

327-6[330]. – By a **[proper]** tender of performance a discharge is effected, from the time of the tender, from all responsibilities arising out of non-performance.

(J. 492; See also Section 207).

328-7[331]. – If the creditor refuses or is unable to accept performance, the person performing may be discharged from the obligation by depositing for the creditor's benefit the thing forming the subject of the obligation. The same applies, if the person performing without fault on his part, cannot ascertain the right or identity of the creditor.

(c/p J. 494. c/p Old text 361. G. 378).

329-8[332] bis. – If the debtor is bound to perform only after the counter-performance has been effected by the creditor, he may make the right of the creditor to receive the thing deposited dependent upon counter-performance by the creditor.

(G. 373).

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330
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