

BUTTERMORE AND FOLTZ
ATTORNEYS AT LAW

Commercial and Residential Real Estate

Commercial Purchase

- Purchasing real estate using a Limited Liability Company (LLC) or Limited Partnership (LP)
 - We recommend separating an operating business from any underlying real estate
 - Clarity for profitability of the operating business – below market rents do not distort the profitability analysis
 - Limits liability in the event someone is injured on the premises
 - Can be a vehicle for estate planning. Real estate can be owned by the next generation or by family members who are not actively involved in the operating business.
 - Every separate piece of real estate should be in a separate entity to limit cross contamination with the operating business
- Should always consider the tax impact
 - Transfer tax on acquisition
 - NYS mortgage recording tax
 - Foreign Investment in Real Property Tax Act (FIRPTA) requires federal tax withholding on the sale of US real estate by a non-US person.

Commercial Leases

There are many issues involved in commercial leases. We represent landlords and tenants and can advise you accordingly. Through a related company – Bayard Farms LLC – we can help you manage your real estate investments.

Remember only an attorney will exclusively represent and protect your interest. Realtor and Title Company officers can represent multiple parties including themselves.

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