



Fixture or Chattel?

At the time a seller is preparing to sign a listing agreement, he/she should discuss with his/her Realtor what items will be included/excluded in the sale and what items can be negotiated on.

The following list commonly represents a sample of the items that are the most commonly asked for in a Contract of Purchase and Sale. It is by no means complete.

- Washer
- Dryer
- Stove
- Refrigerator
- Freezer
- Microwave
- Dishwasher
- Drapes/Window Coverings
- Alarm Systems
- Vacuum Canister & Accessories
- Hot Tub Cover & Accessories
- Garburator
- Pool Cover & Accessories
- Shelving
- Mirrors
- Fireplace Inserts
- Water Purification Systems

The distinction between chattels and fixtures is often difficult to reconcile. It is always prudent to specify in the Contract of Purchase & Sale which items will pass with the property and those that will not. Many court cases could have been avoided if this essential step was taken.

Sometimes Sellers can jeopardize their own sale by becoming too inflexible with some inclusions.