

# Avoiding Conflicts With Your Neighbor

*How do you handle disputes with people down the road? Four farmers share their problems and how they resolved them.*

**Dog Dilemma.** "I'm having serious dog problems right now," says Randy Jones. Several dogs belonging to his neighbors have begun chasing the farmer's Simmental cattle. Recently, one was seen herding the spooked purebreds straight toward the farmer's barbed-wire fence.

Jones called the neighbors and complained. All but one of the dogs, a Rottweiler, ceased to be a problem. The Marion, Ill., farmer complained again.



at the moment.

Next, Jones called the sheriff's office. They referred him to the local animal control department.

"The guy there sent me a copy of a statute that says I've got the legal right

"The guy said, 'It can't be my dog. We keep him tied up,'" Jones remembers.

"I told him, 'Then I guess you don't care if I shoot that dog.'" His bluff called, the man quickly decided his dog probably was running loose at the moment.

to shoot the dog," he says. Jones has no objection to killing his neighbor's trespassing animal if that's what it takes.

"My problem is I've got a field full of cattle that might come up gutshot if I do that," he says.

Instead, Jones signed a complaint through the animal control department that will cost the dog's owner \$50. If the animal is seen near his cattle again, the farmer can sign another complaint for another \$50 fine. And so on, and so on.

"It's going to get pretty expensive to let that dog run loose," Jones says.

**Water Works.** "I had a neighbor call me at 2 o'clock in the morning about an irrigation system that was throwing water out in the road," says Mark Hanna.

"I think the water scared them more than anything because they were driving too fast. Still, you've got to look out for your neighbors."

Hanna's temporary solution was to put up a sign warning motorists of a possible impending water spray. Next, the Donalsonville, Ga., farmer fixed the system with end-gun cutoffs so that the water would not reach the road.

"We also used to have a pivot that would actually walk and block the road for a short period of time," he says.

"Even though we had somebody there when it did it, I decided from a liability standpoint, and also to try to be a good neighbor, we should do away with that."

**Busy Bees.** Ronnie Hargett feared he had caused a drift problem when a neighbor lost a bunch of honeybees next to an alfalfa field Hargett had just sprayed.

"I was concerned about it," says the farmer from Bowling Green, Ky.

"But he found out through an Extension agent that the bees were out and were pollinating over the field [after it had been sprayed]," Hargett explained. "It was sort of like the bees were trespassing on my alfalfa."

Hargett appreciated the manner in which the owner of the bees approached him.

(Continued)

## Help for the Harried

If you have a problem with a neighbor, your best resources are local. Check with the sheriff, the county clerk, the zoning czar, the animal control officer — whoever might be able to help.

Some more general resources include the following:

✧ *Neighbor Law: Fences, Trees, Boundaries & Noise* by attorney Cora Jordan. (ISBN 0-87337-158-5), \$14.95, Nolo Press; phone 1-800-992-6656.

✧ *100 Ways to Avoid Common Legal Pitfalls Without a Lawyer* by Stephen G. Christianson, Esq. (ISBN 0-8065-1330), \$12.95, Birch Lane Press; phone 1-800-447-BOOK (2665).

✧ *The Family Legal Companion* by Thomas Hauser. (ISBN 1-880559-04-8), \$16.95, Allworth Press; phone 1-800-247-6553.

✧ *A Livestock Producers Legal Guide to Nuisance, Land-Use Control, and Environmental Law* by Neil D. Hamilton, Esq., \$12, Agricultural Law Center, The Law School, Drake University, Des Moines, IA 50311; phone 515-271-2065.

✧ *A Guide to Mediation and A Guide to Arbitration*, Free, American Arbitration Assn.; phone 212-484-4000.

✧ American Bar Association, Section of Dispute Resolution; phone 202-331-2258.

## Gradual Steps To Resolve a Dispute With Neighbors

**Have a heart-to-heart.** If the problem stems from your neighbor's side of the fence, approach him calmly and outline the facts. Suggest a way to work things out.

If you're on the receiving end of a complaint, listen carefully and remain level-headed. Ask for your neighbor's suggestion for solving the problem.

