

THE PURDUE LANDSCAPE REPORT

Issue: 20-19
November 3, 2020

The Tree Next Door

By: Lindsey Purcell, lapurcel@purdue.edu



Leaning trees can be a risk to neighboring property owners.

I hear this complaint or issue more frequently, “what can I do about the neighbor’s tree?” or “my neighbor just butchered my tree!”. Often, we see issues with a neighboring tree that may threaten safety or appears to be an elevated risk. For example, from the view of your window you see your neighbor’s tree dropping dead branches all over your driveway. Or, you can’t see a favorable view at all because of that tree or unruly hedge. Or you are certain that the neighbor’s tree will eventually fall onto your garage.

Before you take any action, establish ownership of the tree, and find out if you have rights to work on the offending vegetation. Otherwise, it can land you into a contentious legal situation.

Some questions to consider include:

When tree limbs or even the trunk of the tree crosses property line, are you within your rights to prune or remove it?

Boundary laws vary with every state. Often the boundary lines are uncertain or assumed based on local information. However, in contentious situations that may result in major modifications to a

tree, it is advised to get a survey to establish exactly who owns the tree.



Check with local government websites for property maps which can help identify boundaries.

Rights are determined by who owns the tree. Check with your town, city, county and state municipalities for regulations about trees and property lines. The rights and responsibility for care and maintenance of trees are assigned to its owner, and ownership is determined by the *location of the tree’s trunk*. If the trunk is located entirely on the neighbor’s land even if its limbs or branches overhang onto your land, the neighbor is the tree’s owner. The neighbor has the sole right to preserve the tree or cut it down. This is true regardless of the neighbor’s motivation or the impact the tree removal would have on your land.

It is always best practice and considerate to first ask your neighbor if you can arrange to have it removed or pruned. They might actually appreciate it.

When tree work is required to remove or prune the tree and neighbor conflict exists, have a qualified tree care provider determine the work specifications on exactly how the tree issue should be mitigated. It is usually a bit more complex than simply stating, “cut limbs back to property line.” The work order must reference the ANSI A300 tree pruning standards to assure the

procedures being proposed take into consideration the tree's future health. Ensure that your tree care provider has a copy of their current liability insurance policy on hand. Check their references as well, not all tree care companies are guaranteed to provide the best results for you or your tree.



An ISA certified arborist can provide mitigation options that are best for the tree and helpful for the tree owner.

The best advice is to hire a tree care professional with the experience, expertise, and equipment to assess and safely prune, remove or otherwise care for your or your neighbors' trees. [Search for a tree care provider in your area.](#) Also, consider hiring an [ISA Certified Arborist which can be found here.](#)

According to most attorneys, open-minded communications with the neighbor can result in an acceptable resolution for any situation. This will help to avoid a contentious, expensive, time consuming and unpredictable lawsuits.

It is the policy of the Purdue University that all persons have equal opportunity and access to its educational programs, services, activities, and facilities without regard to race, religion, color, sex, age, national origin or ancestry, marital status, parental status, sexual orientation, disability or status as a veteran. Purdue is an Affirmative Action Institution. This material may be available in alternative formats. 1-888-EXT-INFO Disclaimer: Reference to products in this publication is not intended to be an endorsement to the exclusion of others which may have similar uses. Any person using products listed in this publication assumes full responsibility for their use in accordance with current directions of the manufacturer.

Purdue Landscape Report © Purdue University - www.purduelandscapereport.org