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Under Texas trust laws, the following are required for a valid trust to be formed: The Settlor must have a present intent to create a trust. The Settlor must have capacity to convey assets to the trust. The trust must comply with the Statute of Frauds. The trust must have a legal purpose. The Settlor must identify the property covered by the trust and place it in the trust for the benefit of the beneficiary.

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TITLE 9. TRUSTS. SUBTITLE B. TEXAS TRUST CODE: CREATION, OPERATION, AND TERMINATION OF TRUSTS. CHAPTER 112. CREATION, VALIDITY, MODIFICATION, AND TERMINATION OF TRUSTS. SUBCHAPTER A. CREATION. Sec. 112.001. METHODS OF CREATING TRUST. A trust may be created by: (1) a property owner's declaration that the owner holds the property as trustee for ...

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See Also Texas Bank and Trust Company v. Moore, 595 S.W.2d 502 (Tex. 1980) (The court in this case recognized that a trustee is a "fiduciary") 2.3 A TRUSTEE IS SUBJECT TO FIDUCIARY DUTIES: Trustees are subject to the duties imposed by common law, the duties imposed by the Texas Trust Code and the duties imposed by the instrument

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