

SUPREME COURT OF TEXAS

Knopf v. William Robert Gray, Karen Ann Gray, & Polasek Farms, LLC

545 S.W.3d 542 (Tex. 2018) · Decided March 23, 2018

SUMMARY

The Texas Supreme Court construed a will provision stating that land given to Bobby Gray was not to be sold but passed down to his children. The court held that, read as a whole, the will unambiguously granted Bobby a life estate and granted the named children the remainder interest. The court reversed the court of appeals and remanded for further proceedings.

CASE DETAILS

COURT	Supreme Court of Texas
JURISDICTION	Texas
DECIDED	March 23, 2018
DISPOSITION	reversed_and_remanded
PROCEDURAL POSTURE	Petition for review from a court of appeals judgment affirming summary judgment for the respondents in a will-construction and declaratory-judgment dispute.
STANDARD OF REVIEW	Summary judgments are reviewed de novo. On cross-motions for summary judgment, the reviewing court resolves all questions presented and renders the judgment the trial court should have rendered. Whether a will is ambiguous is a question of law.
PRECEDENTIAL VALUE	Published opinion
PARTIES	Annette Knopf, Stanley Gray v. William Robert Gray, Karen Ann Gray, Polasek Farms, LLC

TOPICS

will contests probate estate planning real estate appellate procedure

PRACTICE AREAS

Probate Wills and estates Real property Appellate procedure

QUESTIONS PRESENTED

1. Whether Allen's will unambiguously devised a fee-simple interest or a life-estate interest to Gray.
2. Whether the language directing that the land not be sold but be passed down to Gray's children created remainder interests or merely constituted an invalid restraint, precatory language, or nontestamentary language.
3. Whether summary judgment was proper when the will's meaning was allegedly ambiguous.

HOLDINGS

1. The will unambiguously granted Bobby Gray a life estate in the land and granted Annette Knopf, Allison Kilway, and Stanley Gray remainder interests.
2. The no-sale language could not be treated in isolation as an invalid disabling restraint because it was an integral part of the life-estate grant.
3. The instructional language was testamentary and legally operative because, read in context, it clearly expressed Allen's intent to create a life estate and remainder interests.
4. Summary judgment was improper for the trial court and court of appeals to treat the will as devising a fee-simple interest; the Supreme Court resolved the legal construction issue and rendered judgment for the life-estate and remainder-interest construction.

KEY QUOTATIONS

"A will is ambiguous when it is subject to more than one reasonable interpretation or its meaning is simply uncertain." (545 S.W.3d at 545)

"The cardinal rule of will construction is to ascertain the testator's intent and to enforce that intent to the extent allowed by law." (545 S.W.3d at 545)

"Reading all three clauses together, Allen grants the land to Bobby subject to the limitations that he not sell it, that he take care of it, and that it be passed down to his children." (545 S.W.3d at 546)

"The nature of a granted interest (e.g., fee simple versus life estate) must be resolved before a court may determine whether a restraint on that interest is valid because the restraint's validity depends on the type of interest granted." (545 S.W.3d at 547)

FACTUAL BACKGROUND

Vada Wallace Allen's will devised the residue of her estate, including approximately 316 acres in Robertson County, to her son William Robert "Bobby" Gray. The provision stated that the land was not to be sold but passed down to Gray's children, including Annette Knopf and Stanley Gray. Gray and his wife conveyed the land in fee simple to Polasek Farms, LLC, leading Knopf to seek a declaration that Gray received only a life estate and that the children received the remainder.

PROCEDURAL HISTORY

Knopf sued William Robert Gray, Karen Ann Gray, and Polasek Farms, LLC, seeking a declaration that Vada Wallace Allen's will devised only a life estate to Gray and that Gray therefore could not convey a fee-simple

interest in the land. The parties filed cross-motions for summary judgment. The trial court granted Polasek Farms' motion, concluding that the will created a fee-simple interest, contained an invalid disabling restraint, and gave Knopf no remainder interest. A divided court of appeals affirmed. The Supreme Court of Texas reversed the court of appeals and rendered judgment construing the will as granting Gray a life estate and the petitioners the remainder interest, while remanding for further proceedings.

DISPOSITION

reversed_and_remanded

REMAND INSTRUCTIONS

The case was remanded to the trial court for further proceedings consistent with the opinion after the Supreme Court rendered judgment that Gray held a life estate and the petitioners held the remainder interest.

CASES CITED

- Valence Operating Co. v. Dorsett, 164 S.W.3d 656, 661 (Tex. 2005)
- El Paso Nat'l Bank v. Shriner's Hosp. for Crippled Children, 615 S.W.2d 184, 185 (Tex. 1981)
- White v. Moore, 760 S.W.2d 242, 243 (Tex. 1988)
- Coker v. Coker, 650 S.W.2d 391, 394 (Tex. 1983)
- In re Estate of Slaughter, 305 S.W.3d 804, 808 (Tex. App.—Texarkana 2010, no pet.)
- Kelley-Coppedge, Inc. v. Highlands Ins. Co., 980 S.W.2d 462, 464 (Tex. 1998)
- Sellers v. Powers, 426 S.W.2d 533, 536 (Tex. 1968)
- Bergin v. Bergin, 159 Tex. 83, 315 S.W.2d 943, 946-47 (1958)
- Stephens v. Beard, 485 S.W.3d 914, 916 (Tex. 2016)
- Welch v. Straach, 531 S.W.2d 319, 321 (Tex. 1975)
- Fin. Freedom Senior Funding Corp. v. Horrocks, 294 S.W.3d 749, 755 (Tex. App.—Houston [14th Dist.] 2009, no pet.)
- Richardson v. McCloskey, 276 S.W. 680, 685 (Tex. 1925)
- Moody v. Pitts, 708 S.W.2d 930, 936 (Tex. App.—Corpus Christi 1986, no writ)
- Maxwell v. Harrell, 183 S.W.2d 577, 580 (Tex. Civ. App.—Austin 1944, writ ref'd w.o.m.)
- Shriner's Hosp. for Crippled Children v. Stahl, 610 S.W.2d 147, 151 (Tex. 1980)
- Perry v. Cohen, 272 S.W.3d 585, 587 (Tex. 2008)
- Plexchem Int'l, Inc. v. Harris Cty. Appraisal Dist., 922 S.W.2d 930, 930-31 (Tex. 1996)
- Malooly Bros. v. Napier, 461 S.W.2d 119, 121 (Tex. 1970)
- Sonny Arnold, Inc. v. Sentry Sav. Assocs., 633 S.W.2d 811, 813-14 (Tex. 1982)
- 541 S.W.3d 200 (Tex. App.—Waco 2017)