

- I. Rights that exist before homestead are not extinguished by homestead
 - a. Liens are not extinguished
 - i. Inwood 736 sw2d 632,635 “On the other hand, if the lien attached prior to the claimed homestead right and the lien is an obligation that would run with the land, there would be a right to foreclose.”
 - ii. Gage 57 Tex. 374, 378 (1882)
 - b. Rights that accrue, but are not perfected as liens until after the homestead is established are not extinguished
 - i. Boudreaux 882 sw2d 543, 547
 - ii. Minnehoma 566 sw2d 354, 357 (1978)
 - iii. Inwood at 636, FN1 quoting *Bessemer* creation of lien relates back to date of accrual of the right.
 - iv. McCallen 257 S.W. 918 (1923)
 - v. Inman 596 S.W.2d 236 (1980)
- II. Out of state residents may not claim in state homesteads until such time as they are prepared to take up residency in state.
 - a. Out of state residents, not residing in home at time right accrues
 - i. Alexander 287 sw 144