

COMMERCIAL LEASING

Specialist Legal Services

- Interpretation
- Opinions
- Draft Documentation
- Problem Solving
- Negotiating of leasing arrangements
- Consultants contracts and associated contractual matters
- Conflict resolution
- Project Management advice
- Property Management advice



Kindly advise any queries, clarifications, and/or interest to:

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ALAN CAMPBELL

Independent Consultant Solicitor

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Executive Summary



25 YEARS OF SPECIALIST COMMERCIAL EXPERTISE NATIONWIDE

I have held sole legal responsibility for Government, Corporate, and major Private Clients nationwide in some of New Zealand's most financially significant Commercial contracts.

Matters dealt with often included multi million dollar contracts.

With over 25 years of Specialist experience, I have extensive legal knowledge in all of the Professional fields allied with Commercial property, together with the often unforeseen problems that are experienced with occupation requirements – from both the Landlord's and the Tenant's perspective.

COST EFFECTIVE/COMPETITIVE FEES

Through the use of my services, the financial benefits gained by the Client are often considerably in excess of the cost of my services, and this (added value) has been achieved and proven consistently over the years. My considerable experience and low overheads allow me to offer highly competitive fees for my services.

COMMITMENT

I stand on my proven record, and by my commitment to provide and maintain the best available professional and effective legal advice possible, together with prompt and reliable service.

CONCLUSION

Over the years I have seen the sun rise and set a few times in the property market, and while leasing policies and construction trends tend to come and go, there is always the need to look with careful consideration to the Clients' current and future needs.

TESTIMONIAL

" I rate Alan's contribution to our services as invaluable. In my personal opinion he has no peer in his field as a lessee legal adviser. I would not be able to write a testimonial of this standard for any other solicitor I know engaged in lessee representation,"

- Erne Joyce, Technical Consulstant Company

Background and Experience

INLAND REVENUE DEPARTMENT NATIONAL PROPERTY PORTFOLIO SOLE LEGAL RESPONSIBILITY

Eighteen year period-(1988-2006). While being solely responsible for the legal aspects of the IRD Property portfolio nationwide, including new and refurbished buildings, and contractual arrangements, I have also enjoyed a roving commission over all other associated areas of expertise in relation to innumerable commercial property projects.

WORK UNDERTAKEN

The development of the Standard IRD (comprehensive) Heads of Agreement to Lease, Deeds of Lease, Short Form Lease formats, Consultants Contracts. All of which contain a variety of unusual, up to date, and in depth range of Clients' protections as a result of my experience and expertise in this field. The Introduction of the Standard IRD "Tenant's" Lease which was drafted and regularly updated for the Inland Revenue Department, (and used in major leasings for other Clients). This lease concept was used in part as a basis for the then "standard" Government Office Accommodation Task Force Lease, which I co-drafted.

MAJOR AND COMPLEX PROJECT AND LEASINGS

Solely legally responsible for the largest Commercial Leasings in Wellington in 1995, 2001, and Christchurch in 2005, (amongst other major projects for a variety of significant Clients).

CROWN LEASING

Responsible for all Crown leasing in Wellington, and other major projects elsewhere for the (then) Ministry of Works and Development. (Seven years - 1980-1987).

BUILDING ACT

I am aware of, and have drafted provisions relating to, the implications of the Building Act 2004, including those with regard to early access and occupation of Premises.

TESTIMONIAL

"He has a close appreciation of the working roles in a leasing commission. He understands the significance of technical and contractual issues in refurbishment or tenancy works and what is necessary in the planning, timing and management of the process."

- Jon Harcourt, Property Consultant

Background and Experience

SOLE PRACTICE

Sole Practice Legal Consultancy established 1987 -

Specialising in commercial projects and lease advisory services including;

- Drafting leases and associated contracts
- Problem solving
- Negotiating of leasing arrangements
- Consultants Contracts and associated contractual matters
- Conflict resolution
- Project Management advice
- Property Management advice
- Commercial Contracts
- Valuation input
- Building Act requirements

OPINIONS AND INTERPRETATIONS

Numerous opinions on a wide variety of financially significant matters for Clients including:

- Developer's obligations
- Variations to construction contracts
- Ratchet clause contestability
- Lessee's right to abate rental for non performance of building services.
- Repudiating lease development contracts.
- The interpretation of rent review Clauses and insurance liability
- The extent of the Lessees obligations to redecorate/reinstate at lease expiry.
- Technical interpretation

TESTIMONIAL

"In his dealings with the EDP Division Alan has displayed keen interest and certain tenacity in ensuring that the Divisions' best interests have been achieved. He is a very approachable personality who displays a sound common-sense approach to the task in hand. I have no hesitation in recommending him for this line of work."

