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ARTICLE 12 – LESSOR’S RIGHTS

EXISTING LEASE LANGUAGE

None

AUGUST DRAFT LANGUAGE

Lessee agrees that any failure by Lessor to enforce any provision, obligation, condition, right or privilege of this Lease shall not constitute a waiver or relinquishment by Lessor of its rights, privileges and/or remedies afforded hereby or by law. Furthermore, Lessee agrees that it shall not hold or use Lessor’s failure to enforce any provisions, obligation, condition, right or privilege as a defense in any future dispute or litigation. As such, all provisions, obligations, conditions, rights and privileges granted hereby or by operation of law shall remain valid, in force and enforceable despite Lessor’s failure to previously enforce them.

PROPOSED RE-WRITE (TRACK CHANGES)

Lessee agrees that ~~any failure by~~ Lessor’s failure to enforce any ~~provision, obligation, condition, right or privilege~~ Lease terms of this Lease shall not affect the validity or enforceability thereof nor shall such failure constitute a waiver or relinquishment by Lessor of its rights, privileges and/or remedies afforded herein or by law. Furthermore, Lessee agrees that it shall not hold or use Lessor’s failure to enforce any Lease terms ~~provision, obligation, condition, right or privilege~~ as a defense in any future dispute or litigation. ~~As such, all provisions, obligations, conditions, rights and privileges granted hereby or by operation of law shall remain valid, in force and enforceable despite Lessor’s failure to previously enforce them.~~

PROPOSED RE-WRITE (CLEAN VERSION)

Lessee agrees that Lessor’s failure to enforce any Lease terms shall not affect the validity or enforceability thereof nor shall such failure constitute a waiver or relinquishment by Lessor of its rights, privileges and/or remedies afforded herein or by law. Furthermore, Lessee agrees that it shall not hold or use Lessor’s failure to enforce any Lease terms as a defense in any future dispute or litigation.