

SUPREME COURT OF INDIANA

Donald Baxter, d/b/a Baxter Lumber Company v. Jacqueline F. Lyttle

475 N.E.2d 675 (Ind. 1985) · No. No. 385S113 · Decided March 21, 1985

SUMMARY

The Indiana Supreme Court considered whether a timber buyer who had purchased timber from the former landowners was subject to statutory treble damages after cutting the timber following the sale of the land to an innocent purchaser. The court strictly construed Indiana Code § 25-36.5-1-17 and held that the buyer had previously purchased the timber within the statute's meaning, so treble damages were unavailable. The court preserved the buyer's liability for compensatory damages and ordered modification of the judgment.

CASE DETAILS

COURT	Supreme Court of Indiana
WRITING FOR THE COURT	Givan, Chief Justice; All Justices
JURISDICTION	Indiana
DECIDED	March 21, 1985
DOCKET	No. 385S113
DISPOSITION	reversed_and_remanded
PROCEDURAL POSTURE	Appeal following the Court of Appeals' affirmance of a trial-court judgment awarding treble damages for unauthorized timber cutting; the Indiana Supreme Court granted transfer.
STANDARD OF REVIEW	Statutory interpretation reviewed as a question of law; punitive statutes are strictly construed.
PRECEDENTIAL VALUE	Published Indiana Supreme Court opinion; precedential.
PARTIES	Donald Baxter, d/b/a Baxter Lumber Company v. Jacqueline F. Lyttle

TOPICS

- statutory interpretation
- plain meaning rule
- damages
- compensatory damages
- real estate

PRACTICE AREAS

- statutory interpretation
- real estate
- timber law
- damages
- contracts

QUESTIONS PRESENTED

1. Whether a timber buyer who previously purchased the timber from the former landowners is liable for statutory treble damages when the unrecorded timber contract is void against a subsequent bona fide purchaser of the real estate.
2. Whether the timber buyer's lack of knowledge or intent affects the application of the treble-damages statute.
3. Whether the prior purchase of the timber precludes treble damages under Indiana Code section 25-36.5-1-17.

HOLDINGS

1. A timber buyer who previously purchased the timber is not liable for statutory treble damages under Indiana Code section 25-36.5-1-17, even if the unrecorded timber contract is void as against a subsequent purchaser of the real estate.
2. Baxter's intent or lack of intent is irrelevant to the decision because the dispositive fact is that he previously purchased the timber.

KEY QUOTATIONS

“Because the statute in question is punitive in nature, we must follow the fundamental rule that penal statutes are to be strictly construed.” (677)

“We are constrained to interpret the statute according to its plain and unambiguous meaning, and consequently hold that appellant had previously purchased the timber within the meaning of the statute and therefore is not liable for the statutory treble damages.” (677)

FACTUAL BACKGROUND

Baxter, a licensed timber buyer, contracted with three landowners on December 11, 1980, to cut and remove timber from their jointly owned property within two years, paying \$1,800 for the timber. The landowners sold the real estate to Lyttle on September 11, 1981, and Lyttle had no notice of the unrecorded timber contract. Baxter later cut trees on Lyttle's property without knowing of the sale, and Lyttle sued under Indiana Code section 25-36.5-1-17.

PROCEDURAL HISTORY

The trial court awarded Lyttle \$20,375, consisting of three times the stumpage value plus additional damages and costs, but denied attorney's fees. The Court of Appeals affirmed. The Indiana Supreme Court granted Baxter's petition to transfer, vacated the Court of Appeals' decision except to the extent incorporated into the Supreme Court's opinion, and ordered the trial court to modify its judgment by eliminating the statutory treble damages.

DISPOSITION

reversed_and_remanded

REMAND INSTRUCTIONS

The trial court was ordered to modify its judgment in accordance with the opinion by eliminating the statutory treble damages. Baxter's liability for undisputed compensatory damages was unaffected.

CASES CITED

- Baxter v. Lyttle (1984), Ind. App., 465 N.E.2d 198
- Wright v. Reuss, 434 N.E.2d 925 (Ind. Ct. App. 1982)
- Young v. Waggoner, 50 Ind. App. 202, 98 N.E. 145 (1912)
- Evansville & Ohio Valley Railway Co., Inc. v. Southern Indiana Rural Electric Corp., Inc., 231 Ind. 648, 109 N.E.2d 901 (1953)

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