

## **Up in the Air: Trees and Drones**



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1. What part of the tree determines who owns a tree?
  - a. Limbs of the Tree.
  - b. Roots of the Tree.
  - c. Trunk of the Tree.
  - d. It's determined by who planted the tree.
  
2. When the limbs of a fruit-bearing tree (such as an apple tree) reach over into a neighbor's yard, can the neighbor pick them?
  - a. Yes, the tree limb is on the neighbor's property, the fruit is theirs.
  - b. Yes, the fruit from trees are able to be collected by the public.
  - c. No, the fruit belongs only to the owner of the tree.
  - d. No, the fruit must fall before it can be harvested.
  
3. Neighbor A owns a tree with limbs that reach into Neighbor B's yard. Can Neighbor B trim the limb?
  - a. Yes, he can trim the limb and the tree, if part of the tree is in his property, he can claim ownership to the whole tree.
  - b. Yes, he can trim it, but only up to the property line.
  - c. No, the tree does not belong to him, he must request that Neighbor A trim the limb of the tree.
  - d. No, Neighbor B is not an arborist; he cannot trim the tree without a license.
  
4. In the same scenario as above, Neighbor B does trim the tree and notices the limb on the other side of the tree is dying and in danger of falling. What must Neighbor B do?
  - a. Neighbor B doesn't have to do anything, the tree is not his responsibility.
  - b. Neighbor B should tell Neighbor A, but only if he's out in the yard.
  - c. Neighbor B must contact a specialist and arrange for it to be taken care of and split costs with Neighbor A.
  - d. Neighbor B must inform Neighbor A in writing that he noticed the dying limb.
  
5. In the same scenario as above, Neighbor B notices the limb in his yard and decides he does not like the look of it and cuts the limb off. Can he do that?
  - a. Yes, as long as it's only to the property line.
  - b. Yes, he partially owns the tree; he can do what he likes.
  - c. No, the tree isn't his, he must request that Neighbor A remove the limb.
  - d. No, he may damage the whole tree and he does not own the whole tree.

6. What are the current regulations dealing with drones?
  - a. The FAA has banned all drone usage.
  - b. The FAA has banned all commercial drone usage.
  - c. The FAA has banned all commercial drone usage, but the *Pirker* case says the FAA doesn't have any enforceable regulation.
  - d. The FAA has banned all recreational drone usage, but has granted commercial drone usage with a special permit.
  
7. What areas of Real Estate can benefit from drone imaging?
  - a. Residential: You can view the property, foot traffic, and other traffic patterns.
  - b. Agriculture: You can view the land, crops, and seasonal weather patterns (data can be collected over a long period of time)
  - c. Commercial: You can show the entirety of the property from a birds-eye-view and give a tour of the complex without leaving your office.
  - d. All of the above.
  
8. FAA mandates that drones should be flown under what distance from the ground?
  - a. 1 mile.
  - b. 1,000 feet.
  - c. 400 feet.
  - d. 50 feet.
  - e. None of the above.
  
9. Can I fly a drone without a license?
  - a. Of course! It's just like a video game!
  - b. Maybe, it depends on where you live in Iowa.
  - c. No, you have to have a pilot's license.
  - d. Definitely not, only those approved by the FAA, State, and Local governments can fly drones.
  
10. Does E&O insurance cover drone crashes?
  - a. Yes, it's comprehensive.
  - b. Yes, in most situations.
  - c. No, it specifically rules it out.
  - d. No, the policy does not cover drones.

ANSWER KEY:

1. C. The owner of a tree is determined by whose property the trunk of the tree resides in. If the tree trunk is on a property line, ownership of the tree is split between the property owners. Similarly, the costs to maintain the tree will be split among the owners.

2. C. While courts have differed as to the ownership of fallen fruit, the fruit on the tree belongs to the owner of the tree.

3. B. A person can trim any limbs on a tree that reach into their yard, but may not trim past the property line, even if the tree is not theirs.

4. D. If you notice something wrong with a tree that is not yours you must notify the owner in writing and request they do something regarding the issue. They will bear the cost of the maintenance of the tree in this event.

5. A. The tree limb that reaches over the property line may be cut to the property line. However, in cutting the limb so drastically, the neighbor will assume liability for any damage done to the tree resulting from the removal of the limb.

6. C. The FAA has banned only commercial drone usage, but the decision in the *Pirker* case states that the FAA cannot enforce any regulations because they have yet to actually pass regulations. However, it is important to note that as of July 2014, the FAA has appealed the *Pirker* decision.

7. D. There are many ways in which drones could enhance Real Estate.

8. C. The FAA requires that all drones fly lower than 400 feet as it is considered a “hobby” currently. Anything above 400 feet is considered under the domain of the FAA and in American Airspace.

9. A. As of July 2014, there are no regulations requiring a pilot’s license to fly a drone. Many drone users say that it’s similar to a video game and have the ability to control it from their smartphones.

10. D. In Iowa, the E&O insurance does not cover drones. For more information you can contact your insurance provider.