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# State Timber Trespass Statutes

National Agricultural Law Center Webinar Series

June 17, 2026





# Timber Trespass Statutes

- What are timber trespass statutes?
  - State-level statutes
  - Address the trespass onto the land of another and removal of timber (or other property) from that property



# Do We Need Timber Trespass Statutes?

- Property law
  - Addresses trespass
- Tort law
  - Addresses conversion
  - Addresses trespass to chattels (temporary interference with property)
- Criminal law
  - Addresses theft



# Do We Need Timber Trespass Statutes?

- Question for state policymakers:
  - Are remedies from general property / tort / criminal law adequate to address this issue?
  - If not, where do existing remedies fall short?
- Answer from state policymakers:
  - More than 40 states have specific statute(s) addressing timber trespass.



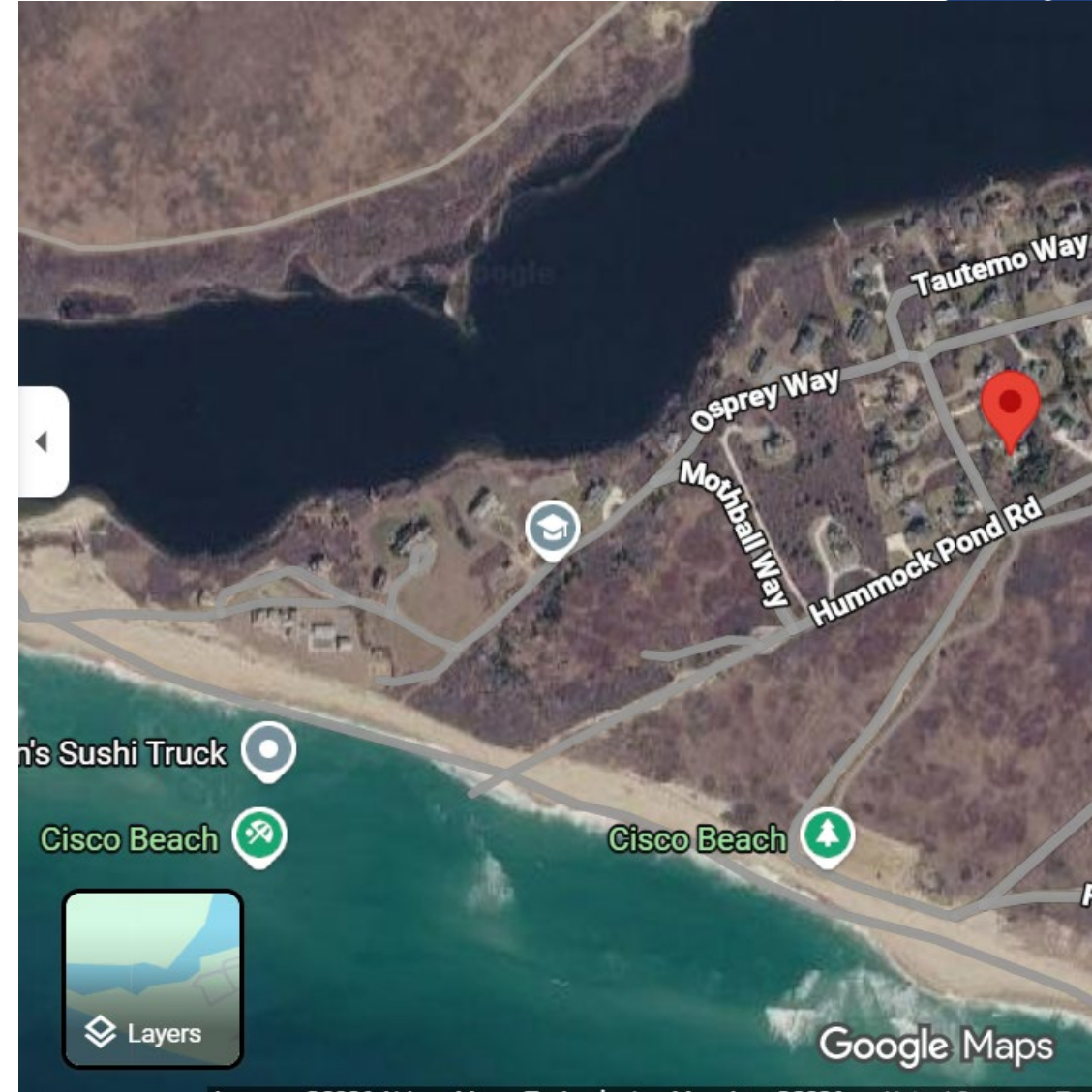
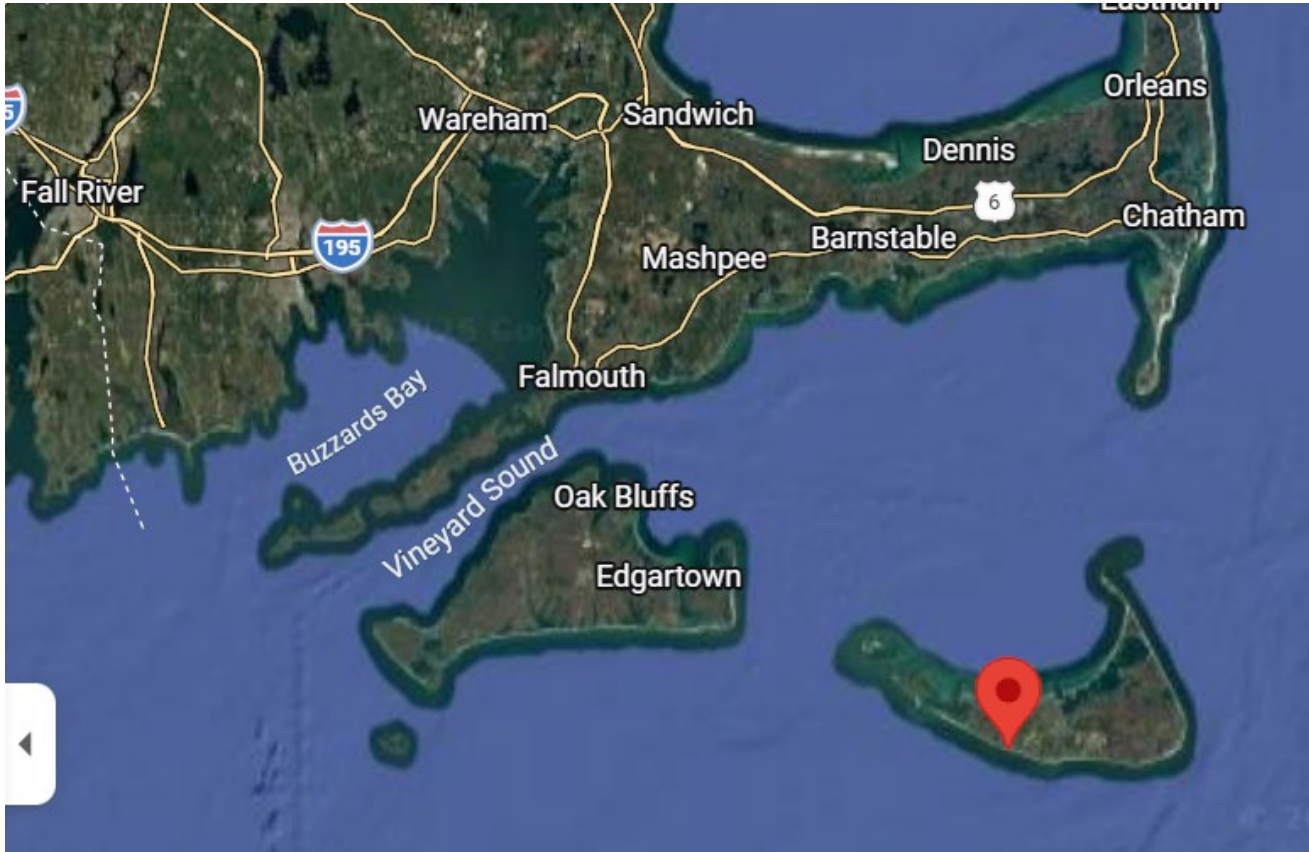
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# Nantucket Homeowner Sued For Allegedly Cutting Down Neighbors' Trees To Create Ocean View

