

Does It Stay or Does It Go?

Unless otherwise stated in the sales contract, you won't find a comfy couch and huge flat-screen TV waiting for you when you move into your new home. But what about curtains, carpets or mirrors?

The question of what conveys—or what is included—with a property can be complicated. It's important that you know exactly which items will go on the moving truck and which ones will stay behind. Here are some guidelines to help you determine what's included or excluded in a sale.

Don't believe everything you see online

Some online listings mention specific improvements like “gorgeous kitchen upgrades with stainless-steel appliances.” That doesn't necessarily mean those stainless-steel appliances come with the house. Certain built-in appliances may convey, but don't assume anything. The final word on what stays or goes is the sales contract.

Start with the contract

A property includes anything permanently attached to the house or anything that would cause significant damage to remove. That definition leaves some room for interpretation, so the Texas Real Estate Commission's One to Four Family Residential Contract (Resale), used in most residential transactions, dedicates a section to this topic.

Paragraph 2 of this contract covers the improvements, attachments and accessories that stay with the property. It also has blanks to fill in any exclusions—items usually included with the sale that are excluded from a particular transaction.

It's all negotiable

So what's attached to the home and what isn't? The contract language says that the brackets for a wall-mounted flat-screen TV stay with the house, but the TV does not. Any permanently installed or built-in appliance stays; that usually includes the oven or stove but may not include the refrigerator. There's a long list of items in the contract that usually convey with the house, but everything is negotiable—that's why there's a section for exclusions.

Find out before you close

The best thing to do when you're considering making an offer on a home is to ask what comes with it. Then, if you really like a piece of furniture or an appliance—or it's just more convenient for you to keep what's there—ask the seller for it in the contract.

Your REALTOR® can negotiate for something to be included in the sale, and the worst the seller can say is no. Just be sure you're not derailing the purchase of your \$250,000 dream home over a \$500 set of drapes.