

Cherokee Nation Code Annotated
Title 80: Uniform Commercial Code
Article 2: Sales
Part 6. Breach, Repudiation and Excuse
§ 2-605. Waiver of buyer's objections by failure to particularize
Cite as: 80 CNCA § 2-605

Waiver of Buyer's Objections by Failure to Particularize

(1) The buyer's failure to state in connection with rejection a particular defect which is ascertainable by reasonable inspection precludes him from relying on the unstated defect to justify rejection or to establish breach

(a) where the seller could have cured it if stated seasonably; or

(b) between merchants when the seller has after rejection made a request in writing for a full and final written statement of all defects on which the buyer proposes to rely.

(2) Payment against documents made without reservation of rights precludes recovery of the payment for defects apparent on the face of the documents.

Historical Data

LA 26-03, eff. October 2, 2003.