COMMERCIAL REAL ESTATE SYLLABUS
SPRING TERM 2010

Robert S. Berkwitz
berkwitz@msn.com
(952) 920-3364
rberkwitz01@gw.hamline.edu

Brett Perry
bperry@MesserliKramer.com
(612) 672-3646

REQUIRED:
SBA Bookstore has selected forms compiled by Berkwitz and Perry on sale.

COURSE OVERVIEW:
Commercial Real Estate is a drafting course with two substantial drafting assignments, one short drafting assignment and one negotiating session. Students will draft a Reciprocal Easement Agreement, warranty provisions from the point of view of seller and a complex Commercial Purchase Agreement from the buyer's view point. The negotiating session will cover selected commercial lease provisions.

COURSE GOALS:
1. Cover drafting and negotiating strategies of the various parties to the agreements which are discussed in class.
2. Cover drafting techniques for the commercial real estate documents which are discussed in class
3. There will be at least 7 guest speakers who will cover topics which will help the class better understand the essential elements of commercial real estate transactions and aid in the preparation of the complex purchase agreement which will be the final project for the class.
4. Upon completion of the course the students should understand and be able to draft some of the key commercial real estate documents.

ASSIGNMENTS:

There is no advanced assignment required for the first class. You may glance at the applicable agreements included in the bound agreements sold by the SBA Bookstore before each class, but it is better to read the sample agreements carefully after we cover them in class. You should start your drafting assignments well in advance of the due dates.

DATE:	TOPIC:
1/20	Discuss Drafting Problem and the Letter of Intent
1/27	Guest Speaker – Commercial Leases
2/3	Commercial Leases – Preparation for Negotiations
2/10	Negotiations – Commercial Lease Provisions
2/17	Reciprocal Easement Agreements
2/24	Purchase Agreements – Warranties and Conditions
3/3	Purchase Agreements
3/10	Guest Speaker – Title Insurance
3/17	Guest Speaker – Lender's Perspective
3/31	Guest Speaker – Business Perspective
4/7	Guest Speaker – Environmental – ADA
4/15	Guest Speaker – Due Diligence
4/22	Guest Speakers – Former Hamline Students
4/28	Guest Speakers – Former Hamline Students

DRAFTING ASSIGNMENTS:

Due 3/3 Hand in class – Reciprocal Easement Agreement from Bright's viewpoint.

Due 4/7 Hand in class – Warranty Provisions from seller's viewpoint.

Due 5/5 Hand in Registrar's Office – Final Purchase Agreement for Office Building from Bright's view point.

ATTENDANCE POLICY:
Any student who misses more than four classes will have his/her grade reduced one-half grade. Excused absences will be granted at my sole discretion. Special consideration will be given to work conflicts.

GRADING:
The negotiating session will have a maximum of four points. Reciprocal Easement Agreement will have a maximum of 12 points. The warranty provisions from the point of view of seller will have a maximum of 6 points. The Final Purchase Agreement will have a maximum of 56 and ½ points.

COMPUTER USE POLICY:
Students are encouraged to use computers during class for taking notes or looking up information relating to class discussion. However, any other use of the computer or the internet is prohibited during class time because it is distracting for the rest of the class.