*David Creed • Jul 03, 2025*







# *Belford v. Jacoby*

- Alleged Facts:
  - Removal of trees prior to listing of property for sale
  - Property listed for \$9,975,000
  - Listing claimed property had “sweeping views of the Atlantic Ocean”

Date Filed 6/23/2025 11:17 AM  
Superior Court - Nantucket  
Docket Number

# 1

COMMONWEALTH OF MASSACHUSETTS

NANTUCKET, ss.

SUPERIOR COURT DEPARTMENT  
CIVIL ACTION NO. 2575CV00027

PATRICIA R. BELFORD, as Trustee of the  
BELFORD FAMILY TRUST,

Plaintiff,

Filed 06/23/2025

v.

JONATHAN JACOBY,

Defendant.

**COMPLAINT**

This case arises from the willful and unauthorized destruction of mature trees located on the Plaintiff’s property at 1 Tautemo Way on Nantucket. In early 2025, Defendant Jonathan Jacoby, an abutting property owner, entered the Plaintiff’s property without permission and cut down a significant number of mature trees. The Defendant’s actions were calculated to enhance



# *Belford v. Jacoby*

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- Alleged Facts:
  - Trees had been planted by Belfords in 1970s
  - Removal of 16 trees caused “damage to the character, value, and privacy of the property.”
  - Replacement cost of trees exceeded \$486,000
  - Removal of trees was “not only economically damaging but also emotionally devastating”

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- Jacoby email to Boston Globe:
  - “I wasn’t trespassing, I was clearing out her crappy trees.”
- Belfords were in assisted living facility at time of removal.

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# *Belford v. Jacoby*

- Counts in Civil Action:
  - Trespass
  - “Tree-Cutting Statute”
  - Conversion
  - Intentional Infliction of Emotional Damage
- Criminal Investigation

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# **Island Man Who Cut Down Cisco Neighbor's Trees To Create Ocean Views Sells Property For Nearly \$8 Million**

