An advanced two-day conference on

Commercial Real Estate Leases

Practical tips and strategies for negotiating and enforcing commercial real estate leases

March 27 & 28, 2014
Salt Lake City, Utah
DoubleTree Suites by Hilton Salt Lake City

Credits: UT 9.75 CLE (call about others)
Quick when/where: 8:30 a.m., 110 West 600 South
This conference will provide insightful, practical information useful to real estate lawyers, brokers, property managers, lenders, landlords, and tenants in negotiating and enforcing commercial leases. Basic concepts are explained to assure that those with less experience are not left behind, but the panel discussion and presentations quickly extend into more sophisticated nuances, often providing specific suggestions for lease provisions and ways to handle particular issues that frequently arise in negotiations and during the tenancy. The use of examples allows participants to apply the concepts to real world situations, based on the knowledge of experienced real estate lawyers, leasing agents, and other professionals in this area. A must for anyone who needs to make important decisions in commercial leasing.

~ Program Co-Chairs: Brian C. Cheney, Esq. of Snell & Wilmer LLP and Kyle V. Leishman, Esq. of Jones Waldo Holbrook & McDonough PC

### Program Overview

**8:00 Registration Opens**

**8:30 Introduction & Overview**

- **Brian C. Cheney, Esq.,** *Program Co-Chair*
  - Snell & Wilmer LLP ~ Salt Lake City, UT

- **Kyle V. Leishman, Esq.,** *Program Co-Chair*
  - Jones Waldo Holbrook & McDonough PC ~ Salt Lake City, UT

**8:45 Owner Perspectives on Leasing in the Current Market**

An in-depth discussion of current and projected demand for major types of commercial space: Trends going forward with respect to vacancies, rate changes and timing for new commercial development and build-to-suit.

- **Elizabeth Evensen, Esq.,** *Moderator*
  - Snell & Wilmer LLP ~ Salt Lake City, UT

- **Walker Kennedy, III, Esq.,** *Vice President & General Counsel*
  - Woodbury Corporation ~ Salt Lake City, UT

- **Mark M. DeWald, Director, Business Development*
  - Freeport West Industrial Properties ~ Salt Lake City, UT

**10:00 Break**

**10:15 Negotiating Key Lease Provisions: The 10 Most Hotly Contested Issues**

A back-and-forth in the dance of negotiation between tenant and landlord on key lease provisions that are frequently negotiated: How to find compromises to settle difficult negotiations and how lease provisions tie together.

- **Brian C. Cheney, Esq.,** *Program Co-Chair*

- **Kyle V. Leishman, Esq.,** *Program Co-Chair*

**11:15 Trends in the Use of Insurance to Mitigate Risk in Commercial Leases**

Update on recent cases on liability; effective and problematic contractual provisions to govern application of insurance proceeds following a casualty.

- **James Eldredge, Vice President**
  - SterlingRisk of Utah ~ Park City, UT

**12:00 Lunch (on your own)**

**1:15 Current Issues in Negotiating Retail Leases**

Landlord’s perspective on use clauses; exclusives; prohibited uses; commencement and termination issues; operating covenants; common area maintenance charges; lease assignments and other issues.

- **Mark B. Durrant, Esq.**
  - Dorsey & Whitney LLP ~ Salt Lake City, UT

Tenant’s Perspective

- **Lewis E. Miller, Esq.**
  - Jones Waldo Holbrook & McDonough PC ~ Salt Lake City, UT

**2:15 Emerging Liquor Law Issues with an Impact on Leasing**

Recent and anticipated future changes in the law and implementation rules for obtaining licenses and serving or retailing liquor; enforcement priorities at the DABC.

