

13-828. Course of performance.

A course of performance is the way the parties have conducted themselves in the performance of the contract which it is reasonable to regard as establishing the parties' common understanding of the meaning of the term[s] in dispute.

USE NOTES

This instruction should be given in conjunction with UJI 13-825 NMRA when a question of interpretation exists as to a term or terms in a contract and evidence is submitted concerning the parties' course of performance under the contract.

[Adopted, effective November 1, 1991; as amended by Supreme Court Order No. 20-8300-006, effective for all cases pending or filed on or after December 31, 2020.]