

**3053 BREACH OF CONTRACT**

A party to a contract breaches it when performance of a duty under the contract is due and the party fails to perform. Failing to perform a duty under the contract includes defectively performing as well as not performing at all.

**COMMENT**

This instruction and comment were approved in 2006.

Restatement of Contracts (Second) sec. 235; Steele v. Pacesetter Motor Cars, Inc., 2003 WI App 242, 267 Wis.2d 873.