Security

Tennessee Department of Agriculture, Division of Forestry

Trespassing, liability and theft pose risks from

- ❑ Nuisance and littering
- ❑ Destruction of property
- ❑ Timber theft
- ❑ Safety of trespassers
- ❑ Potential for lawsuits
- ❑ Illegal uses of your land

There is no simple solution to these problems, but the following steps will minimize the risk. These are basic measures that any prudent landowner should take, and are not intended to be legal advice.

Trespassing

- ❑ Mark boundaries and put up clear signage.
- ❑ Control access to your property. This might be a perimeter fence or segments of fence, logs etc across important access points.
- ❑ Lease the land to someone who will take an interest in it and help patrol it.
- ❑ Visit/patrol your property as often as possible. Report any illegal use of your land immediately to law enforcement officials. (This could help you avoid legal problems.)
- ❑ Work with other landowners to have a "neighborhood watch."
- ❑ Don't take the law into your own hands!

Liability

- ❑ Prevent access by children to "attractive nuisances," (caves, bluffs, dilapidated buildings, etc.)
- ❑ Do not let your debris fire escape. You are liable for damages if it escapes to a neighbor's property
- ❑ When leasing land to hunters,
  1. Show them any hazards on the property
  2. Indicate hazards on a map, along with property boundaries
  3. Prepare a written agreement outlining rules of safe conduct and property protection
  4. Have each hunter sign a copy of the map, the rules, and the release, together with a statement that he/she has read and understands them
  5. Consider requiring the leasee to purchase liability insurance, or purchase it yourself; insurance can be purchased through the Southeast Wildlife Federation and the National Rifle Association

Each liability situation is different. If you have special concerns or problems with your liability exposure, contact an attorney.

Timber theft may occur intentionally and surreptitiously, or unintentionally by a logging contractor operating on neighboring property.

1. Know your neighbors and work with them if possible
2. Patrol your property often
3. Lease your property to reputable users (such as hunters)
4. Carry out reforestation after a timber sale (if desired) as soon as possible so that you can close off the area
5. Consider the possibility of timber theft in long-range management planning, harvesting stands of highest value and accessibility first

To avoid inaccuracy or cheating by a timber harvester with whom you have contracted

1. Use a consulting forester
2. Mark boundaries clearly
3. Know what you are selling
4. Get references from other landowners who have done business with that contractor
5. Write a clear and legally binding contract covering all aspects of the sale
6. Inspect the harvest frequently
7. On per-unit sales, monitor loads and assure timely settlement and ticket reporting
8. Compare pre-sale estimates of income to final total

If you sell timber on shares or pay-as-cut, you can be held liable for damaged caused by the logs on the way to the mill. Lump sum sales avoid this problem, since the purchaser owns the timber before it is cut and transported.

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