

## Overhanging Trees

What's your recourse if your neighbor's leaking pine trees drop about 20 cones per day and leak sap onto your lawn furniture? Can you cut the overhanging branches? Are you liable if the trees become lop-sided and fall? Can you require your neighbor to clean the mess the trees make, or better, can you require him to pay for your damages? The answer to all these questions is "YES".

Generally, Washington law allows you, yourself, to clear any obstruction to the free use of your property that interferes with your enjoyment of the land – any "nuisance". If you're like me, you've tried to keep the situation "neighborly" and you've asked sap man to cut back the branches. And, if you're like me, your neighbor never seems to cut enough to eliminate the dripping or the mess. This year sap leaked on our cars and it's no longer a simple matter of moving furniture around.

The law allows you to remove overhanging branches and eliminate this nuisance – provided you can do so without damage your neighbor's property. And, just because you've waited for months before trying to fix the problem doesn't mean that your neighbor has a defense to your damages. So as long as you continue to request a cure, you maintain your right to act on your own when your neighbor can't seem to get things done.