



## Does the seller get to keep the swimming pool robot vacuum?

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**QUESTION:** I just performed a final walk-through with my buyers, and I noticed that the seller has removed the robot vacuum from the swimming pool. The Offer to Purchase and Contract (Form 2-T) clearly states that “any exclusively dedicated, related equipment and/or remote control devices” concerning all of the items listed in paragraph 2(b) are included in the Purchase Price as part of the sale unless specifically excluded in the contract. Does the seller have to return the pool vacuum to my buyers? It was a really cool robot!

**ANSWER:** The answer to a question like this can vary from case to case, but we believe it is likely in this instance that the seller should return the really-cool-robot-pool-vacuum, assuming it wasn’t excluded in paragraph 2(d). We believe it is reasonable to argue that an item like a robot vacuum should be considered equipment related to the swimming pool.

As you note, the phrase “any exclusively dedicated, related equipment and/or remote control devices” applies to *all* items on the list. In general, the contract contemplates that that the seller intends to convey many items of personal property as part of the real property transaction as long as those items are related to a listed item. Agents are therefore strongly encouraged to have detailed conversations with their clients -- and cooperating brokers -- about what items on or in the property should convey and what items should be listed as remaining the property of the seller. Setting expectations on the front end of a transaction will greatly reduce the risk of a conflict between the parties just before closing.

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