

1 **13-807. Acceptance; definition.**

2 An acceptance is a statement or conduct made by one party to the other, showing that
3 party[']s agreement to the terms of the other party[']s offer. For _____ (*name of*
4 *offeree*) to have accepted _____[']s (*name of offeror*) offer, [~~he~~—~~she~~
5 ~~it~~]_____ (*name of offeree*) must have informed _____ (*name of*
6 *offeror*) by a statement or conduct that [~~he~~—~~she~~—~~it~~]_____ (*name of offeree*)
7 agreed to the terms of the offer.

8 USE NOTES

9 This instruction should be given in conjunction with whichever additional acceptance
10 instructions are necessary to resolve the particular dispute. If it is contended that a purported
11 acceptance changed the terms of the offer, then this instruction should be given with UJI 13-808
12 NMRA. If it is contended that the offeree failed to respond in the way called for within the offer,
13 then this instruction should be given with UJI 13-810 NMRA. Where it is contended that an offer
14 was accepted by silence (UJI 13-811 NMRA), or by performance (UJI 13-812 NMRA), or that the
15 offer was revoked (UJI 13-813 NMRA), the appropriate instruction should be given.

16 [Adopted, effective November 1, 1991; as amended by Supreme Court Order No. 18-8300-013,
17 effective for all cases pending or filed on or after December 31, 2018; as amended by Supreme
18 Court Order No. S-1-RCR-2025-00126, effective for all cases pending or filed on or after
19 December 31, 2025.]

20 **Committee commentary.** — For there to be a contract, the offer must be accepted unconditionally
21 and unqualifiedly by the offeree. *Corr v. Braasch*, 1981-NMSC-137, ¶ 5, 97 N.M. 279, 639 P.2d
22 566; *Pickett v. Miller*, 1966-NMSC-050, ¶ 9, 76 N.M. 105, 412 P.2d 400. The acceptance must be
23 to all terms. *Tatsch v. Hamilton-Erickson Mfg. Co.*, 1966-NMSC-193, ¶ 9, 76 N.M. 729, 418 P.2d

- 1 187. The offer can be accepted only by the offeree. *Polhamus v. Roberts*, 1946-NMSC-033, ¶ 20,
2 50 N.M. 236, 175 P.2d 196; Restatement (Second) of Contracts § 52 (1981).
3 [As amended by Supreme Court Order No. 18-8300-013~~[-effective for all cases pending or filed~~
4 ~~on or after December 31, 2018]~~; as amended by Supreme Court Order No. S-1-RCR-2025-00126.]