

## Commission Agreement



\_\_\_\_\_, ("**Seller/Landlord**")  
agrees that \_\_\_\_\_ ("**Broker**")  
may show and will use diligent effort to (**Check as applicable**) ☐ sell ☐ lease **Seller's/Landlord's** Property located at  
\_\_\_\_\_ ("**Property**")  
to \_\_\_\_\_ ("**Prospect**").

In the event the Property is (**Check as applicable**) ☐ sold, optioned, or contracted to be sold ☐ leased  
to Prospect, or any other prospect procured by **Broker**, on \_\_\_\_\_ [date] or within \_\_\_\_\_ days (180  
days if blank) thereafter, **Seller/Landlord** agrees to pay **Broker**:

- ☐ \$ \_\_\_\_\_  
☐ \_\_\_\_\_ % of the gross purchase price of the Property.  
☐ \_\_\_\_\_ % of the gross lease value of a lease executed regarding the Property.  
☐ other (specify) \_\_\_\_\_

**Seller/Landlord** will pay **Broker's** fee in the event of sale, at time of closing the sale; or in the event of lease, at time of  
lease execution. **Broker's** fee is due if **Seller/Landlord** defaults on an executed sales contract or lease with Prospect or if  
**Seller/Landlord** agrees with Prospect to cancel an executed sales contract or lease. In any litigation arising out of this  
agreement, the prevailing party will be entitled to recover from the non-prevailing party reasonable attorney's fees, costs,  
and expenses.

If the Property is commercial real estate, with respect to commercial lease transactions, Section 10 of the New York Lien  
Law permits a broker to file a mechanic's lien for certain unpaid commissions. A mechanic's lien is defined as a security  
interest in real property for materials furnished or labor performed in connection with the "improvement" of real property.  
Although mechanic's liens are most typically associated with contractors filing for unpaid construction work, the Lien Law  
provides that services rendered by a broker to obtain a commercial tenant for a lease term of more than three years falls  
within the definition of "improvement." Therefore, a real estate broker seeking to recover commissions withheld by a  
landlord may file a mechanic's lien in order to force payment for a broker's services.

Additional Terms: \_\_\_\_\_  
\_\_\_\_\_

\_\_\_\_\_  
**Seller/Landlord**

\_\_\_\_\_  
Date

\_\_\_\_\_  
**Seller/Landlord**

\_\_\_\_\_  
Date

\_\_\_\_\_  
Authorized **Broker** or Associate

\_\_\_\_\_  
Date