

13-822. Breach of contract; definition.

For you to find _____ liable to _____, you must find that _____ breached [his] [her] contract with _____ . A person may breach a contract by [failing to perform a contractual obligation when that performance is called for (unless that performance is otherwise excused)]

or

[announcing ahead of time that he or she will not perform a contractual obligation when the time for that performance comes due].

USE NOTE

One or both of the bracketed instances of breach should be given, depending on what claims of breach the evidence raises. The bracketed limitation in the "failure of performance" instance should be given only if called for by the claims of the parties. This instruction should be given in conjunction with one or both of UJI 13-823, 13-824 NMRA.

[Adopted, effective November 1, 1991.]