- **Catherine P. Lake, Esq.**
  - Stoel Rives LLP ~ Salt Lake City, UT

**2:45 Break**

**3:00 Current Issues in Negotiating Industrial Leases**

Landlord’s perspective

- **Steven L. Whitehead, Esq.**
  - Kirton McConkie PC ~ Salt Lake City, UT

Tenant’s perspective

- **Timothy B. Schade, Esq.,** *General Counsel*
  - Lifetime Products, Inc. ~ Clearfield, UT

**4:00 Current Issues in Negotiating Office Leases**

Landlord’s perspective

- **Gretta C. Spendlove, Esq.**
  - Durham Jones & Pinegar PC ~ Salt Lake City, UT

Tenant’s perspective

- **Cristina Coronado, Esq.**
  - Ballard & Spahr LLP ~ Salt Lake City, UT

**5:00 Continue the Exchange of Ideas: Reception for Faculty and Attendees**

Sponsored by Snell & Wilmer LLP and Jones Waldo Holbrook & McDonough PC

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This conference is presented by **Law Seminars International**, offering live seminars and telebriefings for legal professionals. **Tel: 206-567-4490**

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<table>
<thead>
<tr>
<th>Time</th>
<th>Event</th>
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<tbody>
<tr>
<td>08:30</td>
<td>How Leading Brokers Perceive the Current Market</td>
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<td>Retail properties</td>
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<td>John N. Owens, Exec. Dir. - Land, Investment, Retail</td>
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<td>Cushman &amp; Wakefield ~ Salt Lake City, UT</td>
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<td>Office properties</td>
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<td>Judith M. Keane, Associate Broker</td>
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<td>Woodbury Corporation ~ Salt Lake City, UT</td>
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<td>Industrial properties</td>
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<td>Gina Moore, Director - Industrial Brokerage</td>
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<td>Cushman &amp; Wakefield ~ Salt Lake City, UT</td>
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<td>09:45</td>
<td>Renewal Term Rent Reset Process</td>
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<td>How does lease renewal language impact periodical rental adjustments in property leases; find out how appraisers appointed as arbitrators interpret lease language</td>
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<td>Darrin Liddell, Senior Managing Director</td>
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<td>Integra Realty Resources ~ Salt Lake City, UT</td>
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<td>10:15</td>
<td>Break</td>
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<td>10:30</td>
<td>Commercial Leases Gone Bad: Defaults and Remedies</td>
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<td>Lessons from recent litigation: Unlawful detainer actions, breach of lease claims by landlords and tenants and other litigated issues</td>
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<td>Paul M. Durham, Esq.</td>
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<td>Durham Jones &amp; Pinegar PC ~ Salt Lake City, UT</td>
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<td>Drafting tips for issues frequently encountered in tenant and landlord defaults: Strategies for anticipating future problems and effective terms for dealing with defaults once they occur</td>
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<td>Michael R. Johnson, Esq.</td>
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<td>Ray Quinney &amp; Nebeker PC ~ Salt Lake City, UT</td>
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<td>Bankruptcy issues: How issues change for landlord vs. tenant in bankruptcy; receivers’ best practices regarding commercial leases and tenants’ rights when a building is in receivership; tips for landlords and tenants in dealing with receivers</td>
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<td>Peggy Hunt, Esq.</td>
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<td>Dorsey &amp; Whitney LLP ~ Salt Lake City, UT</td>
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<td>12:00</td>
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Register at www.lawseminars.com
Faculty: Commercial Real Estate Leases Conference

Brian C. Cheney, Program Co-Chair, partner, Snell & Wilmer LLP, focuses on real estate and commercial finance law, commercial real estate development and acquisitions, leasing, real and personal property secured financing transactions, and general commercial and corporate transactions.

Kyle V. Leishman, Program Co-Chair, shareholder, Jones Waldo Holbrook & McDonough PC, focuses on real estate development, leasing, commercial finance, agricultural cooperative law, condominium law, foreclosures, and general corporate practice.

Elizabeth Evensen, Moderator, partner, Snell & Wilmer LLP, focuses on real estate law including hotel, resort, retail, condominium, office, development and disposition, office/retail leasing, zoning and land use, partnerships and joint ventures, construction, real estate workouts, and real estate financing.

Cristina Coronado is a member of Ballard & Spahr LLP’s Real Estate Development and Complex Transactions Group. She focuses on commercial and resort properties with an emphasis on zoning and entitlements, property acquisitions and sales, leasing, community structuring, financing, and takings.

