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## LawTalk Blog



# Furniture valuations in Family Law

**Date: Tuesday June 16, 2015**

### Scenario:

Jon and Jodie have been married for 5 years. They are in their mid-thirties, have no children and together they own a house (subject to a mortgage) in suburban Adelaide.

One year ago they purchased a new bedroom suite from Harvey Norman, a home theatre television system from Radio Rentals and a leather chesterfield couch from Le Cornu. In total the new purchases cost them \$8,000.00.

Two nights ago Jon and Jodie had a huge argument after Jon discovered Jodie was having an affair with his best friend. Jon screamed at Jodie to get out of the house and told her that he was going to *"take her for all she was worth"*. Jodie quickly left the house and has not since returned.

Jodie consults a lawyer in tears. She is terrified she will be left with nothing and angry that she had to leave the house. She tells her lawyer that she is willing to fight it to the end and that she wants absolutely everything included in the asset pool down to the cutlery and crockery. Jodie is also adamant that the furniture they purchased a year ago should be included in the asset pool at the \$8,000.00 it was purchased for.

Can such furniture be included for this value or would it be considered second hand?

**Answer:**

In the [Family Law](#) jurisdiction, furniture is valued at second-hand value, such as that may be obtained at an auction, on EBay, Gumtree or at a garage sale.

Even if the furniture was purchased one year ago, as in Jodie's case, it is unlikely the Court would attribute an \$8,000.00 value to it, as it was purchased from a chain retail store and once such furniture leaves the store it generally decreases significantly in value and is considered second hand.

There are of course exceptions to this rule, such as antique items or heirlooms, which may hold considerable value. In such circumstances, it is advisable that such items are formally valued by a qualified valuer.

In Jodie's case, if she insists that the furniture is valued at \$8,000.00 and Jon does not agree, then it would be preferable that a formal valuation is obtained.

The Court generally do not place much emphasis on second hand furniture in the context of a property settlement overall. This is because the legal costs in arguing over that furniture may outweigh the actual value of the furniture itself, which would be futile. It is therefore preferred that the parties reach a negotiated agreement regarding second hand furniture.



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