

1 **ARTICLE 26 – SEVERABILITY**

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4 **EXISTING LEASE LANGUAGE (REV. 2000)**

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6 26. Severability

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8 In the event that any provision of this lease is declared to be illegal or unconstitutional, its
9 nullity shall in no way impair the validity of the Lease, or of other portions of the lease not
10 declared illegal or unconstitutional; provided that Lessee shall not directly or indirectly institute
11 or cause to be instituted any action seeking to declare the nullity or the unenforceability of this
12 lease or any part hereof.

13
14 Found on page 9

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16 **AUGUST 2016 DRAFT LANGUAGE**

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18 ARTICLE 26 - SEVERABILITY

19
20 This Lease sets forth the full terms of the agreement between the parties. If any provision hereof
21 is found to be invalid for any reason, such provision shall be severed from the agreement and the
22 remaining terms and provisions shall be fully binding upon the parties.

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24 Found on page 21

25
26 **PROPOSED RE-WRITE (TRACK CHANGES)**

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28 “This Lease sets forth the full terms of the agreement between the parties. If any provision
29 hereof is found to be invalid for any reason, by final judgment of a court of competent
30 jurisdiction or pursuant to any applicable law, such provision shall be severed from the
31 agreement and the remaining terms and provisions shall be fully binding upon the parties. The
32 Parties agree that the Lease shall then be reformed to replace such severed provision with a valid,
33 lawful and enforceable provision that comes as close as possible to expressing the intent of the
34 severed provision.”

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36 **PROPOSED RE-WRITE (CLEAN VERSION)**

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38 “This Lease sets forth the full terms of the agreement between the parties. If any provision
39 hereof is found to be invalid for any reason, by final judgment of a court of competent
40 jurisdiction or pursuant to any applicable law, such provision shall be severed from the
41 agreement and the remaining terms and provisions shall be fully binding upon the parties. The
42 Parties agree that the Lease shall then be reformed to replace such severed provision with a valid,
43 lawful and enforceable provision that comes as close as possible to expressing the intent of the
44 severed provision.”