



FEBRUARY 2007

PROPERTY BULLETIN:

DESCRIPTIONS OF PROPERTIES ADVERTISED FOR SALE

In a 2005 South Australian Supreme Court Case (*Mitchell v Valherie (2005) 93 SASR 76*) the court considered the situation where a house was advertised in a real estate agent's brochure as "**Nothing to spend – Perfect Presentation**". The house in fact had structural damage and cracking due to soil movement.

The majority of the judges of the Full Court of the South Australian Supreme Court (three out of five) held that the purchasers of the property had limited redress for the real estate agents exaggeration.

The majority view was that the words "Nothing to spend – Perfect Presentation" were "promotional puffery" designed to attract buyer attention. The statement was not intended to convey the actual truth or a representation of fact and it was concluded the advertising statement did not intend to convey the structural soundness of the property.

Despite the finding in this case vendors and their agents should heed the warning that advertising slogans need to be chosen carefully to prevent litigation such as in the case above.

Wagga Wagga	Glen Lollback Matt Fox Lyn Strutt	glen.lollback@comminshendriks.com matthew.fox@comminshendriks.com lynette.strutt@comminshendriks.com
Coolamon	Bill Thompson Tammy Holzheimer	coolamon@comminshendriks.com tammy.holzheimer@comminshendriks.com
Junee	Michael Commins	michael.commins@comminshendriks.com
Henty	Helen McRorie	henty@comminshendriks.com
Ganmain	Kate Carroll	coolamon@comminshendriks.com