

**WILL THE CASCADE OF DISTRESSED DEBT KEEP
LEASING IN THE DOLDRUMS?**

**BRANDEIS UNIVERSITY – INTERNATIONAL BUSINESS SCHOOL -
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- I. Introduction and Background of the Economic Meltdown
- II. Debt
 - a. Why is Debt Good?
 - b. Why is Debt Bad?
- III. Distressed Debt
- IV. Are We Frozen Yet?
- V. Bankruptcy
- VI. What is a Lease?
 - a. Ground Lease
 - b. Office Lease
 - c. Retail Lease
 - d. Other forms - Warehouse Lease, Bond Lease, Tax-Exempt or IDA Lease, Space Lease, License Agreement
- VII. The Players
 - a. Owner/Landlord
 - b. Tenant
 - c. Attorneys
 - d. Brokers
 - e. Lender, if applicable

- f. Title Insurance Company, if applicable
- g. Governmental agencies, if applicable

VIII. The Documents

- a. Letter of Intent or Term Sheet
- b. Lease
- c. Guaranty or Good Guy Guarantee
- d. Security Deposit or Letter of Credit
- e. Authorization Documentation
- f. Work Letter and Construction Agreement
- g. Brokerage Commission Agreement
- h. SNDA

IX. Key Terms of the Lease and Impact of the Sub-Prime Crisis - Analysis and Discussion

- a. Free Rent, Gross-Up or Add-On Factors, Takeover Agreements
- b. Tenant Work Allowances and Landlord's Build-Out
- c. Term – Fixed Terms, Renewal Rights, Cancellation Options, Contraction Options
- d. Assignment, Subleasing and Licensing Rights
- e. Security Deposit, Letters of Credit, Guarantees
- f. Landlord's Representations, Alterations and Repairs
- g. Move-Out, Vacancy and Restoration Obligations

X. Lessons Learned

- a. Consequences from, and Effects of, the Economic Meltdown
- b. If Its Too Good To Be True, It Usually Is
- c. History Repeats Itself
- d. Don't Put All Your Eggs In One Basket

XI. Questions