



AVOID LITIGATION: NOTIFICATION OF ABOMINATION ON RELOCATION

OCTOBER 2021

Gomez and Morticia Addams whilst watching an episode of A Place in the Sun decided to move abroad to live closer to their old friend Vlad. They put their house "0001 Cemetery Lane" on the market, priced to sell and it was snapped up by Mr & Mrs Graham, greengrocers from Gretton in Gloucestershire. 0001 Cemetery Lane is a large, gothic Victorian manor house with acres of forest with skeletal trees. A stony path leads up to the colossal structure, which is hidden behind looming wrought-iron gates. The house itself comprised endless rooms with tall windows which at the time of the sale, the Addams' covered with thick musty drapes (obviously included on the fixtures and fittings form).

Following completion of the sale, they moved out of the house, and moved into Room 333 at the Langham Hotel where they had booked in for a few days before catching their flight. When checking for messages in the morning, they were somewhat shocked to receive a nasty letter from Conveyancers4U the conveyancers who were acting for the Grahams. It transpired that the Grahams had been watching Channel 5, and had uncovered the news that 0001 Cemetery Lane, had (before the Addams bought it) been the scene of a spine-chilling murder. The victim was buried within the grounds, and the Grahams were upset that Morticia and Gomez had not told them about the tale of the terrible tragedy. They were also claiming that the house is haunted by a number of ghastly ghouls which roamed the halls, terrorising them in the dark of the night.

These facts have been in front of the Court of Appeal before, where they heard a similar tale of woe from the appellants, Mr & Mrs Sykes who (watching the same programme on Channel 5) discovered that their house too had been the scene of a murder, in which the previous occupant killed his daughter, hiding her body parts around the house. The Sykes' claimed that a seller has a duty to tell a buyer about the history of the house. Ultimately, the court disagreed, and reminded the Sykes' that the fundamental principle of English property law is "Buyer Beware!" and that whilst it can work "harshly on purchasers" the principle stands and the seller of that house, much like the Addams in our story would have no need to volunteer the information.

Of course, had the Grahams asked Gomez and Morticia about the house's history, then the Property Misdescriptions Act of 1991 would make it an offence if they gave a false or misleading answer.

But what about the ghouls and ghosts giving the Grahams goosebumps in the grounds? You will not be surprised to learn that questions about paranormal activity are not a feature in the Property Information Form, the standard set of enquiries raised by buyers when purchasing a residential property. The Grahams, if they were sensitive to spectres, spooks and suspicious sounds could have asked

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specific questions about whether the house was haunted. The problem here is that a haunting is a subjective happening – one person's haunting is another's bump in the night – Mr and Mrs Addams would not be required to make a disclosure as to the ghosts upon enquiry. This is largely because it would be difficult for anyone to prove that Mr and Mrs Addams were in fact being haunted.

So what can we learn from this terrifying tale? If you're a buyer, do your research! Don't rely on the vendor to volunteer information vis-a-vis supernatural visitants.

Wishing you a happy Halloween from the Collas Crill Real Estate team!



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