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BCI Mechanical v. General Electric Capital Corporation

1996 WL 682461 (Tex. App. 1996)

The key issue in this case is whether equipment was a fixture for Texas law purposes. The court states the rule (generally recognized) that whether equipment is a fixture (and therefore part of the real estate to which it is attached) depends on the manner in which it is attached to the real property, whether the equipment is adapted to be used with the real property and the intention of the parties. Because "property is a fixture is a matter of law only when reasonable minds could not differ on the issue", the court reversed a summary judgment for GECC and required that the question be litigated at trial. Notably, the court stated that the fact that the lease stated the equipment would not be deemed a fixture was not dispositive of the question.

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