Mark M. DeWald, Director, Business Development, Freeport West Industrial Properties, focuses on developing, leasing, and managing commercial industrial properties and warehouse distribution centers.

Paul M. Durham, Director, Durham Jones & Pinegar PC, focuses on hotel and resort properties, office buildings, retail properties, residential properties, multi-use projects, industrial parks, apartment buildings, condominiums, and raw land. He is recognized as “Lawyer of the Year” in Litigation - Real Estate by Best Lawyers in America.

Mark B. Durrant, partner, Dorsey & Whitney LLP, focuses on real estate property including commercial office, retail and industrial leasing and the acquisition, development, financing, and sale of office buildings, apartment buildings, condominiums, condominium hotels, timeshares, and shopping centers.

James Eldredge, CRIS, Vice President, SterlingRisk of Utah, provides insurance and risk management services related to commercial real estate, construction, environmental/pollution liability and product liability.

Peggy Hunt, partner, Dorsey & Whitney LLP, focuses on matters related to bankruptcy and debtor/creditor rights. She is on the Panel of Chapter 7 Trustees for the District of Utah.

Michael R. Johnson, shareholder, Ray Quinney & Nebeker PC, is Chair of the firm’s Bankruptcy and Creditor’s Rights section. He has been recognized as a Best Lawyer of America, Superlawyer, and maintains an AV preeminent rating with Martindale Hubbell.

Judith M. Keane is an Associate Broker at Woodbury Corporation.

Walker Kennedy III, Vice President and General Counsel, Woodbury Corporation, has been a law instructor, a member of the Board of Advisors for Westminster College, and Judge ProTem Fifth Circuit Court for the State of Utah. He is a member of the International Council of Shopping Centers Bankruptcy Task Force.

Catherine P. Lake, partner, Technology and Intellectual Property Group, Stoel Rives LLP, focuses on trademarks, copyrights, trade secrets, state and federal franchise laws and regulations, and alcohol licensing issues.

Darrin Liddell, MAI, FRICS, CCIM, Senior Managing Director, Integra Realty Resources, assists with commercial real estate valuation and with consultation to commercial, private, and government organizations.

Lewis E. Miller, Jones Waldo Holbrook & McDonough PC, is experienced in commercial lending, property acquisition, development, and management, and real estate finance including real estate transactions for grocery and drug retailers.

Gina Moore, Director, Industrial Brokerage, Cushman & Wakefield, specializes in industrial and land opportunities.

John N. Owens is Executive Director, Land, Investment, Retail, at Cushman & Wakefield.

Timothy B. Schade is General Counsel, Lifetime Products, Inc., an American manufacturer of plastic products.

Gretta C. Spendlove, Chair of Durham Jones & Pinegar PC’s Real Estate Section, focuses on real estate, corporate law, and business transactions including representation of buyers and sellers in purchasing, selling, leasing, and developing real estate.

Steven L. Whitehead, member, Kirton McConkie PC, concentrates on real estate matters including residential and commercial land use planning, development, leasing and eminent domain/condemnation. He is recognized by Chambers USA and as one of Utah’s Legal Elite for real estate.

March 27 & 28, 2014
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(801) 359-7800

Who Should Attend:
Attorneys, real estate professionals, owners, tenants, and others charged with negotiating, documenting and enforcing commercial real estate leases.

You Will Learn About:
• Owner perspectives on leasing in the current market
• Negotiating key lease provisions: The 10 most hotly contested issues
• Trends in the use of insurance to mitigate risk
• Special issues in negotiating retail, industrial, and office leases
• How leading brokers perceive the current market
• Recovery phase in-fill leasing with more diverse uses
• Emerging liquor law issues
• Renewal term rent reset process
• Defaults and remedies: unlawful detainer actions, breaches
• Drafting tips for tenant and landlord defaults
• Bankruptcy issues for landlord vs. tenant

To Register:
Mail
800 Fifth Ave., Suite 101
Seattle, WA 98104

Phone
(206) 567-4490
Fax
(206) 567-5058
Email
registrar@lawseminars.com
Online
www.lawseminars.com
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