

## **Who is Liable When a Tree Falls on a Neighbor's Property?**

Many people have one or more types of trees on their property. Trees provide shade and complement landscaping nicely, but they can also cause major disputes when they fall over. A tree may fall over if it is not properly maintained and diseased, or it may fall over during a wind storm. When a tree falls over onto a neighbor's property, most people assume that they are liable since it is their tree. However, this is not always true.

When a tree falls over onto a neighbor's property, that neighbor should submit a claim to his or her insurance company immediately. The insurance company is usually responsible for taking care of the damages. This is true if the tree fell over due to an act of nature. For example, a healthy tree that falls over during a wind storm or winter storm would not be the responsibility of the homeowner. Since the homeowner living on the property where the fallen tree was rooted did not intentionally push the tree over, nature is responsible. This means that the neighbor's insurance policy should cover it.

However, there are some cases where a homeowner could be held liable. If the tree was dying, unstable or diseased and the homeowner knew about it, he or she could be liable if it falls over on its own. When homeowners know they have dying, diseased or unstable trees, it is their responsibility to take steps to prevent them from causing severe damage.

A professional arborist can analyze the tree to see if it needs any special treatments, pruning or complete removal. This may seem like an unnecessary expense, but it is much less expensive than the potential cost of paying for a neighbor's home being destroyed and the legal costs that may ensue. For those who plan to stay in their homes for any length of time, it is best to try to keep peace with neighbors, so this is also a good way to prevent quarrels or ongoing problems.