IS THE OBJECT ON MY PROPERTY A

FIXTURE OR CHATTEL

If an object is **embedded or affixed** to the property, it is presumed to be a fixture. All fixtures are to **pass** with the sale of a property, **unless specifically excluded** in the Contract of Sale.

Common fixtures:

- Solar panels
- Ovens
- Indoor heating and cooling
- Affixed clothes lines
- In-ground pool
- Ceiling fans
- Window blinds
- NBN box

If an object is **resting on its own weight** on the property, it is presumed to be a chattel. Chattels **do not pass** with the sale of a property, **unless specifically included** in the Contract of Sale.

Common chattels:

- Couches
- Televisions
- Microwaves
- Free-standing fridge
- All pool equipment
- Free-standing dishwasher
- Beds
- Floating kitchen benches

HOW DO THE COURTS DETERMINE THIS?

Degree of annexation

Courts consider:

- How the object is attached;
- If removal of the object will cause damage to the land or the object itself; and
- If it will cost more to remove the object than it is worth.

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Object of annexation

Courts consider:

- The purpose of annexing the object;
- If the object is annexed to enjoy it, or better enjoy the land;
- The nature of the property; and
- If the object intended to be there permanently or temporarily.

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