

**13-806. Offer; revocation; effect of performance.**

An offer may be withdrawn at any time before notice of its acceptance has been received. To have withdrawn an offer, \_\_\_\_\_ (*name of offeror*) must have notified \_\_\_\_\_ (*name of offeree*) that the offer was withdrawn.

Once notice of withdrawal has been received, the offer may no longer be accepted and any attempt to accept thereafter will not be effective. If

\_\_\_\_\_ (*name of offeree*) was notified that the offer was withdrawn,  
\_\_\_\_\_ (*name of offeree*) could no longer accept the offer.

[If, however, the offer allows for acceptance by performance, the offer cannot be withdrawn once performance has begun. Instead, a reasonable amount of time must be given to allow completion of performance. If \_\_\_\_\_ (*name of offeree*) had started performing before \_\_\_\_\_ (*name of offeree*) received notice of \_\_\_\_\_'s (*name of offeror*) withdrawal of the offer, then \_\_\_\_\_ (*name of offeree*) must be given reasonable time to complete the performance. What constitutes reasonable time should be determined by you from the surrounding circumstances.]

[If the offer made by \_\_\_\_\_ (*name of offeror*) was accompanied by a promise not to revoke the offer and consideration was given for that promise, then the offer cannot be withdrawn by \_\_\_\_\_ (*name of offeror*).]

**USE NOTE**

The first two paragraphs of this instruction should be used where an offeror claims to have revoked the offer. The third paragraph should be given where the offeree claims that the offeree has justifiably relied on the offer by beginning the performance requested by the offeror. The fourth paragraph of this instruction should be used when the offeree claims that the offeree gave consideration in exchange for the offeror's promise not to revoke the offer and that an "option contract" was therefore created.

[Adopted, effective November 1, 1991; as amended by Supreme Court Order No. 14-8300-006, effective for all cases filed or pending on or after December 31, 2014.]