

<p>Issue 1:</p> <p>Did the vacancy exclusion violate a statutory provision, Texas Insurance Code § 862.054?</p>	<p>Arguments, <i>inter alia</i>:</p> <ul style="list-style-type: none"> • Premiums: The vacancy clause’s (alleged) purpose is to suspend coverage for designated perils, like fire, absent increased premiums. • Form Policy: The Texas Department of Insurance (allegedly) had prescribed and approved the vacancy exclusion’s language. • Endorsement: The Texas Department of Insurance (allegedly) had a specific endorsement to allow a premium increase should a homeowner want to avoid a vacancy exclusion.
<p>Issue 2:</p> <p>Did Texas precedent impose a “prejudice” requirement for denying coverage under a vacancy clause?</p>	
<p>Issue 3:</p> <p>Did Texas public policy preclude the vacancy exclusion’s enforcement?</p>	