

**205.** – The debtor is not in default so long as the performance is not effected in consequence of a circumstance of a circumstance for which he is not responsible.

*(G. 285).*

**206.** – In obligations arising from an unlawful act, the debtor is in default from the time when he committed it.

*(c/p old text 327; c/p Br. 962; c/p Fr. 1302 par.2; G. 848).*

**207.** – A creditor is in default if, without legal ground, he does not accept the performance tendered to him.

*(c/p old text 354, 355; G. 293; c/p J. 413; c/p Br. 955; S.O. 91).*

**208.** – The performance must be actually tendered to the creditor in the manner which it is to be effected.

But if the creditor has declared to the debtor that he will not accept performance, or if for effecting the performance an act of the creditor is necessary, it is sufficient for the debtor to give him notice that all preparations for performance have been made and that it is for him to accept it. In such cases the notice by the debtor is equivalent to a tender.

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