-Don Noble, DSW Senior Property Manager

Clients Represented / Work Undertaken

MAJOR LEASINGS & OPINIONS & LEGAL WORK

Inland Revenue Department
Ministry of Justice
Office of the Auditor General
New Zealand Customs
Audit NZ
Ministry of Transport
The Ministry of Health
Land Transport Safety Authority
State Services Commission
Department of Social Welfare
NZ Patents Office
Saturn Telecommunications (NZ) Ltd
Transalta (NZ) Ltd
Brookers
Ericssons

OTHER LEASINGS & OPINIONS & LEGAL WORK

Crown Law Office
Justice (Corrections)
Government Office Accommodation Task Force
MAF
Education Department
NZ Defence Force
Transpower New Zealand
Health Benefits Authority
Specialist Education Services
E Joyce Associates
World Wildlife Fund of New Zealand
SBC Warburg NZ Ltd
CDL Hotels
UDC Finance
Park Property Holdings
Critchlow Associates
Panavision
The Great NZ Shop
Ashley Fogel
Apex Properties

Testimonials

"Alan has an uncanny grasp of other disciplines related to Leasing matters; such as valuation methodology particularly in respect of rent reviews, legal precedents, and evaluating valuation priorities in terms of undertaking lease negotiations. His involvement in lease negotiations is invaluable; he often picks up on omissions or ambiguities which avoid misunderstandings and can cause future problems if not resolved immediately. He is also adept at anticipating issues before they arise which is to the good of all.

He is a person of outstanding integrity and depth of knowledge on all aspects of property, and lease terms and conditions in particular. He also has a lateral perspective, and brings a fresh viewpoint on the possible ramifications of undertaking a particular course of action, which often has not previously been considered. He responds to requests quickly and efficiently and meets deadlines expeditiously.

When Alan is involved in negotiations or is responsible for preparing documentation, I feel a security and comfort which is rare indeed. This is combined with an articulate manner, clarity of thought and a sense of humour. These attributes all assist in successfully concluding sometimes protracted negotiations, plus there is always an element of enjoyment arising from the process when Alan is involved."

Gwendoline Callaghan
Director (Valuation) Colliers International

"In my opinion, Alan has provided the best possible legal advice available in Wellington and potentially New Zealand. This is based on the advice received over the years and in particular, the development of the Inland Revenue Lease Documentation and involvement in negotiations for premises, either new or refurbished.

It is fair to say that Alan's involvement in these processes has saved the client hundreds of thousands of dollars over the years. On this basis I would have no recommendation in recommending Alan to any potential employer who wants the best leasing legal advice available."

Peter James
Senior Property Manager DTZ Ltd

"The size of the property portfolio has fluctuated only marginally over this period. As at June 2006, this consisted of 44 leases over 41 sites. The total area involved was approximately 110,000 m².

Alan has a very professional approach to his work and justifiably took pride in providing documentation at a consistently high standard. Alan proved himself to be self-motivating, well organised and able to handle a high workload with the minimum of oversight by his client. Where extra time and effort was required for a job, Alan would certainly respond.

As indicated by the size of the portfolio, Alan worked on documentation and negotiations for projects ranging from very small to over 10,000 m².

I wish Alan well for the future and would highly recommend him to any future organisation requiring property legal services."

Neville G Treweek
National Property Manager IRD

"...he is one of the few solicitors with real expertise and knowledge of dealing with leasing problems and conflicts in all major centres of New Zealand"

Paul Cassin
Solicitor Specialising in Crown Law

"It is known the firm has been involved in providing similar advice and service to other central Government Departments in this property/accommodation/leasing field. Clearly Alan Campbell is able to provide appropriate specialist service and to represent departments in a most professional and beneficial manner."

Basil Corbett
NZ Customs Senior Property Manager

Appendices

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