





BEAT THE BOUNDS: PROPERTY BOUNDARIES & TIMBER SELLING TIPS



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WHY MARK PROPERTY LINES?

- Identifies what you own
 - Hunters
 - Neighbors
 - Family/heirs
 - Timber harvesting operations
- "Good fences (boundary lines) make good neighbors"




BOUNDARY LINE ESTABLISHMENT

- Survey (recorded)
- Natural features
- Signs
- Fence
- Paint




VIRGINIA CODE FOR POSTING LANDS

- § 18.2-134.1. Method of posting lands.
- A. The owner or lessee of property described in § 18.2-134 may post property by (i) placing signs prohibiting hunting, fishing or trapping where they may reasonably be seen; or (ii) placing identifying paint marks on trees or posts at each road entrance and adjacent to public roadways and public waterways adjoining the property. Each paint mark shall be a vertical line of at least two inches in width and at least eight inches in length and the center of the mark shall be no less than three feet nor more than six feet from the ground or normal water surface. Such paint marks shall be readily visible to any person approaching the property.
- B. The type and color of the paint to be used for posting shall be prescribed by the Department of Game and Inland Fisheries.




VIRGINIA CODE § 55-334.1 (TIMBER THEFT/ TRESPASS)

- 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




BOUNDARY LINE ESTABLISHMENT - PAINT

- Readily visible to any person approaching the property
- Paint marks no more than 100 feet apart
- Vertical Line
 - 2" wide and 8" length
 - Between 3' and 6' of ground
- Any color of paint (readily visible)
- Aluminum – per DGIF for trespass marking



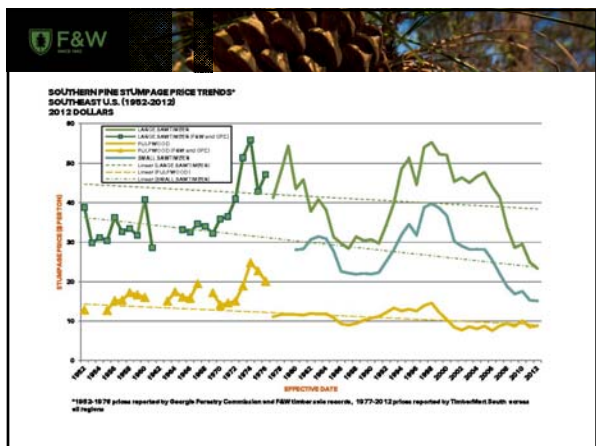
BOUNDARY LINE MAINTENANCE


- Annually walk property line
- Replace torn or downed signs
- Re-paint lines every 5-7 years
 - Special boundary line paint



TIMBER SALES – WHAT MAKES TIMBER UNIQUE?


- Frequency of sales
- Species composition
- Products
- Timing
- Purpose of sale
- Unique property





WHAT MAKES TIMBER SALE AGREEMENTS UNIQUE

- Thinning
- Clear-cut
- Selection cut
- Multiple products
- Lump sum
- Per unit




COMPARISON OF LUMP SUM AND PER UNIT SALES

<p>LUMP SUM</p> <ul style="list-style-type: none"> ▪ Landowner gets money up front ▪ Title to timber transfers at closing ▪ Buyer assumes risk of fire/storm damage ▪ Buyer assumes risk for volume cutout 	<p>PER UNIT</p> <ul style="list-style-type: none"> ▪ Landowner is paid as timber is cut ▪ Title to timber transfers when timber is cut ▪ Landowner retains risk from fire/storm damage ▪ Income will vary based on buyer utilization
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LUMP SUM BID SALES TYPICALLY YIELD HIGHEST PRICES

	Sale #1	Sale #2	Sale #3	Sale #4	Sale #5
County	Culpeper	Fluvanna	Albemarle	Appomattox	Appomattox
Acres	58	54	115	107	89
Bidder #1	\$91,500	\$93,750	\$192,500	\$171,600	\$136,610
Bidder #2	\$82,176	\$79,580	\$175,000	\$164,342	\$132,600
Bidder #3	\$78,250	\$61,920	\$158,000	\$158,730	\$120,600
Bidder #4	\$72,146			\$141,649	\$114,772




WHAT TYPE OF SALE METHOD SHOULD I USE?

- What are your goals/objectives of the sale?
- Short term gain vs. long term gain




TIMBER SALE NOTICE

- Identify timber type
- Identify areas for harvest
- Identify type of harvest
- Terms
 - Payment(s)
 - Length of contract
 - Timing of harvest
- Sale Type – Lump sum or Per Unit
- Access




LAWS PERTAINING TO TIMBER HARVEST

- Water Quality Law (BMPs and sedimentation)
- Debris in Stream Law – no tops in streams
- Seed Tree Law
- VDOT entrance permits
- OSHA standards




INSURANCE REQUIREMENTS

- General Liability Insurance - \$1 million/occurrence with \$2 million aggregate
- Automobile insurance - \$1 million/occurrence
- Workman's comp – when required by law
- Landowner named as ADDITIONAL INSURED on general liability and automobile liability insurance policies



ADDITIONAL ITEMS TO CONSIDER

- Damage Deposit
- Bank release – mortgage or lien
- Arbitration Clause
 - 3 member panel
- Wet weather extension
 - Typically 3-6 months



QUESTIONS??

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