*David Creed • Oct 09, 2025*

## **Man Who Cut Down Cisco Neighbor's Trees To Create Ocean Views Has Charges Dismissed Prior To Arraignment**

*David Creed • Oct 27, 2025*

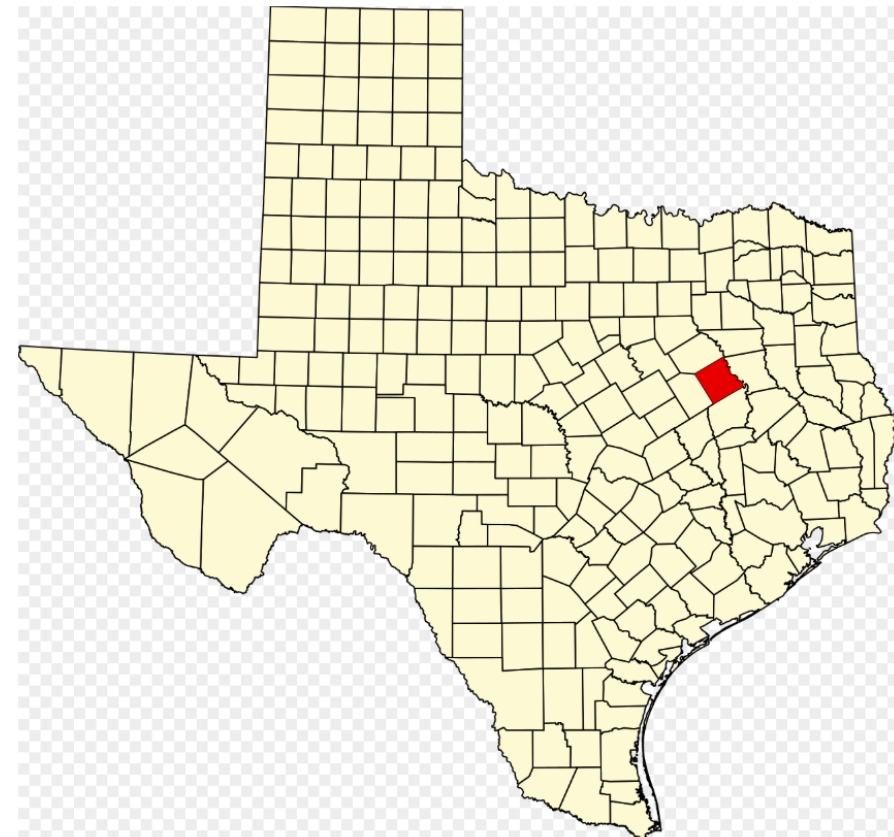




# *Kolb v. Bankhead, 18 Tex. 228 (1856)*

- Facts:

- Bankhead and Kolb owned adjacent land in Freestone County, Texas.
- Bankhead acquired tract in 1852, living and farming there until early 1854.





# *Kolb v. Bankhead, 18 Tex. 228 (1856)*

- Facts:
  - A carriage maker offered Kolb \$1 per tree for timber.
  - Kolb went to his land on April 3, 1854. Finding no suitable timber, he “went further up the bottom, until [he] found suitable timber, which afterwards proved to be from one to two hundred yards over the line, upon [Bankhead’s] land.”
  - The court found it wasn’t clear “whether [Kolb] got over the line – wilfully [sic] or from inattention.”





# Do We Need Timber Trespass Statutes?

- Question for state policymakers:
  - Are remedies from general property / tort / criminal law adequate to address this issue?
  - If not, where do existing remedies fall short?
- Answer from state policymakers:
  - More than 40 states have specific statute(s) addressing timber trespass.



# State Timber Trespass Statutes

- Common themes among state statutes, but much variation in specific provisions
- Longstanding statutes
  - Several originally enacted in nineteenth or even eighteenth centuries
  - Several state statutes predate statehood
  - Several statutes have been amended in twentieth or twenty-first centuries



# State Timber Trespass Statutes

- Trends?
- Independence of each state
- Reasons for enactment / amendment?



# State Timber Trespass Statutes – Major Provisions

- Definition of “Trespass” – What are Covered Products / Actions?
- Available Multiplier on Base Stumpage
- Impact of Trespasser’s State of Mind
- Valuation of Base Stumpage
- Available Damages Beyond (Enhanced) Base Stumpage
- Availability of Criminal Sanctions



# Definition of “Trespass”

- General considerations:
  - Limitation to timber?
  - Expansion to all trees and shrubs?
  - Expansion to all forest products?
  - Expansion to other products?



# Definition of “Trespass”

- State provisions with application to timber:
  - Georgia – “timber”
  - Kentucky – “timber”
  - Maryland – “merchantable trees or timber”
  - Tennessee – “timber”
  - Texas – “standing timber”



# Definition of “Trespass”

- State provisions with application to trees and shrubs:
  - Alaska – “tree, timber, or a shrub”
  - Connecticut – “trees, timber, or shrubbery, standing or lying”
  - Delaware – “tree or trees”
  - Illinois – “timber or tree, other than a tree or woody plant referenced in the Illinois Weeds Act”
  - Iowa – “timber, tree, or shrub”
  - Louisiana – “trees, growing or lying”
  - Mississippi – “any tree”
  - Nebraska – “timber, tree, or shrub”
  - Oregon – “tree, timber, or shrub”
  - Virginia – “timber or trees”



# Definition of “Trespass”

- State provisions with reference to specific species:
  - Alabama – “any cyprus, pecan, oak, pine, cedar, poplar, walnut, hickory, or wild cherry tree, or sapling of that kind”
  - Washington – “any tree, including a Christmas tree . . . , timber, or shrub”



