

Intentional Torts Against Property - Trespass to Land

- This occurs as long as there is an intentional entry onto the land of another.
- “Entry” includes remaining unlawfully or entering a part of the property that the defendant had no permission to enter.
- This can be done with any physical object, even if not by a person.
- This includes a breach of the airspace of the defendant’s property; even if the intrusion never hits the ground.

Intentional Torts Against Property - Trespass to Land (cont.)

How high and low does your “property” extend?

- for the downward direction, property has been held to extend “to the center of the earth.”
- for the upward direction:
 - within the immediate reaches of the property is definitely included
 - airplanes’ height is definitely not included
 - in between those two is questionable

Intentional Torts Against Property - Trespass to Chattel and Conversion

This includes any inference with the personal property of another person

- Personal property includes cars, pets, etc. (everything that is not intellectual property, real property or a service)
 - The interference could be in the form of theft, damage or even simply depriving the owner of the power to use it unlawfully.
 - **The interference must be intentional, but not the intent to deprive the true owner of the property**
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- When the damage and/or interference is less severe, the tort is called “trespass to chattel” and the only remedy that the plaintiff has is to recover the value of the damage done to the property.
 - When the damage and/or interference is so severe that it warrants a “forced sale” it is then called “conversion.” In such a case, at the plaintiff’s option, the defendant can be forced to pay for the entire object (and the defendant obviously gets to keep whatever is left of the object).

Examples of Differences Between Trespass to Chattel and Conversion

Trespass to Chattel	Conversion
Hitting a dog and slightly injuring it	Hitting a dog and killing it
Breaking a windshield by an errantly thrown ball	Totaling a car by smashing into it with a Hummer while it is parked
“keying” someone else’s car	“hotwiring” someone else’s car and driving away in it
Using someone else’s pencil to write 3 sentences	Cracking someone else’s pencil