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## **Addendum**

The October 2005 Kentucky Mineral Law Conference marked the 30th year this venerable program has been presented in Lexington, Kentucky. Drawing attorneys not only from Kentucky, but from surrounding mineral-rich states which share similar issues, the conference has become an annual get-together for practitioners and landmen that is enhanced by the co-siting of this conference with the annual meeting of the Kentucky Coal Association. Originally developed by the Mineral Law Center at the University of Kentucky, the Energy & Mineral Law Foundation assumed responsibility for this program in 1996, and is pleased to include in its Annual Institute publication a collection of articles written for the 2005 Mineral Law Conference. Authored by Wayne Collier of Lexington, Kentucky, Tim Gresham and Cameron Bell of Abingdon, Virginia, and the late Charles Surber of Charleston, West Virginia, we are pleased to provide the collection of articles from their panel presentation on “Timber Trespass: Tips for the Uninformed.”

~ Sharon J. Daniels, Editor

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### **Timber Trespass in West Virginia**

**Charles M. Surber, Jr.**  
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Paul Bunyan had no idea what was in store when he innocently hooked Babe, the Blue Ox, to the wagon, took out his axe, and began clearing space for [the Mine, the Pipeline, the Well Site]. He knew his property ran down to the Big Sandy. Who cared that his neighbor disagreed? Besides, [the Mine, the Pipeline, the Well Site] had to go in now. After cutting and marketing the timber, Paul receives his neighbor’s demand for payment for the timber his neighbor claims belonged to him. Is Paul liable to John? What are the damages?<sup>1</sup>

Mr. Bunyan [for the sake of informality, we’ll refer to him in the remainder of this paper as Paul] has serious problems in West Virginia. In fact,

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<sup>1</sup> This passage has been plagiarized in its entirety from Timothy W. Gresham of *Penn, Stuart & Eskridge* who created this scenario for a panel discussion of timber trespass statutes. The author sincerely apologizes to Mr. Gresham for this trespass.