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Leases - The Right to Assign

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for the Unwary Tenant BF 5

*Tips for Negotiating Your*

*Commercial Lease* **Survive and**

**Thrive - Changes to**

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**Small Business Owners How to**  
**Negotiate a Commercial Lease**  
**with the Tenant 2020 (for**  
**beginners,**



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How to Negotiate Commercial  
Leases That Favor Tenants |  
Commercial lease negotiation  
tips *Landlord and Tenant  
Negotiations for Existing  
Commercial Leases Amid the  
COVID 19 Pandemic* 7 **ILLEGAL**

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~~RENTAL AGREEMENT CLAUSES~~

~~THAT COULD MAKE YOUR LEASE~~

~~UNENFORCEABLE Commercial~~

~~Leases 101: Pro Tips | Lewis~~

~~On The Law~~

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Commercial Lease Agreement

Negotiating Tips ~~Tips to~~

~~Negotiate a Commercial Lease~~

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During Covid Mistakes to

Avoid When Renewing Your

Commercial Lease Landlord

\u0026 Tenant: What to do in  
Court (Tips and Information)

~~WHAT YOU NEED TO KNOW BEFORE~~

~~LEASING YOUR FIRST~~

~~COMMERCIAL SPACE FOR YOUR~~

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Lease Terms - Base Rate,  
NNN, CAM, Personal Guaranty  
& Assignment Clause How  
to Negotiate a Commercial  
Office Lease ~~8 things to~~  
~~negotiate in a residential~~  
~~lease~~ *Terminating a*

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Solicitors*

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Glenn Duker Commercial Lease  
Default ~~Commercial Lease  
Agreement~~ — Careful What you  
Sign The Top Lease Clauses  
that Commercial Tenants Must  
Negotiate

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COVID 19 and your commercial  
lease

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Commercial Leases Made  
Simple

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Commercial Lease Review-What  
are the usual terms and  
conditions of a FRI lease?

**Covid 19 and Commercial**

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**Considerations** *Tenant*

*Default Under Commercial*

*Leases*

When a tenant defaults under a commercial lease, which usually means the tenant's failure to timely pay rent,

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the landlord will usually attempt to negotiate some resolution to collect the rents owed.

*Landlord's Remedies on  
Tenant's Default under  
Commercial Lease*



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On a 10 year lease where the tenant pays \$40,000 a year, if the tenant defaults in year 5, there is 5 years, or \$200,000 remaining on the lease. If the landlord is able to get a new tenant at the 12 month mark, and gets

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Leases at a lower rent of  
\$40,000 per year, then they  
will obtain \$160,000 on the  
replacement.

*What happens if I default on  
a commercial lease? | Tellus*

...

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This remedy is usually only  
pursued under commercial  
lease agreements where a  
large, well-known tenant  
defaults on a lease  
agreement through  
abandonment of the premises.  
Upon abandonment the

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premises, terminate the  
lease, take possession of  
the premises and sue the  
defaulted tenant for rent  
arrears and for monetary  
damages associated with the  
lost benefit of the  
remainder of the lease term.

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*Landlord Remedies for Tenant  
Default of Lease Agreement*

Anti-assignment clauses in leases are not enforceable in bankruptcy. The debtor-tenant must demonstrate the new tenant's ability to cure

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*The Ten Commandments of  
Landlords and Commercial  
Tenants ...*

The proposed legislation  
seeks to provide relief for

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individual guarantors (who are not themselves tenants under the applicable leases) that would become personally liable under a commercial lease due to a tenant default related to the COVID-19 pandemic. Under

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proposed Section 22-1005, a  
provision in a commercial  
lease that provides for an  
...

*New York City Council  
Proposes Extensive  
Protections for ...*



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Where a judge held a defendant liable under a personal guaranty of a commercial lease, the counsel fees awarded to the plaintiff landlord must be reduced, as the defendant only owes the plaintiff the

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fees it incurred when  
enforcing the guaranty and  
is not responsible for any  
fees the plaintiff incurred  
on its eviction, conversion  
or claim and delivery  
issues.

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*Commercial lease - Guaranty*

...

Tenant's Rights and Remedies  
(Commercial Lease) (NY) by  
Practical Law Real Estate  
Related Content Maintained •  
New YorkA Practice Note

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Leases Fourth Edition  
providing practical guidance  
for negotiating and  
enforcing a tenant's rights  
and remedies under a  
commercial lease agreement  
in New York. This Note also  
discusses the legal and  
contractual rights,

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remedies, and defenses  
available to a tenant under  
a commercial ...

*Tenant's Rights and Remedies  
(Commercial Lease) (NY ...*

Tenant problems and defaults  
are inevitable challenges

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Leases Fourth Edition  
for successful commercial  
and industrial landlords and  
property managers. A bad  
tenant situation can be a  
potentially expensive  
problem and the ultimate  
outcome ? eviction ? is a  
potential minefield for the

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unwary landlord. Knowing  
what to do and what not to  
do is essential to effective  
and profitable property  
management.

