

ABA SECTION OF REAL PROPERTY, TRUST & ESTATE LAW
REAL PROPERTY SYMPOSIUM
MAY 2, 2008
WASHINGTON, D.C.

YOUNG LAWYERS INSTITUTE CLE
COMMERCIAL REAL ESTATE LEASING

ASSIGNMENT AND SUBLETTING - OUTLINE

Mark A. Senn, Esq. & Richard M. Frome, Esq.

I. INTRODUCTION

Reversion
Assignor Liability
Derogation Of Common Law

II. BASIC CLAUSE

Must be Clear
Include "Occupied"
Re-Read
Not Unreasonable

III. STANDARDS

Not Unreasonable
Lists
Unique Criteria
Traps
Office
Financial Tests
3 clauses-industrial, mall, office

IV. ENTITY CHANGES, AFFILIATES, SUCCESSORS

General Rule
Interests
Percentage
Definitions
Exempt Events
Public Company
Chain

V. RECAPTURE

Cancel instead of Consent
All or Part
With Or Without A Prospect
Property and Tenancy Differences
Different Tenancy Differences

VI. PROFITS

Deductions
Sale Of Business Issues

VII. BOILERPLATE AND MISCELLANY

Omnibus Paragraph
No Sue For Unreasonableness
Guarantors
Continuous Operation

IX. FORMS

Where To Find
Sample Clauses
Consents

X. SUMMARY