

Chattels, fixtures: Put it in writing before you sell

If you're thinking of selling your home in the near future, have you given much thought to what you plan to leave with the home and what you'd like to take with you? What about the washer and dryer or the fridge and stove? Or how about the heirloom chandelier in the dining room?

While these may not seem like important concerns right now, your failure to address them in your listing and the agreement of purchase and sale could lead to a major misunderstanding with a potential buyer somewhere down the road.

And the last thing you'll want is the loss of the sale of your home due to a dispute or misunderstanding over a relatively minor item.

Your realtor will guide you through the listing process and will ask you what you want to include in the sale. But it's a good idea to make up a list before meeting your realtor, to be sure you don't forget anything.

He or she will explain that fixtures are permanent improvements to a property which normally stay with the property as part of the sale. For instance, if you've upgraded your wiring or your heating system, these are considered to be permanent fixtures.

However, keep in mind that the law is not always crystal clear about what constitutes a fixture. There are circumstances where you may plan to remove something that might ordinarily be considered a fixture — like the heirloom chandelier Aunt Matilda gave you.

Most purchasers would assume this type of fixture is included in the sale unless you specify the contrary in the listing. It is also absolutely necessary you set out these stipulations in the agreement of purchase and sale.

Other items like water heaters and softeners are often rented and are not owned by the vendor. In this circumstances, the items should be excluded from the purchase price and the purchaser should be asked to assume the rental.

It's a fairly common practice for vendors to include items which would normally be considered as chattels in the selling price. Appliances and window coverings are common examples. If these types of items are to be included in your sale, your realtor should give a precise description of them and state their location within the property.

Other items to consider are lawn ornaments, smoke alarms and built-in vacuum cleaners. Generally, these types of things are left with the home, but some people still like to take things with them. If you're one of these people, clearly state in writing what won't be included in the sale.



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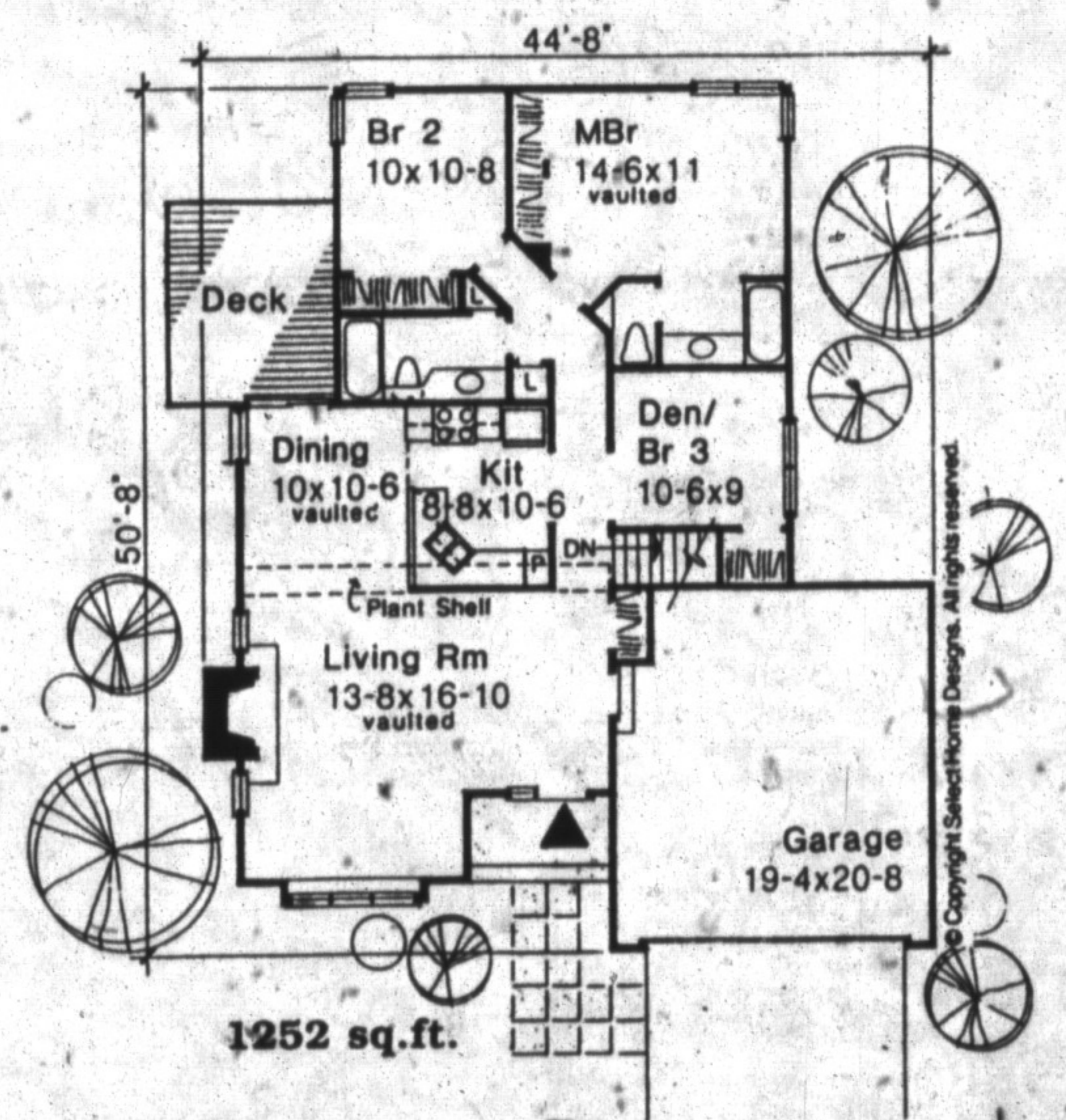
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