

# MARKS & WEINBERG, P.C.

## **Kool, Mann, Coffey & Company v. Castellini Company**

1995 WL 453049 (Oh. App., 1995)

Lessee failed to give lessor notice of the destruction of leased trailers and property to pay casualty values or replace such trailers. When lessee tried to exercise a purchase option on the remaining trailers (and on the destroyed trailers as well), lessor refused to honor the purchase option due to these defaults by Lessee. The court finds that lessor's conduct constituted a waiver of its rights. *This case is more complicated than indicated, but the message is to be very careful to avoid waiver of rights where the lessee commits any breach.*

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