



TREE NEWS

JUNE 2024

YOU CAN USE

CONTRIBUTING AUTHORS

WHOSE TREE IS THIS?

Border Line vs Boundary Line Trees

In the state of Tennessee, a **boundary line** tree is one where the trunk of the tree is on the property line of a parcel of land. In a sense, that tree is an asset, equally owned by the adjoining landowners. This can make things dicey if one landowner decides to remove a healthy boundary line tree without the adjoining landowner's permission. The act of removing the tree would be unlawful, opening the offending landowner to civil liability if the other landowner decided to pursue legal action for the loss of the tree's value to their property. A **border line** tree, on the other hand, is a tree where the entire trunk is on one property, but the tree's branches and root system cross onto an adjoining property. In this case, even though the tree is owned by the property where the trunk is located, the adjoining property still has some rights regarding how their neighbor's tree intrudes on their land.

Nuisance, Easements, and Utilities

In tree law, branches and roots from border line trees intruding onto an adjacent property and causing "harm" is considered a **nuisance**. In those cases, the adjoining landowner has the right to prune roots and branches back to the property line "IF" doing so will not lead to the decline and premature loss of the tree. Consult a certified arborist and arrange for access to the tree through your neighbor so that proper pruning cuts can be made. Additionally, your local municipality may also have tree ordinances with more definitions of nuisance tree scenarios and what the rights and responsibilities are for the landowners.

When "YOUR" border line tree extends beyond the lines of your property, the right to and the responsibility for that tree stops being solely yours. In situations involving **utility rights-of-way**, your tree may be pruned, trenched around, or even removed while maintaining that utility. Additionally, your property may have **easements** where access by another party cannot be obstructed by trees.

Conclusion: Can't We All Just Get Along?

It is easy to believe the big oak shading your porch is as much yours as your house. In reality, most of us do not live in a place where we don't have neighbors. It's important to remember your small piece of paradise can have an impact outside of those survey stakes. Avoid planting trees near utility rights-of-way, and in the event of a border or boundary line tree dispute, consult a licensed attorney to get informed about your rights, responsibilities, and pathways to possible arbitration.



Dr. Sharon Jean-Philippe
Professor
Urban Forestry



Dr. Natalie Bumgarner
Associate Professor
Residential & Consumer Horticulture



Sam Adams
ISA Certified Arborist
UT Knoxville Facilities Services



Lee Rumble
Extension Agent & ISA Certified Arborist
UT Extension, Knox County



Neal Vercler
Senior Arborist Tech, BCMA #SO-7529B
UT Knoxville Facilities Services



Walker Fowler
Content Expert
UT School of Natural Resources



SPONSORED BY:

