Contents

Preface xiii
Acknowledgments xv
Introduction xvii

PART 1
DESCRIPTION AND ANALYSIS OF OFFICE LEASE PARAGRAPHS 1

PARAGRAPH 1
The Parties 3

PARAGRAPH 2
Building, Premises, and Appurtenant Rights 5

PARAGRAPH 3
Leasing Clause 11

PARAGRAPH 4
Use of Premises 13

PARAGRAPH 5
Term 17

PARAGRAPH 6
Base Rent 23

PARAGRAPH 7 (Alternative 1)
Additional Rent (Base Year) 27

PARAGRAPH 7 (Alternative 2)
Additional Rent (Expense Stop) 39

PARAGRAPH 7 (Alternative 3)
Additional Rent (Net Lease) 49
<table>
<thead>
<tr>
<th>PARAGRAPH</th>
<th>Title</th>
<th>Page</th>
</tr>
</thead>
<tbody>
<tr>
<td>8</td>
<td>Gross-Up of Building Operating Expenses</td>
<td>59</td>
</tr>
<tr>
<td>9</td>
<td>Adjustments to Rent</td>
<td>63</td>
</tr>
<tr>
<td>10</td>
<td>Quiet Enjoyment</td>
<td>69</td>
</tr>
<tr>
<td>11</td>
<td>Assignment or Sublease</td>
<td>71</td>
</tr>
<tr>
<td>12</td>
<td>Inspection and Repair of Premises</td>
<td>77</td>
</tr>
<tr>
<td>13</td>
<td>Damage to Premises</td>
<td>81</td>
</tr>
<tr>
<td>14</td>
<td>Eminent Domain</td>
<td>87</td>
</tr>
<tr>
<td>15</td>
<td>Tenant’s Obligations (Including Alterations and Insurance)</td>
<td>91</td>
</tr>
<tr>
<td>16</td>
<td>Landlord’s Obligations (Insurance, Repairs, and Services)</td>
<td>97</td>
</tr>
<tr>
<td>17</td>
<td>Indemnification</td>
<td>103</td>
</tr>
<tr>
<td>18</td>
<td>Default by Tenant</td>
<td>107</td>
</tr>
<tr>
<td>19</td>
<td>Remedies of Landlord</td>
<td>111</td>
</tr>
<tr>
<td>20</td>
<td>Self-Help</td>
<td>117</td>
</tr>
<tr>
<td>21</td>
<td>Lien Rights of Landlord</td>
<td>119</td>
</tr>
<tr>
<td>22</td>
<td>Mortgagee Protection</td>
<td>123</td>
</tr>
<tr>
<td>23</td>
<td>Environmental Compliance</td>
<td>125</td>
</tr>
<tr>
<td>24</td>
<td>Americans with Disabilities Act Compliance</td>
<td>131</td>
</tr>
</tbody>
</table>
PARAGRAPH 25
Compliance with Laws 135

