



TEXAS A&M

FOREST SERVICE

Timber theft is a crime that affects everyone and is continually rising with the price of timber and more absentee land owners. While timber and land owners initially feel the monetary loss, everyone stands to lose a natural resource - trees taken without reforestation methods in place to ensure a new forest for the future.

Many timber theft cases involve absentee landowners who are more vulnerable because they aren't around to protect their property. In these cases, the thief is often long gone by the time the crime is discovered. Another method of theft involves timber buying contracts. There are a number of scenarios, but the most common is probably that the contract is never fulfilled by the buyer.

A Bill of Sale IS required to sell timber in Texas!

Texas law requires that a seller shall provide and a purchaser shall obtain, a bill of sale when selling or buying trees, logs, pulpwood, or in-woods chips. Finished wood products; logs or pulpwood from a woodyard, transfer yard, mill site, or storage yard; trees from a nursery; or logs or pulpwood with a commercial value of less than \$250 are exempt from the bill of sale requirements.

Required in a Bill of Sale!

The law allows the bill of sale to be part of, a compilation of information obtained from, or an addendum to, a timber deed, scale ticket, weight ticket, cutting contract, harvest agreement, wood purchase agreement, or other records of the sale and purchase as long as the following information is obtained:

- 1) the name of the landowner, seller if seller is not the owner of the land, and purchaser;
- 2) a description of the survey or tract of land, or information from which the identity of the tract of land may be determined, including the name of the county;
- 3) a general description of the trees, logs, pulpwood or in-woods chips;
- 4) a warranty from the seller that the seller is the lawful owner of the trees, logs, pulp-wood or in-woods chips, and that there are no liens, claims or demands of any third party on such trees, logs, pulpwood or in-woods chips; and
- 5) the signature of the seller.

The penalties for non-compliance are:

If a seller fails to provide a bill of sale, or a purchaser fails to obtain and retain a bill of sale for at least two years, he is subject to a fine of not more than \$500 for each offense. In addition, anyone found guilty of theft or fraud in connection with the sale or purchase of trees or timber can be punished under the laws in the Texas Penal Code.

If a landowner is not paid for his/her timber:

The law provides that the proceeds from the sale of timber become trust funds in the hands of the purchaser and the purchaser, which is the trustee, commits an act with the intent to defraud if the trustee does not pay all of the beneficiaries the purchase price not later than 45 days after the date the trustee collects the money for the timber. Criminal charges for nonpayment are found in the Natural Resource Code, Section 151. The penalties for nonpayment are based on the value of the timber stolen.

If timber is cut across a property line or if trees are cut that were not authorized in the contract the landowner can recover financial loss:

The law allows the courts to award to the owner of the standing timber, the sum of the delivered mill price of the timber and all reasonable expenses incurred as a direct result of the unauthorized harvest.

Restrict access to property and prosecute violators for Trespassing!

The unlawful entry of private property is also a problem faced by private landowners in East Texas. The law provides several options for landowners to post their property. In addition to using no trespass signs or fencing, a law passed by the legislature in 1997 allows the use of purple paint marks on trees or posts. When using **purple paint** for trespass purposes the paint should be vertical lines of not less than eight inches in length and not less than one inch in width placed between 3 to 5 feet from the ground at visible locations. Paint markings should be no more than 100 feet apart on forested land and 1000 feet apart on non-forested land.

To help property owners avoid these and other timber theft tactics, the Texas A&M Forest Service offers the following advice:

- Have someone you know and trust report any cutting or trespassing on your land **immediately**.
- Have a **Bill of Sale** before any cutting begins and **NEVER sign a contract** without checking several references of the buyer.
- For the best price **insist on getting bids** for your timber.
- Mark all property lines to assure cutting on adjacent property does not encroach on yours.
- Most importantly, if the landowner does not know the timber business, find someone who does to help you determine volumes, current prices and potential bidders.

Report suspected timber theft or suspicious activity by calling TFS or your local Sheriff's Department:

TFS Timber Theft Hotline
1-800-364-3470