

# **Timber Theft**

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Individual tree  
theft is a  
growing  
problem with  
high value  
trees.





# Who Are the Victims of Timber Theft ?

- **Landowners**
- **Sawmills**
- **Loggers**

# **Criminal Remedies**

- **In timber theft cases the crime represents the felony of grand larceny.**
- **If convicted, the thief could face a fine up to \$2,500, between one and 20 years in prison, restitution for the value stolen, or any combination of these penalties.**

# Civil Remedies

- In a successful civil case the landowner may be legally entitled to anywhere from the value of the timber taken to up to three times the value of the stolen timber.
- The results will depend on the facts of the timber trespass and the civil lawsuit.

# Timber Trespass

- A logger cuts across a boundary line by accident or the line is incorrectly marked.
- Usually involves a few trees or a small area.



# Timber Theft

- **Logger intentionally cuts the high value trees across the boundary line.**
- **A logger blatantly goes onto property and harvests the timber.**
- **Someone cuts high value trees along a road through the property.**

# Timber Fraud

- Timber purchased on a pay as cut, per unit, or share basis and the buyer fails to pay for all the trees that are harvested.
- Landowner being paid for hickory when the buyer harvested oak.
- A crew member or trucker could take a load without knowledge of the logger.



# Other Theft Issues

- **Multiple landowners and all owners are not involved with the sale.**
- **Someone sells timber that does not belong to them.**
- **Timber buyers who take landowners by paying very low prices.**

# What Landowners Can Do

- Hire a consulting forester.
- Sell lump sum, sealed bid.
- Use a contract.
- Require money before cutting begins.
- Ask for a performance bond.

# **Straight Theft**

- **Usually occurs on remote parcels**
- **Common on property with poorly marked boundary lines**
- **High value trees are a temptation**



# Theft Prevention

- Identify and mark your property lines.
- Regularly visit the property
- Stay on good terms with your neighbors.
- Pay attention when you see log trucks in the area
- Watch for suspicious or unusual activity.
- Control access.
- Work with reputable foresters and loggers.

# **If You Find Timber Theft**

- **Act quickly.**
- **Report the theft to law enforcement agents.**
- **Get pictures.**
- **Hire a consulting forester to determine the value stolen.**
- **Try to negotiate a settlement.**





**Most people are honest in their dealings!**



## **§ 55-331. Damages recoverable for timber cutting.**

If any person, firm or corporation, encroaches and cuts timber, except when acting prudently and under bona fide claim of right, the owner thereof shall, in addition to all other remedies afforded by law, have the benefit of a right to, and a summary remedy for recovery of, damages in an amount as hereinafter specified and recovered as hereinafter provided.

**If the trespass is proven, the defendant shall have the burden of proving that he acted prudently and under a bona fide claim of right.**

(Code 1950, § 8-906; 1952, c. 658; 1968, c. 251; 1977, c. 624; 1993, c. 580; 2004, cc. 604, 615.)

## **§ 55-332. Procedure for determination of damage.**

**A. The owner of the land on which such trespass was committed shall have the right, within 30 days after the discovery of such trespass and the identity of the trespasser, to notify the trespasser and to appoint an experienced timber estimator to determine the amount of damages.** For the purposes of determining damages the value of the timber cut shall be calculated by first determining the value of the timber on the stump. **Within 30 days after receiving notice of the alleged trespass and of the appointment of such estimator, the alleged trespasser, if he does not deny the fact of trespass, shall appoint an experienced timber estimator to participate with the one already so appointed in the estimation of damages.** If the two estimators cannot agree they shall select a third person, experienced and disinterested, and the decision thereafter made shall be final and conclusive and not subject to appeal. **The estimation of damages and the rendition of statement must be effected within 30 days from the receipt of notice of appointment, by the trespasser, of an estimator.**

If the alleged trespasser fails to appoint an estimator within the prescribed time, or to notify, within such time, that the allegation of the fact of trespass is disputed, the estimator appointed by the injured party may make an estimate, and collection or recovery may be had accordingly.

B. Any person who (i) severs or removes any timber from the land of another without legal right or permission or (ii) authorizes or directs the severing or removal of timber or trees from the land of another without legal right or permission shall be **liable to pay to the rightful owner of the timber three times the value of the timber on the stump and shall pay to the rightful owner of the property the reforestation costs incurred not to exceed \$450 per acre, the costs of ascertaining the value of the timber, and any directly associated legal costs incurred by the owner of the timber as a result of the trespass.**

(Code 1950, § 8-907; 1977, c. 624; 1987, c. 105; 2004, cc. 604, 615.)



## **§ 55-334. When person damaged may proceed in court.**

**If the amount specified in subsection B of § 55-332 is not paid within 30 days after rendition of statement, the person upon whose land the trespass occurred may proceed for judgment** in the amount of payment as specified in § 55-332.

If, upon receiving notice of the alleged trespass and of the appointment of an estimator, the person so receiving notice does not admit the fact of trespass, he may decline to appoint an estimator and notify the other party to such effect, together with his reason for refusing to appoint an estimator, and in such case the aggrieved party may proceed in the appropriate court.

(Code 1950, § 8-909; 1968, c. 251; 1977, c. 624; 2004, cc. 604, 615.)

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## **§ 55-334.1. Larceny of timber; penalty.**

A. Any person who knowingly and willfully takes, steals, and removes from the lands of another any timber growing, standing or lying on the lands shall be guilty of larceny. Any person so convicted shall be ordered to pay restitution calculated pursuant to § 55-332.

B. In a criminal prosecution pursuant to subsection A, it shall be prima facie evidence of the intent to steal the timber **if the timber was harvested or removed from property marked with readily visible paint marks not more than 100 feet apart on trees or posts along the property line, where the paint marks were vertical lines at least two inches in width and at least eight inches in length and the center of the mark was no less than three feet or more than six feet from the ground or normal water surface.**

(2004, cc. 604, 615.)

# **Timber Theft Losses**

**A Virginia Tech study estimated that over \$4 Million dollars are lost each year in the Southern Appalachian Region due to timber theft.**



Clearly mark property lines.



















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# **Devious Purchases**

**(Most Common on “Share Purchases”)**

- **Not paying for all trees cut.**
- **Paying a share percentage that is too low.**
- **Not paying at all.**