

# Suggested Items to Include in a Timber Sale Contract

1. Name and address of buyer.
2. Date contract is executed.
3. Specific description of timber to be sold and cut.
  - a. Species included and excluded.
  - b. Minimum size allowable for cutting.
  - c. How trees to be cut will be designated, if they are to be marked.
  - d. Whether timber becoming merchantable during the removal period or only timber that is merchantable on the date of sale will be cut.
4. Exact location and legal description of the timber sale area. If corners and boundaries are to be marked, state at whose expense marking will be done.
5. Declarations of the seller's ownership and right to convey. This may include a title abstract and title insurance.
6. Provision for buyer's entrance into and exit from the property. Include what timber can be used for logging purposes, such as bridge building.
7. Care required of buyer towards other property of seller.
8. Method of logging to be employed.
9. Statement that all logging should be done in accordance with North Dakota Forestry Best Management Practices.
10. Penalty for cutting non-designated timber.
11. Penalty for not cutting designated timber.
12. A provision to require one area to be completely logged before another area is begun.
13. Fire protection clause.
14. Method and place of scaling and measurement.
15. Price basis, to include method and terms of payment.
16. Duration of agreement.
17. Provision for when logging should begin.
18. Provision for or against renewal of contract.
19. Clause for arbitration.
20. Utilization provisions for stump height, top diameter, etc.
21. Ownership of by-products.
22. Provision for payment of severance taxes.
23. Statement of who suffers the loss if timber is destroyed or stolen after execution of contract.
24. Provision for or against assignment of the contract.
25. Signature of both parties.
26. Notarization of the contract.
27. Recording of the contract at the county courthouse.