

Re: LCD TV Buyers Beware...

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From: Henry Kolesnik (*kolesnik_at_sbcglobal.net*)

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Robert

I'm curious about your "as is" comment. Lets say the seller just copied the manufacturers brochure verbatim and in addition he says it works but is "as is". Does that give the seller an out as far as the UCC or small claims court? How about an auction other than ebay, or just an ad?

tnx

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73

Hank WD5JFR

"Robert Baer" <robertbaer@earthlink.net> wrote in message
news:41D3DC61.49E61416@earthlink.net...

> linus@technologist.com wrote:

>>

>> Do not buy from digitalgear on Ebay!

>>

>> I bought a Sharp Aquos 32" (LC-32G4U) from them over the phone (not on
>> EBay directly) and the TV turned out to be defected. It's simply not
>> working and has a little dent on the right speaker. However, they
>> insist it is new and will not take it back until I talk to Sharp. Also,
>> I thought I bought a 5-year extended warranty but the owner (Mr.
>> Stevens) said it was a 4-year Platinum with 1-year manufacture warranty
>> that made it a 5-year.

>>

>> Since I didn't buy it off Ebay (major mistake), I can't leave any
>> negative feedback on the site to warn people and have to do it here.
>> Take my advise and stay away from them.

>>

>> -Linus

>

> Take them to small claims court; the cost is about \$50 and lawyers are
> *not* allowed.

> Have all of your evidence together; full chronological listing of what
> happened (who = names, how = as accurate as possible, and when); be as
> complete as possible.

> That listing is your guide for presentation in court - so that you do
> not forget anything and do not add unrelated stuff.

> The Uniform Commercial Code states that anything sold must be fit for
> the purposes it was made for (except "as-is" items).

> Legally, the seller must make good by (a) replacing the defective
> item, (b) fixing the defective item, or (c) refunding your money - and
> it is my understanding that the choice is yours, not his.

> And when you win, if he does not pay the judgement within a specified
> period (on the paper), then you may have various options, like attach
> his bank account (that may freeze his use of it until you get paid) or

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- > other assets.
- > I say "his" because if the sale was thru a bonafide business, then it
- > is the business that you sue and collect from; the manager, etc are
- > protected in almost all cases.