



# Commercial Ground Leases (March 2016 Edition)

*Jerome D. Whalen*

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Including adaptable time-saving sample agreement language, the new third edition of **Commercial Ground Leases** is your definitive guide to drafting, negotiating, and finalizing equitable, error-free leasing documents that address the needs of both landlord and tenant. It covers the full range of relevant commercial ground leasing issues, including:

- Basic and percentage rent and other payments
- Rental rates of return and ground rent reappraisals
- Tenant and landlord financing, subordinated fee and leasehold mortgages
- Tenant project development and lien issues
- Ground lease term, title, use and occupancy (herein of “haz mats”)
- Subletting, assignment, sale and continuing liability issues
- Tenant liability, guaranties and exculpatory clauses
- Insurance, damage, reconstruction and condemnation
- Default and redemption
- Mediation, arbitration and appraisal
- Rights to purchase
- Termination, development rights leases and multiparcel development

**Commercial Ground Leases, Third Edition** shows you how to use arbitration, mediation and appraisal to resolve disputes • how major bankruptcy laws have affected ground lease practice • how the “modern” concept of a lease as a contract impacts ground leases—how joint ventures operate as alternatives to ground leases—how “partial subordination” may benefit both landlord and tenant—and the appendices provide forms of letter of intent, leasehold mortgagee protection clauses, intercreditor agreements, fee and leasehold deed of trust provisions, estoppel certificate and guaranty as well as a complete ground lease with many alternative clauses.



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