# Definition of “Trespass”

- State provisions with application to wood and underwood
  - California – “wood or underwood, tree, or timber”
  - Hawaii – “timber, young tree growth, or products of tree growth”
  - Idaho – “wood, underbrush, tree or timber”
  - Massachusetts – “trees, timber, wood, or underwood”
  - Michigan – “wood, underwood, trees, or timber”
  - Montana – “wood, underwood, tree, or timber”
  - Nevada – “wood or underwood, tree or timber”
  - New York – “underwood, tree or timber”
  - North Carolina – “wood, timber, shrub, or tree”
  - North Dakota – “timber, trees, or underwood”
  - Rhode Island – “tree, timber, wood, or underwood”
  - Utah – “wood or underwood, tree or timber”



# Definition of “Trespass”

- State provisions with reference to forest products:
  - Arkansas – “trees, timber, rails, or wood”
  - New Hampshire – “tree, timber, log, wood, pole, underwood, or bark”
  - New Jersey – “tree, sapling, or pole”
  - Oklahoma – “timber”
    - Defined elsewhere to include broad range of wood products”
  - Pennsylvania – “timber”
    - “standing trees, logs or parts of trees that are commonly merchandized as wood products”
  - South Carolina – “forest products . . . whether merchantable or unmerchantable”
  - Vermont – “timber . . . or forest products”
  - Wisconsin - “raw forest products”
    - “seedlings, saplings, shrubs, whole-tree chips, boughs, logs, pilings, posts, poles, cordwood products, pulpwood, fuel wood, and Christmas trees”



# Definition of “Trespass”

- State provisions:
  - Minnesota – “cuts down or carries off any wood, underwood, trees, or timber . . . or otherwise injures any tree, timber, or shrub”
  - Missouri – “any tree placed or growing for use, shade or ornament, or any timber, rails or wood standing”



# Definition of “Trespass”

- State provisions with application beyond forestry:
  - Ohio – “vine, bush, shrub, sapling, tree, or crop”
  - West Virginia – “timber, trees, logs, posts, fruit, nuts, growing plant or product of any growing plant”
  - Maine – “forest product, ornamental or fruit tree, agricultural product, stones, gravel, or goods or property of any kind”



# Available Multiplier

- Enhanced damages provide the core of most state statutes.
- Treble damages is most common available multiplier.
  - Mandatory or allowable ceiling?
    - Iowa – “shall pay treble damages”
    - South Carolina – “not to exceed exactly three times”



# Available Multiplier

- Multiplier range:
  - New Hampshire – 3x to 10x
  - Oklahoma – 3x to 10x
    - Determined by jury (pursuant to case law)



# Available Multiplier

- No multiplier:
  - Texas – “damages in an amount equal to the sum of the mill price of the timber harvested and all reasonable expenses incurred as a direct result of the unauthorized harvesting”
  - Nebraska – no multiplier mentioned



# Available Multiplier

- Differential for different products:
  - Wisconsin – 4x stumpage value or 2x FMV of raw forest products harvested, whichever is greater
  - Connecticut – 5x for Christmas trees; 3x for everything else
  - Rhode Island – 2x for trees; 3x for wood or underwood



# Available Multiplier

- Flat rate damages:
  - Mississippi – per tree penalty of \$55 (7” or more diameter) or \$10 per tree added to double FMV
  - New York – \$250 per tree in lieu of or in addition to 3x damages
  - Alabama – uses flat statutory rate of \$10 or \$20 per tree in conjunction with common law compensatory damages and double multiplier
  - New Jersey – \$8 per tree (1/2 payable to landowner; 1/2 payable to person suing)



# Available Multiplier

- Minimum damages:
  - Maine – 3x or \$500 whichever is greater (2x or \$250 for negligent harvesting)



# Available Multiplier

- Multiplier on what damages:
  - Some states authorize multiplier on value of product removed or destroyed.
  - Some states specifically authorize multiplier on all damages.
  - Some states are silent as to what damages will be multiplied.



# Impact of Trespasser's State of Mind

- Imposition of liability:
  - Some states only impose liability for willful action.
- Application of multiplier:
  - Some states apply multiplier on a strict liability basis.
  - Some states reduce or eliminate multiplier based upon trespasser's state of mind.



