

## MODEL NOTICE

### Use Commencement Date Notice to Avoid Disputes

The following commencement date notice was drafted by New Jersey attorney Marc L. Ripp. Use it to notify a tenant of the commencement and expiration dates of the lease, as well as the amount of minimum rent due and how it should be paid.

The commencement date notice begins by identifying the tenant and the lease. Paragraph 1 lists the commencement date. Paragraph 2 lists the expiration date. Paragraph 3 lists the amount of the minimum rent and when and to whom it's payable. Paragraph 4 prorates the minimum rent during the

commencement date month. Paragraph 5 specifies the deadline for exercising a special right or option. Paragraph 6 requires the tenant to sign the commencement date notice and return it to you. Paragraph 7 says that if the tenant fails to sign the commencement date notice by a set deadline, it's deemed to have consented to it.

Show the commencement date notice to your attorney before adapting it for your own situation.

#### COMMENCEMENT DATE NOTICE

VIA CERTIFIED MAIL — RETURN RECEIPT REQUESTED

[Insert date]

[Insert tenant's name & tenant's address]

Re: [Insert address of premises and building/center]

Dear [insert tenant's name]:

This letter shall constitute the Commencement Date Notice referenced in Paragraph [insert #] of the lease dated [insert date] for the above-mentioned premises, [insert your name], as Landlord, and [insert tenant's name], as Tenant ("Lease"). Unless otherwise defined herein, all capitalized terms shall have the same meaning ascribed to them in the Lease.

1. The Commencement Date is [insert date, e.g., Nov. 17, 2003].
2. The Expiration Date is [insert date, e.g., Nov. 30, 2008].
3. The initial Minimum Rent is \$[insert amount], payable on the [insert #, e.g., 1st] day of every month during the term in [insert frequency, e.g., equal monthly] installments of \$[insert amount] commencing on [insert date].

From [insert date] to [insert date], the Minimum Rent shall be \$[insert amount]. From [insert date] to [insert date], the Minimum Rent shall be \$[insert amount].

Each rent check shall be payable to: [insert name and address of payee].

4. [If applicable:] Because the Commencement Date occurs on a day other than the first day of the calendar month, the monthly installment of Minimum Rent due for [insert month in which commencement date falls, e.g., November 2003] must be prorated pursuant to Clause [insert #] of the Lease. Accordingly, the Minimum Rent due for the [insert #, e.g., 16]-day period beginning [insert date, e.g., Nov. 17, 2003] and ending on [insert date, e.g., Nov. 30, 2003] is \$[insert amount]. Said amount was calculated as follows: [insert formula].
5. The deadline by which Landlord must receive from Tenant its written exercise notice of its [insert special right or option, e.g., right to renew the lease] under Clause [insert #] of the Lease is [insert date].
6. Section [insert #] of the Lease requires that Tenant execute and return to Landlord a signed counterpart of this original Commencement Date Notice within [insert #, e.g., 5] business days after Tenant's receipt of the Commencement Date Notice. Accordingly, please sign this original Commencement Date Notice and return it to Landlord, together with a rent check for \$[insert amount]. Attached is a copy of this Commencement Date Notice for Tenant's files.
7. Pursuant to Section [insert #] of the Lease, Tenant's failure to sign the Commencement Date Notice and return it to Landlord within the [insert #, e.g., 5] business day period shall be deemed to be Tenant's acceptance of this Commencement Date Notice, including, but not limited to, the Commencement Date and the Expiration Date contained herein.

Landlord's signature \_\_\_\_\_ Date \_\_\_\_\_

AGREED TO AND ACCEPTED BY:

[Insert Tenant's signature block]