



Commercial Eviction and Landlord's Liens

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The relationship between a commercial landlord and tenant is governed primarily by the terms of the lease. The lease defines each party's rights and obligations with regard to the subject property and the other party. More importantly, the lease affords each party a degree of protection should the relationship fail. While neither party enters into a lease with the expectation that the relationship will fail, and the lease will be terminated, one cannot overemphasize the importance of planning for this contingency at the outset of the relationship. From the landlord's perspective, these preparations should focus on: (1) understanding the process by which the lease will be interpreted and enforced should the tenant breach the lease; and (2) drafting the lease to maximize protection of the landlord's interest in both the property and the funds due under the lease.

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