*6 Things to Know When a  
Tenant Defaults Under a*

*Page 31/87*

# Bookmark File PDF Tenant Default Under Commercial Leases . . . Fourth Edition

The Lease Default Letter is recommended for Tenants, although may be used by Landlords as well, if the other party is breaching a section or clause in their lease agreement. The reason



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it is recommended for  
Tenants is most States have  
laws for landlords on how to  
handle specific violations  
against the Tenant (See  
Eviction Notices ).

*Free Lease Default Letter -  
Page 33/87*

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...

the laws affecting tenants.  
The "Housing Stability and  
Tenant Protection Act of  
2019" provides important  
protections for renters  
across the State, like how

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much a landlord can charge  
for a security deposit on  
new leases. For families  
living in rent-controlled or  
rent-stabilized apartments,  
the laws affect how much a  
landlord can

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*Leases in New York State  
Rent Law*

In circumstances where the  
tenant has repeatedly  
defaulted its obligations  
under the lease or otherwise  
shown a total lack of regard  
for the landlord's premises,

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the Tribunal could refuse  
the application, even if  
there is a promise or a  
commitment to pay rent in  
the future. In the Star  
Lodge referred to above,  
Justice Hollingworth said:

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*Retail Lease Disputes: what happens when tenants default*

...

The general rule is that the debtor is required to continue to pay post-filing rent and other obligations under a lease, but not

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Leases Fourth Edition  
delinquent rent and other  
lease obligations accruing  
prior to the bankruptcy,  
from the date of the  
bankruptcy filing until the  
rejection of the lease,  
although the bankruptcy  
court may permit deferral of

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such payments until the 60  
th day after filing.

*Treatment of Commercial  
Leases in Tenant Bankruptcy  
- The ...*

TENANT'S DEFAULT. The  
occurrence of any one or



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more of the following events  
shall, at Landlord's option,  
constitute a material  
default by Tenant of the  
provisions of this Lease:  
Sample 1 Sample 2

*TENANT'S DEFAULT Sample*

*Page 41/87*

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In addition to the accrued and unaccrued rent and other charges owed to the landlord under the lease, the landlord can also suffer additional damages as a result of the tenant

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Leases. Fourth Edition  
default. Accordingly, leases should provide that the landlord is entitled to collect from the defaulted tenant the costs incurred by the landlord in obtaining possession of the premises and re-letting the premises

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*Lease Defaults and Landlord  
Remedies: Monetary Damages  
Rent Repayment: Repayment  
schedule for deferred rent  
including appropriate  
acceleration triggers for*

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earlier repayment due to  
future lease defaults or  
adverse events such as a  
tenant's permanent closure  
of its business, bankruptcy  
filing or loan default.

Tenant Assurances and  
Reporting and Landlord

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Forbearance: Arrangements  
addressing a tenant's  
obligations to mitigate  
business interruptions and  
resume full operations;  
tenant reporting to landlord  
of ongoing financial  
condition ...

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*Commercial Lease Workouts  
During the COVID-19 Pandemic*

...

During a lease term, there  
may come a time when it  
becomes no longer  
financially viable for a

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commercial tenant to  
continue its operations at  
the leased premises and  
faces the prospect of...

*A commercial tenant in  
hopeless default—Now what? -  
Lexology*



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Landlords often have to deal with tenants defaulting under a commercial lease.

The pattern of default is typical. It often begins with a series of late rent payments, then it progresses to payment of only a part of

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the rent due. Finally, there  
is a complete default in  
payment of rent.

*Non-Payment of Rent: A  
Defaulting Tenant Under a*

...

The Lease may be terminated

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at Landlord's discretion if such abandonment or default continues for a period of 60 days after Landlord notifies Tenant of such abandonment or default and of Landlord's intention to declare this Lease terminated.

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Tenant default in an area of major concern to landlords and their professional advisers. The cross over of landlord and tenant law and

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the process of debt collection brings to the fore a series of practical and legal problems for the professional. Once the tell-tale signs are there - non-payment of rent of a service charge, failure to repair,

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breach of user covenants or  
insolvency - prompt action  
is needed. This book was  
written to bring together in  
an easy to use and practical  
format the materials  
necessary to effect that  
action. Succinct and well

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laid-out chapters provide self-contained explanations of the options available and advice on how to proceed. Well-drafted Precedents are provided. Changes since the third edition: changes such as new Part 55 and cases

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under the Civil Procedure Rules and their accompanying Practice Direction have affected tenant default actions. This edition also takes into account the impact of the 1954 Act reforms, as well as taking



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such as new insolvency  
legislation under the  
Insolvency Act 2000 and  
Enterprise Act 2002.

