

This is your Release #9 (April 2020)

Friedman on Leases

Sixth Edition

by Andrew R. Berman

Friedman on Leases is widely regarded as the leading authority on commercial real estate leasing, recognized for its extensive and balanced coverage of tenant and landlord concerns. This ninth release of *Friedman on Leases, Sixth Edition* continues to deliver not only the foundational knowledge required by novice practitioners, but also analysis of and insight into the most current and relevant developments facing seasoned practitioners in the commercial real estate field. The author, Andrew R. Berman, is currently in private practice and Principal of Andrew Berman PLLC, where he continues to focus on real estate transactions. He is a former real estate partner at Orrick Herrington, Akerman, and Sidley Austin. He also served as in-house counsel at a major real estate brokerage and advisory firm where he was Senior Vice President and Associate General Counsel. Mr. Berman is a Distinguished Adjunct Professor of Law at New York Law School, where he founded and served as the Director of the Center for Real Estate Studies and the Institute for In-House Counsel. Mr. Berman's expertise in both practice and academia enable him to provide the broad perspective and insight that real estate professionals need in this rigorous and dynamic field.

Highlights of this Release #9 include the following:

Chapter 12, Landlord's Services and Other Obligations. Updated discussion underlines the importance of expressly specifying in the lease any services that the tenant expects to receive (see section 12:1).

Chapter 13, Condemnation. Updated discussion underlines the importance for a landlord, if it is the landlord's intent, to expressly state in the lease that upon condemnation, the lease automatically terminates (or terminates at landlord's option) and the tenant waives any right to the condemnation award (see section 13:4).

Chapter 14, Renewals. Updated discussion covers Minnesota's statutory provisions barring retaliatory eviction, but that apply only to retaliation for complaining to a government agency or filing a suit, not complaining to the landlord (see section 14:7).

(continued on reverse)

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Chapter 15, Purchase Options. Updated discussion includes an example of a purported election that is ineffective because it did not conform to the lease (see section 15:5).

Chapter 16, Default by Tenant. New discussion explores the extent to which courts will enforce a tenant's waiver of certain rights if the waiver is expressly set forth in the lease, and agreed upon by the parties (see section 16:5.4).

Chapter 17, Exculpatory Clauses. Updated discussion covers how different states handle exculpatory clauses, including Alabama, California, Illinois, and Pennsylvania (see section 17:1).

Chapter 21, Distraint, Landlords' Liens and Tenant Security. Several statutes make landlord's grantee liable for return of security whether or not the grantee received it, but because many of these statutes only apply to residential leases, the updated discussion underlines the importance for a tenant to request during lease negotiations that landlord's assignee is required to specifically assume landlord's obligations with respect to the return of the security and the landlord is only released if it actually delivers tenant's security deposit to the grantee and provides tenant with notice of such transfer and other relevant information (section 21:5.2[A]).

Chapter 25, Fixtures. Updated discussion provides another sample provision in a lease with strong tenant protections for fixtures (see section 25:6).

Chapters 11, 18, 20 & 22–24 have been updated to incorporate the latest case development. To aid in your research, the **Table of Authorities** and **Index** have also been updated.

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