

11-1

I. Discharge of Contractual Obligations

*A. By Performance*

1. discharge
2. breach of contract
3. substantial performance
4. default
5. anticipatory breach
6. Timing of Performance

*B. By the Initial Terms*

*C. By Subsequent Agreement*

1. Rescission
2. Accord and Satisfaction
3. Novation

*D. By Impossibility of Performance*

*E. By Operation of Law*  
Alteration

*F. By Tender of Performance*

Tender

II. Remedies for a Possible Breach

1. Remedy

*B. Remedy for a Minor Breach*

*C. Remedies for a major Breach*

1. Rescission and Restitution

2. Money Damages

a) Compensatory

b) Consequential

c) Punitive

d) Liquidated

e) Nominal

*D. Specific Performance*

III. Factors Affecting Choice of Remedy

*A. Conflict of Remedies*

*B. Duty to Mitigate*

*C. Waivers*

*D. Statute of Limitations*

*E. Bankruptcy*