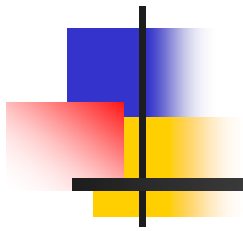
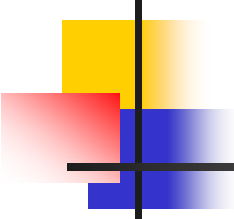


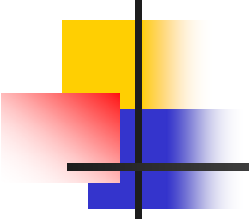
LEASE ISSUES FOR FACILITIES MANAGERS

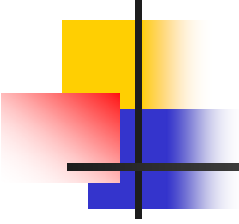


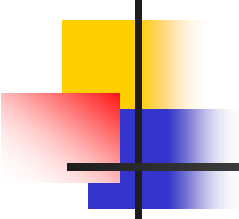
presented by
Winnie Ward, Esq.

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- Introduction to Winnie Ward and Downey Brand LLP
 - Handouts
 - Questions/Format

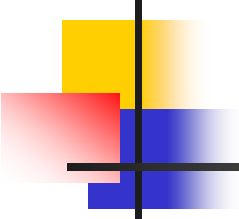
- Typical Lease Format (see sample Lease index)
- Lease Abstract (see sample)

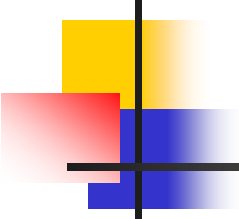
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- Recurrent Lease Issues
 - New Lease
 - Rent/Term
 - Expansion/Extension Rights
 - Construction Issues
 - Landlord's representations
 - Assignment/Subletting

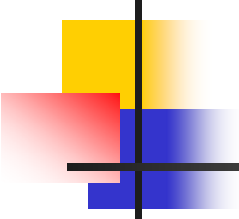
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- Existing Lease
 - Maintenance Issues
 - "CAM" Costs (audits)
 - Estoppels/SNDA's

- 
- Saving Legal Fees
 - New Lease/Lease Amendment
 - Business Terms – clearly defined
 - Letter of Intent – fully-negotiated
 - One point of contact
 - Copies of Lease/related documents
 - Signatories/Decision makers available

- Existing Lease
 - Issue: what is it? timing to resolve?
 - Lease review
 - Copies of Lease/related documents
 - Signatories/Decision makers available

- 
- New Lease Transactions
 - Letters of Intent: Key Terms and Critical Issues
 - Rent
 - Term
 - Rights to extend/expand/contract

- 
- Letters of Intent: Key Terms and Critical Issues (cont.)
 - Construction Issues
 - Landlord build
 - Tenant build
 - Effect on Term

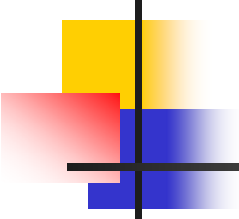
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- Letters of Intent: Key Terms and Critical Issues (cont.)
 - Parking
 - Utilities
 - Assignment/Subletting

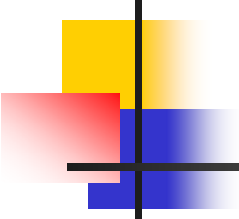
- Letters of Intent: Key Terms and Critical Issues (cont.)
 - Subordination, Non-Disturbance and Attornment Agreement (SNDA)
 - Tenant Financing (lien waivers)
 - Landlord's representations and warranties
 - Other issues (refer to Lease table of contents)

- New Lease Transactions
 - Letters of Intent: Binding vs. Non-Binding
 - Should include “non-binding” language
 - Not executing letter of intent

- New Lease Transactions
 - Lease Negotiations
 - Process
 - Lawyer's Role/Client's Role/Broker's Role



- 
- New Lease Transactions
 - Due Diligence/Property Assessment
 - Hazardous Materials
 - Zoning (use issues)
 - ADA/Compliance with Laws
 - Space planning/construction issues

- 
- Lease Amendments
 - Generally
 - Expansions/Extensions
 - Space Contraction/Rent Reductions/Termination
 - Consents to Assignment/Sublease

- Lease Amendments
 - Express Lease Provisions
 - Non-Express Lease Provisions
 - CAM Issues (audits)
 - Maintenance Issues (Premises, Common Area)
 - Parking Issues
 - Other Landlord performance issues

- Lease Amendments
 - “Estoppel-type” language
 - Other Landlord additions (“standard Lease”)

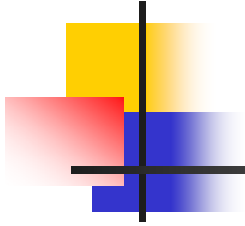


Negotiation of Leases

- Administration of Lease
 - Importance of Lease Abstract
 - Estoppels/SNDA's
 - CAM Issues (audits)
 - Maintenance Issues (Premises, Common Area)
 - Negotiation of Lease Extension/Expansions (taking advantage of market) – start early!



- Leasing as Long-Term Relationship
- Lease as an Asset (e.g., Longs deal)
- Importance of Lease Review



Questions

