

3064 IMPOSSIBILITY: TEMPORARY

If performance is temporarily made impossible without fault of a party, his or her duty to perform is excused during the period of the impossibility. The contract is not terminated unless the impossibility of performance continues for such a long period of time that the object of the contract is defeated.

COMMENT

This instruction and comment were approved by the Committee in 1975. Editorial changes were made in 1993 to address gender references in the instruction. No substantive changes were made to the instruction.

Restatement, Contracts § 462; Hess Bros., Inc. v. Great Northern Pail Co., 175 Wis. 465, 185 N.W. 542 (1921).