

BILATERAL NON-WAIVER AGREEMENT

This agreement is entered into between _____ (hereinafter referred to as the “Insured”) and _____ (hereinafter referred to as the “Company”).

WHEREAS, the Insured has a policy of insurance bearing Policy No. _____ issued by the Company and putatively providing certain coverage for the period beginning _____ and ending _____;

WHEREAS, the Insured has sought coverage under the above-referenced policy for a [type of loss] alleged to have occurred on or about _____ and questions remain as to the existence of coverage due to the following reason(s):

1. _____
2. _____

The policy in question contains [Conditions and/or Exclusions] which ostensibly might affect coverage afforded to the insured. The [Conditions and/or Exclusions] found on page(s) [____ and/or ____] of the policy state(s) as follows:

1. _____
2. _____

WHEREAS, it appears that the interests of both the Insured and the Company may be better served and protected by additional investigation into the facts and circumstances surrounding the claim;

THEREFORE, it is mutually understood and agreed between the Insured and the Company that if the Company, by its representatives and/or agents, proceeds to investigate said incident or event, no action heretofore or hereafter taken by the Company shall be construed as a waiver of the rights of the Company, including the right to deny coverage or seek reimbursement for amounts paid, nor shall the Company be estopped from asserting any defenses or taking any action to protect its interests. The acts of the Company performed by way of said investigation shall not be construed as an admission of liability or coverage under said policy, nor has the Insured, by executing this agreement, waived any rights available to the insured under the policy.

Executed this _____ day of _____, 2000.

AGREED TO BY:

WITNESSED BY:

Signature of Insured

Signature of Witness

Print Name of Insured

Print Name of Witness

Signature of Agent for Insurer

Signature of Witness

Print Name of Agent for Insurer

Signature of Witness