PARAGRAPH 26
Diminution of Services 139

PARAGRAPH 27
Subordination, Nondisturbance, and Attornment 141

PARAGRAPH 28
Signs; Building and Floor Directory 145

PARAGRAPH 29
Time Is of the Essence 147

PARAGRAPH 30
Landlord’s Work; Preparation of Premises 149

PARAGRAPH 31
Parking 153

PARAGRAPH 32
Notice (Memorandum) of Lease 157

PARAGRAPH 33
Estoppel Certificate 159

PARAGRAPH 34
Force Majeure 161

PARAGRAPH 35
Holding Over 165

PARAGRAPH 36
Lawyer Expenses 167

PARAGRAPH 37
Partial Invalidity 169

PARAGRAPH 38
Notices 171

PARAGRAPH 39
Successors and Assigns 173

PARAGRAPH 40
No Partnership or Joint Venture 175

PARAGRAPH 41
Merger 177
CONTENTS

PARAGRAPH 42  
Brokers  
179

PARAGRAPH 43  
Late Payments  
181

PARAGRAPH 44  
Condition of Premises  
185

PARAGRAPH 45  
Rules and Regulations  
189

PARAGRAPH 46  
Insurance  
193

PARAGRAPH 47  
Limitations of Landlord’s Liability  
197

PARAGRAPH 48  
Transfer of Landlord’s Interest  
199

PARAGRAPH 49  
Bankruptcy  
201

PARAGRAPH 50  
Security Deposit  
203

PARAGRAPH 51  
Relocation of Premises  
207

PARAGRAPH 52  
Waiver of Subrogation  
209

PARAGRAPH 53  
Alterations and Improvements to Premises  
211

PARAGRAPH 54  
Right to Exhibit Premises  
215

PARAGRAPH 55  
Surrender of the Premises  
217

PARAGRAPH 56  
Services and Utilities  
219

PARAGRAPH 57  
Additional Services and Utilities  
225

PARAGRAPH 58  
Mechanic’s Liens  
229
<table>
<thead>
<tr>
<th>Paragraph</th>
<th>Title</th>
<th>Page</th>
</tr>
</thead>
<tbody>
<tr>
<td>59</td>
<td>Arbitration</td>
<td>231</td>
</tr>
<tr>
<td>60</td>
<td>Governing Law</td>
<td>233</td>
</tr>
<tr>
<td>61</td>
<td>Floor-Load Limitations</td>
<td>235</td>
</tr>
<tr>
<td>62</td>
<td>Name of Building</td>
<td>239</td>
</tr>
<tr>
<td>63</td>
<td>Right of First Refusal/Offer to Lease Additional Space</td>
<td>241</td>
</tr>
<tr>
<td>64</td>
<td>Option to Lease Additional Space</td>
<td>245</td>
</tr>
<tr>
<td>65</td>
<td>Option to Renew</td>
<td>249</td>
</tr>
<tr>
<td>66</td>
<td>Storage Space</td>
<td>251</td>
</tr>
<tr>
<td>67</td>
<td>Miscellaneous</td>
<td>253</td>
</tr>
</tbody>
</table>

**Part 2**

**DESCRIPTION AND ANALYSIS OF RETAIL LEASE PARAGRAPHS**

<table>
<thead>
<tr>
<th>Paragraph</th>
<th>Title</th>
<th>Page</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>Operating Covenant; Store Hours</td>
<td>257</td>
</tr>
<tr>
<td>2</td>
<td>Radius Restriction</td>
<td>261</td>
</tr>
<tr>
<td>3</td>
<td>Signage</td>
<td>263</td>
</tr>
<tr>
<td>4</td>
<td>Percentage Rent</td>
<td>265</td>
</tr>
<tr>
<td>5</td>
<td>Gross Sales Definition</td>
<td>269</td>
</tr>
<tr>
<td>6</td>
<td>Tenant’s Records</td>
<td>273</td>
</tr>
</tbody>
</table>
x CONTENTS

PARAGRAPH 7
Common Area Maintenance and Operation 277

PARAGRAPH 8
Promotional Funds 281

PARAGRAPH 9
Advertising 285

PARAGRAPH 10
Parking Requirements 287

PARAGRAPH 11
Merchants’ Association 291

PARAGRAPH 12
Exclusives 293

PARAGRAPH 13
Property Taxes 295

PARAGRAPH 14
Remodeling Requirement 301

PARAGRAPH 15
Storage and Office Use 305

PARAGRAPH 16
Landlord's Right to Make Changes 307

PARAGRAPH 17
Painting and Displays by Tenant 309

PARAGRAPH 18
Use of Common Areas 311

PART 3
DESCRIPTION AND ANALYSIS OF INDUSTRIAL/WAREHOUSE LEASE PARAGRAPHS 315

PARAGRAPH 1
Net Lease 317

PARAGRAPH 2
Maintenance and Repair of Building and Grounds 321

PARAGRAPH 3
Casualty and Liability Insurance 325
PARAGRAPH 4
Licenses and Permits 327

PARAGRAPH 5
Multiple-Tenant Building Rules and Regulations 329

PARAGRAPH 6
Reservation of Easements 331

PART 4
FORMS 333
Form of Letter of Intent 335
Form of Notice of Lease and Form of Lease Commencement Date Agreement 339
Forms of Subordination, Nondisturbance, and Attornment Agreements 343
Forms of Tenant Estoppel Letters 351
Form of Landlord’s Waiver of Lien Rights 355

Index 357

About the Author 359