

# MAINE STATE LEGISLATURE

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May 29, 1941

Hon. Pearce J. Francis  
Insurance Commissioner  
State House  
Augusta, Maine

Dear Sir:

The Allen Insurance Agency in their letter of May 20th, addressed to you and herewith enclosed, say they have never been able to obtain a definite answer as to whether cooking and refrigerating units are part of the house, or part of the furniture. The reason for this evidently is that no definite general rule can be given.

It has been held by the Courts that physical annexation and attachment to a realty is necessary to change the character of a personal chattel to that of a fixture. It has also been held that the purpose and intent of the party annexing personalty to realty is a controlling circumstance in determining whether it has become a fixture.

Furniture means all personal chattels which may contribute to the use or convenience of the householder for ornament of the house. "Furniture" is a word of very broad meaning and includes carpets, stoves and ordinary kitchen ranges, dishes, pictures, gas fixtures and window shades. It has been held that a cash register and refrigerator installed by a tenant in a store room for use in grocery business was not a fixture.

Personal property, in order to lose its character as a chattel and become a fixture, must be annexed to the realty either actually or constructively, must be appropriated to the use of that part of the realty with which it is connected, and must be intended as an accession to the freeholder.

Very truly yours,

Sanford L. Fogg  
Deputy Attorney General

SLF H  
Enc.