

## Is a Bill of Sale 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.



## What is 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, pulpwood 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.

## What are the penalties for non-compliance?

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.

## What can a landowner do if he is not paid for his 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, what financial loss can a landowner recover?

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.

## What options are available to landowners who would like to restrict access to their property?

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



# Timber Theft Laws in Texas

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.

The use of purple paint is also recognized in the states of Missouri and Arkansas.

## How can someone report timber theft or suspicious activity?

If you suspect timber theft on your property or notice suspicious activity in your area, you should contact the Texas Forest Service:

### Timber Theft Hot Line

**1-800-364-3470**

For more information about timber theft and purple paint requirements, contact the Texas Forestry Association at (936) 632-TREE or leave a message on voicemail at 1-866-TXTREES.



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