# Impact of Trespasser's State of Mind

- Pennsylvania – three-tiered multiplier:
  - 1x – reasonable basis for belief that land was his/her own or that of person who directed action
  - 2x – negligent action
  - 3x – deliberate action



# Impact of Trespasser's State of Mind

- Wisconsin – three-tiered multiplier:
  - 1x – reasonably relied upon a recorded survey done by a licensed surveyor
  - 2x – did not rely on recorded survey but took reasonable precautions in identifying boundaries
  - 4x / 2x – did not take reasonable precautions in identifying boundaries



# Impact of Trespasser's State of Mind

- Many states eliminate multiplier when trespasser is not deemed to have a certain level of culpability:
  - Michigan – “had probably cause to believe that the land . . . was his own”
  - Minnesota – “trespass was casual or involuntary”



# Impact of Trespasser's State of Mind

- Some states reduce multiplier when trespasser is not culpable.
  - Oregon – 3x for intentional conduct; 2x for unintentional conduct
  - California – 3 for intentional conduct; 2x for innocent conduct



# Impact of Trespasser's State of Mind

- Imposition of punitive damages
  - Georgia authorizes punitive damages for willful trespassers.
    - Presumption of willful trespasser where boundary lines are clearly and accurately marked
- Distinction between civil and criminal sanctions



# Impact of Trespasser's State of Mind

- Shifting damages to responsible landowner
  - Tennessee – if “landowner for whom timber is being cut has marked or designated the boundary of the landowner’s property incorrectly, then the landowner is jointly liable for the double damages”



# Valuation of Base Stumpage

- Statutes provide differing levels of guidance on how to calculate base stumpage.
- Statutes generally are geared towards valuation of marketable timber, rather than trees intended for other purposes.



# Valuation of Base Stumpage

- Minnesota – “just value of timber taken”
- Texas – “sum of the mill price of the timber harvested and all reasonable expenses”
- Wisconsin – stumpage value is FMV “of raw forest products less the cost of their harvesting”
- Oklahoma – “fair market value of the timber as determined by a registered forester.”



# Valuation of Base Stumpage

- Pennsylvania – “The value of the standing timber at local market prices for the species and quality of timber cut or removed at the time it was cut or removed.”
- Illinois – “value of timber as it stands uncut in terms of an amount per unit of volume expressed as dollar per board foot for that portion of a tree or timber deemed merchantable by Illinois forest product markets.”



# Valuation of Base Stumpage

- Virginia – each party selects timber estimator. “If the two estimators cannot agree, they shall select a third person, experienced and disinterested, who shall make a decision that shall be final and conclusive and not subject to appeal.”
- Illinois – Court may order three appraisals, then average the appraisals before trebling damages



# Valuation of Base Stumpage

- Maine – damage amount based on diameter of tree – from \$25 to \$150
- Vermont – damage amount based on diameter of tree – from \$50 to \$2000; shrubs are valued at \$50



# Available Damages Beyond (Enhanced) Base Stumpage

- Court costs and attorney fees
  - Many statutes include provision for the award of court costs and attorney fees.
  - Louisiana – attorney fees not authorized if good-faith violator pays within 30 days of demand
  - Oklahoma – two-way attorney fee shifting provision



# Available Damages Beyond (Enhanced) Base Stumpage

- Damages and remedies available in some statutes:
  - Replacement or restoration costs
  - Expert witness fees, investigative costs, survey costs
  - cleanup costs, E&S plan costs, preparing forest management plans, reforestation and replanting costs
  - injunctions authorized to prevent threatened trespasses



# Availability of Criminal Sanctions

- Some states include criminal sanctions in timber trespass statute.
- Some states address criminal liability through general trespass statutes
- Violations are generally misdemeanors, but may be felonies based upon value of damage
- PA – 2x restitution required (which reduces payment of civil damages)



# Statute of Limitations

- Most statutes do not address the applicable statute of limitations.
- Where addressed, the statute of limitations may be up to 5 years.
- The discovery rule may or may not apply.



# Timber Trespass – Prevention Strategies

- Monitor property
- Post property to indicate boundaries
  - Application of purple paint laws





## Thanks to Our Partners

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