estate	Jordan v. Exxon Corp.	802 S.W.2d 880	Texarkana	1/15/91	N/A	No	Not presented	Court declared that (1) deed conveying mineral interest to grantee, "Trustee," did not create express trust; (2) grantee became owner of mineral interest free of any trust; and (3) purchaser's disclaimer of interest entitled grantee's child, child's lessee, and assignee to judgment for title
Trusts	Validity	Blanchard v. McNeill	Not Reported in S.W.3d	Austin	1/23/15	N/A	Yes	Not presented	In portion of case, executor sought declaration as to trust validity
Trusts	Validity	Omohundro v. Ramirez-Justus	392 S.W.3d 218	El Paso	11/30/12	MSJ	Yes	Denied	Party sought to declare trust invalid and to restore a prior trust (limitations prevented reaching the merits).
Trusts	Validity	Ward v. Ward	Not Reported in S.W.3d	Tyler	6/29/12	N/A	No	Not presented	Trustees sought determination of the status, validity of the trust and to determine ownership of land owned by the trust.
Trusts	Validity	Way v. House	315 S.W.3d 216	Eastland	6/10/10	No	No	Not presented	Successor trustee sought determination of trust's validity and authority as trustee.

Group	Subgroup	Title	Citation	Courtline	Filed Date	Jury	Probate Court	Attorney's Fees?	Summary
Trusts	Validity	Estate of Connally	Not Reported in S.W.3d	Fort Worth	10/9/08	No	Yes	Not presented	Court declared that trust had never been funded.
Trusts	Validity	Nuding v. Smith	Not Reported in S.W.3d	Eastland	6/15/06	N/A	Yes	Denied	Administratrix sought declaration that decedent had created a valid trust, and that the corpus of the trust passed to decedent's heirs at law upon his death.
Trusts	Validity	McClure v. JPMorgan Chase Bank	147 S.W.3d 648	Fort Worth	9/23/04	MSJ	Yes	Not presented	Parties sought declaratory judgment regarding the status of the trust.
Trusts	Validity	Texas State Bank v. Amaro	87 S.W.3d 538	Supreme Court of Texas	9/26/02	N/A	No	Granted	Trustee sought declaratory relief, seeking determination of trust's status in light of another district court's decree in a separate divorce action that beneficiary was no longer incapacitated.
Trusts	Validity	Henry v. LaGrone	842 S.W.2d 324	Amarillo	10/1/92	N/A	Yes	Not presented	Trustee sought application to approve the trust agreement and validate various transfers as against guardian.