

**Bay Mills Community College Charter Schools Office**  
**Lease Agreement Due Diligence Questionnaire**

Academy: \_\_\_\_\_

Academy Designee for Lease Negotiations: \_\_\_\_\_

Address: \_\_\_\_\_  
\_\_\_\_\_

Academy Legal Counsel: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Lessor: \_\_\_\_\_

Lessor's Address: \_\_\_\_\_  
\_\_\_\_\_

Lessor's Legal Counsel: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

1. Is the Lessor an individual or an entity? If an entity, what type or form of entity?  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

2. Who are the Lessor's owners, shareholders, members, directors and officers?  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

3. Are there any relationships between the Lessor and the Academy that must be disclosed under the Lease Policies?

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4. Does the Lease Agreement transaction involves a related party that must be explained under the Lease Policies?

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5. Are there any conflicts of interest between the Lessor and the Academy that must be disclosed under the Lease Policies?

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6. Who besides the Academy has an ongoing right to occupy the physical plant identified in the Academy's Contract?

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7. Provide the Academy's anticipated total costs of using the physical plant during the proposed lease term, including:

- i. Rent: \_\_\_\_\_ per month
- ii. Rent: \_\_\_\_\_ per square foot, per year
- iii. Fixture costs: \_\_\_\_\_ per month
- iv. Taxes: \_\_\_\_\_ per month
- v. Utilities and Assessments: \_\_\_\_\_ per month
- vi. Interest: \_\_\_\_\_ per month
- vii. Insurance: \_\_\_\_\_ per month
- viii. Renovation, Repair, and Maintenance: \_\_\_\_\_ per month
- ix. Transaction fees: \_\_\_\_\_
- x. Broker fees: \_\_\_\_\_
- xi. Other fees or costs (please identify): \_\_\_\_\_

8. Is the lease classified as a capital or operating lease? \_\_\_\_\_

9. Who presented the proposed site to the Academy Board?

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10. What process did the Academy Board or its ESP undertake to identify and select the proposed site?

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11. Did the Academy Board determine that the proposed lease terms provide for a fair market value for the Academy? If not, explain.

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12. What professional(s) did the Academy retain to advise the Academy Board regarding the decision to lease the proposed site?

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13. Why did the Academy Board select the proposed site rather than other available sites, if any?

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14. Why did the Academy Board lease rather than purchase the proposed site?

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15. Did the Academy Board inspect the proposed physical plant and confirm that the use and condition of the proposed physical plant is sufficient for the intended use?

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16. What is the square footage of the building and the number acres at the physical plant. Is there adequate acreage for subsequent expansion of the building, if necessary?

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17. Does the Lessor own or lease the building?

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18. Did all Academy Board members have the opportunity to review the proposed Lease Agreement with the Academy's legal counsel prior to approving the Lease Agreement?

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I certify that I have reviewed the Bay Mills Community College Charter Schools Office's October 9, 2013 Real Property Leasing Policies and that the Academy Board has used its best efforts to comply therewith.

Academy Board

Representative:

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(please print)

Signature:

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Title:

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Date:

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