

BOLHOUSE, BAAR & LEFERE, P.C.
ATTORNEYS AT LAW

A SHADY ISSUE

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Neighbors fighting over lot lines, fences and loud noise is nothing new. However, one issue that continues to cause problems between adjoining property owners is the dispute over the rights and responsibilities of trimming and maintaining trees. If you live in a neighborhood, chances are a few of your trees hang over your neighbor's property or your own yard is shaded by a canopy of trees that are not your own. Many people believe that it is the sole responsibility of the tree owner to keep his or her tree trimmed in order to prevent it from encroaching onto a neighbor's land. That is not really the case. So who is responsible for the trimming of trees and if not the owner, what is the neighbor's rights when a tree extends over onto his or her property?

Believe it or not, the Michigan Supreme Court addressed this in a case back in 1893 when a dispute arose between a railroad company and a private property owner. The Court stated that if a tree stands on your neighbor's land and the branches extend over the dividing property line, you may cut off the branches that extend over your land, **but not beyond the boundary line.** Current law also provides that the owner of the tree is not responsible for the cost of trimming and, as much as you may really want to, you cannot cut the tree down if it is on your neighbor's land. Actions like this are considered to be a trespass and can result in serious civil and possibly criminal penalties.

So, before firing up the chainsaw, take some time to talk to your neighbor about a solution that will work for both of you. No matter what side of the dispute you are on, knowing what you can and cannot do under the eyes of the law will help prevent an expensive misunderstanding and maybe preserve some harmony between neighbors.