Readership: Solicitors,  
surveyors, local authority  
officers and all others

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involved in the construction  
or management of property  
will find the work  
invaluable. Accessible and  
user-friendly, this guide  
will be referred to heavily  
in personal, public and  
professional libraries.

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Negotiate commercial leases  
and renewals like a pro  
Renting space for businesses

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and navigating a commercial lease can be a daunting task for those without expertise, as errors or oversights can cost thousands of dollars. Thankfully, *Negotiating Commercial Leases & Renewals For Dummies* takes the

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mystery out of the commercial leasing process and offers expert tips and advice to help small business owners successfully negotiate their leases???without losing their cool, or their cash.

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From one of the industry's  
most respected and  
experienced consultants,  
Negotiating Commercial  
Leases & Renewals For  
Dummies provides tenants  
with tips and advice on  
finding the best location

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and amenities for a  
business; understanding  
space needs and maximizing  
lease space; ensuring fair  
operating costs and keeping  
rent fees at a manageable  
level; minimizing the  
deposit requirement;

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mastering and executing

negotiation strategies and  
tactics; and much more.

Discover the rights and  
responsibilities associated  
with commercial leases Find  
out how much negotiability  
and flexibility you can



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expect in commercial leases  
and renewals Get to know  
which laws protect you and  
your business Negotiating  
Commercial Leases For  
Dummies is essential reading  
for the more than 10 million  
business owners,

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entrepreneurs, retailers,  
restaurants, doctors, and  
franchise tenants who lease  
commercial, office, and  
retail space across North  
America.

Despite what you've been

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told, there is no standard  
lease You've heard it  
already: "This is our  
standard lease—sign it." But  
often, you can negotiate  
what you need. And to do  
that, you'll need insight  
into the rules. Armed with

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Negotiate the Best Lease for  
Your Business, you'll find  
the advice and strategies  
you need when negotiating  
with an experienced  
landlord. This practical  
handbook explains how to:  
analyze your space needs

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find the ideal location  
understand the landlord's  
rent calculations learn how  
to negotiate your tenant  
improvement allowance (TIA)  
make sense of common area  
maintenance allocation  
suggest alternatives to

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hefty security deposits allocate the responsibility and cost of fixing up your space avoid costly code compliance and clean-ups, and save your lease if you can't live up to it now and then. The 4th edition

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provides the latest  
strategies for working with  
brokers and lawyers.

Sharply reduce your drafting  
time with this resource on

*Page 71/87*

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negotiating and drafting  
commercial landlord-tenant  
agreements. It contains  
practical analysis of  
Florida tenancies, duties,  
obligations and defenses of  
landlords and tenants,  
assignments, subleasing,



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options to purchase, commercial leases, shopping center leases, self-storage facilities, attorney's fees and damages, and a full set of forms and checklists.

An authoritative resource to

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all aspects of negotiating  
and drafting effective  
commercial property leases,  
this book features an array  
of state-of-the-art lease  
forms that can be quickly  
tailored for a particular  
transaction. Expert

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commentary is woven into the text to clarify and explain each provision of the leases included: office leases, retail leases, industrial and warehouse leases, and specialized leases, plus lease-related documents.

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six lease-related documents;  
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an 13 only on CD-ROM.

In the fast-changing world  
of commercial real estate,  
terms like and "fair rental

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value, and" and "net lease,  
and" or and "duty of good  
faith and" can mean many  
different things depending  
on the circumstances of the  
deal. So, when negotiating  
and drafting complex leasing  
agreements, it and's

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imperative you know what  
these provisions can mean,  
have alternate provisions  
readily available, and know  
when and how to use them  
properly Commercial Real  
Estate Leases: Preparation,  
Negotiation, and Forms,

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Leases Fourth Edition can make it easier. Written by nationally recognized real estate attorney Mark Senn, this highly acclaimed guide: Explains the legal principles behind each lease provision in clear, user-

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friendly terms. Offers  
balanced discussion of the  
practical applications of  
the law from the landlord,  
tenant and the lender  
perspectives (where  
applicable). Provides  
specific examples of



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alternate clauses that address each partyand's precise needs. Logically organized to follow the typical commercial real estate lease, each chapter takes you clause-by-clause through all of the issues

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you need to understand in  
order to represent clients  
effectively in commercial  
real estate transactions,  
including: Rent and—fixed,  
market and percentage  
Operating expenses Options  
to expand, buy or extend

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Space measurement—and—  
resulting economics  
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disturbance and attornment  
agreements Drafting  
exclusive provisions  
Understanding insurance  
provisions Tax provisions

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discussed in  
the guide.

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for those opening their  
first business in NYC or the  
U.S. and leasing and  
altering space.

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Understanding commercial  
leases for beginners in the  
field. Not just for lawyers,  
but has some good ideas for  
facilities managers,  
construction, accountants  
and brokers as well

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