



TREE NEWS

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YOU CAN USE

UNDERSTANDING YOUR RIGHTS WHEN A NEIGHBOR’S TREE CROSSES THE PROPERTY LINE

Trees provide shade, beauty, and environmental benefits, but they can sometimes create disagreements between neighbors. Branches or roots that cross property lines are among the most common sources of property disputes. Fortunately, Tennessee law provides guidance on what property owners can and cannot do when dealing with neighboring trees.

Can You Trim a Neighbor’s Tree?

In Tennessee, property owners generally have the right to trim branches or roots that extend onto their property. However, trimming must be limited to the property boundary line. Cutting beyond the boundary or stepping onto a neighbor’s property without permission may result in liability. While trimming is allowed, property owners should avoid damaging or destabilizing the tree. Excessive pruning that harms or kills the tree could result in legal consequences because trees are considered valuable property.

The “Self-Help” Rule

Historically, Tennessee followed the “self-help” rule. It allows a property owner to protect their land by trimming encroaching branches or roots at their own expense, without requiring action from the neighbor who owns the tree. This approach is still recognized today, meaning if branches or roots cross onto your property, you can remove the portion extending across the boundary line so long as it does not damage or destabilize the tree.

Tennessee Supreme Court Decision Expanded Tree-Related Rights

A key change to Tennessee tree law came from the Tennessee Supreme Court case *Lane v. W.J. Curry & Sons* (2002).

The Court ruled trimming branches is not the only remedy available to property owners. If encroaching branches or roots cause actual damage or create an imminent risk of damage, the affected property owner may pursue a private nuisance claim against the owner of the tree. This ruling expanded property owners’ rights by allowing courts to require the tree owner to address the problem or compensate for damages in certain circumstances.

What Counts as a Nuisance?

Not every inconvenience caused by trees qualifies as a legal nuisance.

According to the Tennessee Supreme Court, trees are not considered a nuisance simply because they:

- Cast shade
- Drop leaves or twigs
- Produce flowers or fruit
- Extend branches or roots onto neighboring property

However, trees may be considered a nuisance if they cause significant property damage or pose an imminent risk of harm to adjacent property. Examples might include roots damaging plumbing systems, limbs causing structural damage, or unstable trees threatening buildings.

Who Is Responsible for Tree Damage?

Responsibility for damage caused by trees often depends on the situation:

Healthy trees and natural events

If a healthy tree falls during a storm or other natural event, the tree owner is generally not liable for resulting damage.

Hazardous or neglected trees

If a tree owner knew—or reasonably should have known—that a tree posed a hazard and failed to address it, they may be responsible for resulting damages.

Encroaching roots or branches

Neighbors may trim the portion crossing the property line. If the encroachment causes serious damage, a nuisance claim may be possible.

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