

**Fire—Slash Hazards—Liens—Liability.**

Where slash hazards are removed by officer the lien provided for attaches to the land and there is no personal liability on the land owner unless he personally created the hazard.

Rutledge Parker, Esq.,  
State Forester,  
Missoula, Montana.

January 19, 1929.

My dear Mr. Parker:

You have requested my opinion relative to enforcing laws with reference to removal of slash resulting from lumber operations on privately owned forest lands, particularly in cases where the owner of the land sells the timber and the same is cut by another and such other fails to remove the slash or to pay for such removal.

Your question is whether in such event you can hold the owner of the land responsible for the removal of the slash hazard.

You are advised that under Section 6 of Chapter 95, Laws of 1927, which is the law pertaining to the removal of slash hazards, there is no provision that can be discovered which creates a personal liability to remove or to pay for the removal on the owner of such lands. At the conclusion of Section 7, it is provided as follows:

“Upon the filing of such notice in the office of the Clerk and Recorder of the proper county it shall immediately and thereafter constitute a lien upon said land and or timber or other forest products until it shall have been released or satisfied.”

You are advised that the lien provided for does not create a personal liability on the owner of the land in a case where the cutting was done and the slash hazard created by someone else to whom the timber had been previously sold.

Very truly yours,  
L. A. FOOT,  
Attorney General.

By T. H. MacDonald, Assistant.