

\$610,000. After the closing took place and Milliken moved into the house, she learned of the murder/suicide from her neighbor. Contending that she would not have gone ahead with the purchase of the house if she had known about the murder/suicide prior to closing, Milliken sued the Jaconos over the nondisclosure. She brought her case on common-law misrepresentation and common-law fraud grounds (rather than on the theory that the RESDL had been violated). Did the Jaconos have a duty, under common-law principles, to disclose the murder/suicide? In not disclosing this information, did they commit either misrepresentation or fraud?

in June 2007. They informed their listing real estate agents about the murder/suicide. They also consulted their attorney, their agents, and representatives of the Pennsylvania Real Estate Commission, asking whether the murder/suicide was a "material defect" requiring disclosure under Pennsylvania's Real Estate Seller Disclosure Law (RESDL). The persons consulted informed the Jaconos that they did not consider the murder/suicide a material defect for purposes of the RESDL because it would not adversely affect the value of the property. Although the real estate agents did not think that disclosure of the murder/suicide was required by the statute, they suggested that disclosure would be a good idea "just to get it out there" (quoting the deposition of one of the agents). The Jaconos replied that they had investigated the issue and did not wish to disclose the murder/suicide.

Thereafter, the Jaconos signed a Seller's Property Disclosure Statement of the sort called for by the RESDL. Their statement contained numerous specific disclosures concerning the property, indicated when the house was last occupied, and showed that the Jaconos had owned the property for seven months. However, the statement did not disclose the murder/suicide. Later in June 2007, Janet Milliken, who lived in California, viewed the property and received a copy of the disclosure statement. Milliken then entered into a contract to purchase the house from the Jaconos for

9. In February 2006, Konstantinos Koumboulis shot and killed his wife and himself inside his house in a Pennsylvania community. The murder/suicide was highly publicized in the local media and on the Internet. At a September 2006 auction, Kathleen and Joseph Jacono purchased the property from the Koumboulis estate for \$450,000. After completing renovations of the home, the Jaconos listed the property for sale
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