

**364.130 Liability of person entering upon and cutting timber growing upon land of another -- Measure of damages.**

- (1) Except as provided in subsection (2) of this section, any person who cuts or saws down, or causes to be cut or sawed down with intent to convert to his own use timber growing upon the land of another without legal right or without color of title in himself to the timber or to the land upon which the timber was growing shall pay to the rightful owner of the timber three (3) times the stumpage value of the timber and shall pay to the rightful owner of the property three (3) times the cost of any damages to the property as well as any legal costs incurred by the owner of the timber.
- (2) (a) If a defendant can certify that prior to cutting:
  1. A signed statement was obtained from the person whom the defendant believed to be the owner of all trees scheduled to be cut that:
    - a. All of the trees to be cut were on his property and that none were on the property of another; and
    - b. He has given his permission, in writing, for the trees on his property to be cut; and
  2. Either:
    - a. A written agreement was made with owners of the land adjacent to the cut that the trees to be cut were not on their property; or
    - b. Owners of the land adjacent to the cut were notified in writing, delivered by certified mail, restricted delivery, and return receipt requested, of the pending cut and they raised no objection,the court may render a judgment for no more than the reasonable value of the timber, actual damages caused to the property, and any legal costs incurred by the owner of the timber.
- (b) With respect to subsection (2)(a)2.b. of this section, if no written objection was received from the persons notified within seven (7) days from the date of signed receipt of mail, it shall be presumed, for the purposes of setting penalties only, that the notified owner had no objection to the proposed cut.
- (3) This section shall not be construed as repealing any of the provisions of KRS 514.030 of the Kentucky Revised Statutes and any penalties provided by this chapter shall be considered as additional thereto.

**Effective:** July 15, 1994

**History:** Amended 1994 Ky. Acts ch. 386, sec. 1, effective July 15, 1994. -- Amended 1980 Ky. Acts ch. 188, sec. 281, effective July 15, 1980. -- Created 1956 Ky. Acts ch. 26, sec. 1, effective May 18, 1956.