Ch 10

Promise and Condition

When lawyer reads contract, must consider

* What has each party promised to do
* What has to happen before a party has to do what it promised
* What happens if a party doesn’t do what it promised to do

Court will provide answer in case of dispute

Promise = legally enforceable agreement and use the words “shall” and “will” or “agrees to”

Condition = event, not certain to occur which must occur unless its non occurrence is excused

Condition =/= Promise

Promissory condition = conditional promise, If A does x B does y

Owner shall pay contractor only if owner is satisfied with contractor’s performance

Insurer shall pay for loss on condition that the insured furnishes proof of loss within 60 days of loss