

If You or Your Neighbors Have Trees, **Read This**

When trees fall who pays for the tree removal and any damage?

by
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Tree Scenario 1 Your magnificent American Sycamore tree falls on the Smith's house next door during an ice storm. When you see Mr. Smith, you tell him that you're going to miss that beautiful tree. As you walk away, it's obvious Mr. Smith isn't happy. Who is responsible for the damage?

Tree scenario 2 Your neighbor, Mr. Jones, has two kids in private colleges and funds are tight. He's put off home repairs and all unnecessary expenses. You see the dead trees lining the south side of your property and you know they won't be trimmed or removed until after his kids graduate. You're especially concerned about a dead 72' Eastern White Pine next to your new three-car garage. It hasn't dripped sap on your cars in three years, and your 1967 426 Corvette is in the center bay. Every time there's a strong windstorm, you cringe. Who is responsible if the tree falls on your garage?

Here's how it works

1. In most cases, the homeowner whose property a tree lands on is responsible for the resulting damage and the removal of the tree.
2. The tree owner would only be responsible for damage to a neighbor's property if some failure to maintain the tree contributed to the damage.
3. Therefore, in scenario 1, since your American Sycamore tree was healthy, it fell due to "an act of God". You would not have to pay for the house damage or the removal of the tree.
4. Unfortunately, the second scenario may not end to your liking. Your neighbor's insurance company could deny the claim because of your neighbor's neglect. Therefore, you would have to rely on Mr. Jones to voluntarily reimburse you. Well, that's unlikely to happen! You find out that your insurance company will pay for the damage, but the deductible applies and the tree removal limit is only \$500. In addition, the claim will go against your record. You will probably have to go to court to try to get reimbursed.

continued on back



What you should know

Tree removal coverage under a homeowner's policy can vary greatly between carriers. Some carriers limit, restrict, or even exclude tree removal coverage, which saves them millions of dollars a year. However it can affect you, the policyholder, with out-of-pocket costs amounting to thousands of dollars.

If you are a homeowner with larger trees on your property, you can expect tree removal costs in excess of \$5,000. However, there are a few premier high-value home insurance companies that will pay to remove a tree if it damages a dwelling or structure. Also, the fallen tree has to cause damage to a dwelling or structure to trigger coverage.

If it just hits the ground and there is no damage, there is typically no coverage.

What do I recommend? Inspect your trees. Make sure there are no dead branches or hidden rot that could cause the tree to fall in a storm and damage your house or your neighbor's house. Tree removal costs are very high during or after a storm, but you can usually negotiate a fairly reasonable price during the off-season. If you have concerns about a neighbor's trees, express them. Maybe the two of you can go in together and get a better deal by hiring a tree company to do work for each of you at the same time. And the next time you hear the wind blowing, you can breathe easy.

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