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# Commercial Real Estate Attorneys

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## Overview

Einbinder & Dunn represents a diverse clientele in the New York area as well as nationwide. As a sophisticated boutique real estate practice in NYC, we blend our extensive experience with individual attention that larger firms are hard-pressed to match. Further, our understanding of real estate law has been integral to the success of many of our franchising clients.

Among the real estate legal services Einbinder & Dunn provides are those related to:

*Commercial Leasing* – covering the development of complex lease documents for ownership and the negotiation and auditing of leases for tenants, for all types of commercial and retail space, including movie theatres, restaurants, retail, manufacturing and distribution.

*Real Estate Litigation* – representing commercial real estate owners and commercial tenants in all aspects of real estate disputes.

*Purchase and Sales* – including the sale, acquisition and assemblage of fee title interests as well as the negotiation and acquisition of air and related property rights and the sale and acquisition of joint venture interests, LLC memberships and other membership interests.

*Real Estate Development* – encompassing operating, shareholder and partnership agreements (for ownership and management), as well as the formation of LLCs for real estate development.

*Real Estate Financing* – covering everything from the preparation of documents for mortgage-based lending to financial arrangements for raising development capital. An example of this is the opinion letters the firm developed for a \$60,000,000 sale-leaseback involving more than 40 properties nationwide.

*Real Estate Tax-Related Matters* – assisting clients in real estate tax-related matters such as city and state property tax benefit programs, including the New York City ICAP and New York State Empire Development Zones.

*Zoning and Municipal Matters* – including certificates, permits and other municipal approvals and violations.

*Residential Real Estate* – representing individual real estate clients as well as apartment cooperatives.

*Construction* – covering all legal matters relating to construction, including general as well as subcontractor contracts.

## **Retail and Commercial Leasing**

Retail and commercial leasing have been a major part of Einbinder & Dunn's commercial real estate practice since the founding partners first joined together in 1990. In over two decades since, our New York real estate attorneys have handled virtually every type of retail and commercial leasing need and issue faced by commercial property owners, managers, brokers and tenants.

Our clients include landlords and tenants in the Greater New York metropolitan area, in each of the five boroughs of Manhattan, Brooklyn, Bronx, Queens and Staten Island, as well as nationwide.

We represent a broad spectrum of property owners, as well as tenants running the gamut from large commercial tenants such as movie theatres and restaurants, smaller business owners operating out of storefronts, enclosed malls and shopping centers, retail operators in urban and suburban settings and warehouses, manufacturing and distribution sites.

We understand that each client has unique concerns and we tailor the counsel we provide to maximize the value of our legal representation. Depending on your needs, we can structure, draft and negotiate anchor leases, in-line leases, ground leases, triple net leases, subleases, master leases and outparcel leases, as well as lease amendments and other agreements incident to the retail leasing process.

Our retail and commercial work is highly diverse, including:

- **Cinema or movie theater leases:** Our clients include the largest motion picture theater chain in the country. We have serviced the chain's needs in numerous states throughout the U.S.
- **Restaurant leases:** We have represented owners, tenants and franchisors and franchisees in restaurant leases and are familiar with the complicated financial transactions that are often involved in leases of that nature.
- **Retail store leases:** From local boutiques to nationwide retail franchises, our law firm negotiates, drafts and reviews retail leases. We also have the capacity to handle all stages of the shopping center development process, including drafting and review of anchor and major store leases.
- **Sale/Leasebacks:** An attractive alternative to real estate financing is for a property owner/operator to sell the property to an investor, then lease it back at attractive rates.

Our experience as commercial and retail leasing attorneys helps us to advise our franchisor and franchisee clients as to leases that affect their franchised businesses. See [Franchise Law – Real Estate](#).

## **Real Estate Litigation & Disputes**

At Einbinder & Dunn, we blend extensive experience in real estate litigation, arbitration and administrative hearings relating to real estate with a level of individual partner-level attention required for these matters. Our real estate law firm appreciates the costs and risks of litigation as well and is committed to working closely with clients to explore both traditional litigation

strategies and more cost-effective alternative solutions. This unique approach and ability to keep an open mind is yet another way in which our firm stands apart from its competitors.

In the last two decades, our real estate litigation attorneys have handled cases involving a wide range of legal subject areas, including:

- Contracts (typically breach of contract claims involving LLC and limited partnership agreements, commercial leases and other contracts);
- Property rights (disputes involving property lines, easements, sewer and water lines, air rights, title defects and other complex title issues);
- Municipal approvals (disputes related to municipal building and development codes, zoning, land use issues, and environmental matters); and
- Real estate financing and development (including construction claims, mechanic's liens, shareholder and member lawsuits and more).

We have also handled complicated lease-related disputes, representing landlords and tenants in matters related to lease terms and property use. These include provisions relating to rent or additional rent, construction, permitted uses, hazardous materials and insurance coverage, or assignment and sublet provisions. Drawing from this broad base of experience, our firm is able to resolve complex, multi-million dollar real estate disputes in a cost-effective and efficient manner.

Our firm practices in New York State and Federal Courts nationwide, as well as *pro hac vice* in other States.

## **Purchases, Sales & Financing**

The Real Estate business in New York and the Metropolitan area is more complex and competitive than anywhere else in the country. Terry Dunn has been representing New York property owners since he first started to practice law in 1984. While his practice has branched out in many different directions since then, he has always remained at his core a real estate lawyer. Over the years, he has become deeply knowledgeable about the details and application of the particular rules governing the City's zoning, real estate taxes, exemption programs, title issues, as well as the broader concerns attendant to any complex real estate transaction. That knowledge has been shared with his partners and associates. Our firm's commercial real estate attorneys have developed decades of experience handling real estate transactions nationwide and particularly in the New York Metropolitan area. We have negotiated and drafted the agreements and closed the deals for every possible form of real estate conveyance, acquisition, financing and development, for individual owners and Fortune 500 companies. We recently closed the acquisition and development agreements for a luxury condominium development in Brooklyn and a major lease in the enormous and historic Essex Crossing development deal in downtown Manhattan. We are negotiating ongoing large scale development deals in Brooklyn and Staten Island.

Transactions and real estate legal services associated with this area of our practice include:

- Purchases and sales of buildings for new commercial or mixed-use purposes;
- Purchases and sales of real property related to residential or commercial real estate development;

- Negotiation, drafting and review of commercial real estate contracts and all necessary closing documents;
- Commercial real estate purchases and sales involving franchisors and franchisees;
- Purchases of existing businesses with real estate holdings;
- Formation of real estate LLCs;
- Services related to financing and refinancing, including mortgages, institutional and private, for acquisitions and construction;
- Title and survey review;
- Analysis of air and related property rights, environmental concerns, tax issues, restrictions on the use of properties, and other matters;
- Legal aspects of site development, including zoning changes, permits, air rights transfers, tax abatements and economic development incentives.

If you are involved or becoming involved in a real estate transaction in New York or another state, Einbinder & Dunn's commercial real estate attorneys can help you. For more information, [contact us](#) today, and learn how our real estate legal services can move your business to the next level.