Keep in mind that you can't divorce your neighbors unless you move, so it is in your interest to try to reach a satisfactory compromise. Don't let your emotions take over. Expect the best of people. If that is what you look for, you're more likely to find it.

**Learn the local laws.** If you discover that the law isn't on your side, rectify the problem.

Look at it this way: If your unhappy neighbor has already called the situation to your attention, most likely he or she is not going to let go until changes are made. Continuing to break the law is not the position you want to put yourself in. Even if the law is on your side, you need to walk softly — only now, you carry a big stick.

**Put it in writing.** In general, the person who has a record of the events and requests for action stands on the firmest legal ground.

So write a letter to your bickering neighbor, describing the problem. (You might consider hiring a lawyer to draft the letter.) Include a copy of the law that supports your position and a deadline on any action you are requesting. Remember to keep copies.

**Usher in the authorities.** If your neighbor has ignored your requests, it may be time to call in the powers that be. Sign the complaint, serve the notice, do the deed. And hope that this will resolve the situation.

**Look at mediation.** Legally, you may be in the right. But a long, expensive court case is probably best avoided. If a mediating service is available, and your neighbor agrees to participate, you may want to invite a third party to sit down with the two of you. Call the nearest law school to find out what people and services may be available.

**Try small-claims court.** You present your own case to a judge, so you avoid the expense of having an attorney. You may win a cash settlement of \$1,000 to \$5,000.

**File a civil suit.** This is the mother of all tactics. Keep in mind that no matter what the outcome, your neighbor will still be your neighbor when the dust settles.

## New "HYBRID" TRIMMER/MOWER!

*Takes the place of both your hand-held trimmer and rotary mower!*

•The **DR® TRIMMER/MOWER** rolls "light as a feather" on two **BIG WHEELS!**

•**TRIMS** far easier, better, more precisely than hand-held trimmers. **PLUS, MOWS** everything from whole lawns (even wet!) to tough, waist-high growth with ease!

•Rocks, roots, stumps, etc., do it no harm because the "DR®" has no steel blades to bend or dull.



•Perfect for **ALL** mowing and trimming around smaller properties, vacation homes, etc., or for finish-up mowing and trimming after riding mowers on larger parcels. A delight for *anyone* to use!

**TOLL FREE  
1-800-592-3800**

Please call or mail coupon below today for **FREE DETAILS** about the **DR® TRIMMER/MOWER!**



"Pound for pound, the best piece of equipment we ever bought!"  
- Lloyd Cestare, RD#1, Perkasi, PA

**YES!** Please rush complete free details of the Revolutionary **DR® TRIMMER/MOWER** including prices and specifications of Manual, Electric-Starting and Professional Models and "Off-Season" Savings now in effect.

Name \_\_\_\_\_  
Address \_\_\_\_\_  
City \_\_\_\_\_ State \_\_\_\_\_ ZIP \_\_\_\_\_  
To: **COUNTRY HOME PRODUCTS®**, Dept. 62406  
Box 89, Ferry Road, Charlotte VT 05445

"He didn't come to me in an angry way," Hargett remembers. "I am more likely to be willing to listen a bit more if someone comes to me in a civil-type manner."

**Drift Downfall.** Mary Woods, a farmer in Auxvasse, Mo., was on the receiving end of a drift problem.

"It was a herbicide that was applied to the neighbor's corn," she says. When the chemical drifted to Woods's side of the fence, she says, "It didn't do our crops any good."

She went to the neighbors who referred her to the commercial aerial applicator company that did the job. The company settled with Woods for the amount she requested.

"But it sure didn't cover our losses," she says. "For years, we had 2 or 3 acres that were very unproductive."

She is philosophical about the experience: "It was our fault that we weren't quite smart enough to see that it would have an effect for more than one year."

She advises others with similar situations to "be as reasonable as you can and yet get what you feel is due you."

Please let us in on your personal business. Phone 205-877-6436 or fax 205-877-6450. Or write to us at Box 2581, Birmingham, AL 35202.