

Notice by Buyer:

Cancellation for Seller's Breach

- 🔊 If you don't get what you wanted by the time you wanted it...
- 🔊 This a letter used by a buyer when the seller has breached an Agreement for the Sale of Goods, and that the buyer expects to be compensated for damages following the breach.
- 🔊 A buyer uses this notice when goods have been delivered, but do not "conform" to the agreement (the goods were delivered but they are not what the contract specified) and when the seller has breached the contract in some other important way, such as failing to deliver the goods on the required date.
- 🔊 It is often better to simply reject the goods at the time of delivery (using a notice like the "Notice of Rejection of Non-Conforming Goods"), rather than using a notice like this one to cancel the contract for breach. 
- 🔊 Immediate rejection also makes the seller's case more difficult if the parties go to court. If the goods are rejected, the buyer may not have to pay for them, but if the goods are accepted and the contract is cancelled, the buyer usually has to pay for the goods and hope to recover the money in damages.
- 🔊 In order to reject the goods, the law requires the buyer to send the rejection notice within a "reasonable time" after delivery of the non-conforming goods.
- 🔊 If the buyer does not send the rejection notice within the time allowed, the buyer loses the option of rejecting the goods (the buyer cannot use the Notice of Rejection of Non-Conforming Goods). However, the buyer is still entitled to damages, and can still use this Notice of Cancellation for Breach.

From JIAN

NOTICE:

We wish we could provide an agreement that was tailored *exactly* to your business. While this is not always possible, we feel that we've come very close and that this document provides you with the head-start that you need to get your deal moving. Nevertheless, we must make this disclaimer:

- 🚫 **Do Not Use This Agreement 'As-Is.'**
- 🚫 **This Agreement Is Not Legal Advice.**
- 🚫 **Read it Thoroughly and Make All Appropriate Changes to Fit Your Requirements.**
- 🚫 **You Should Have this Agreement Reviewed and Approved by a Qualified Attorney at Law Before Using It.**
- 🚫 **JIAN Accepts No Liability for the Effectiveness of This Document For Your Purposes.**

Free Access to Attorneys, Accountants & Consultants in Your Area

We're building a network of business experts who are eager to help you when you need it. They can review your work, make suggestions, handle unique situations and introduce you to influential people. On our website you can search by expertise and location, then e-mail or jump straight to their website. Although they are professionals and charge for their services, most offer an initial consultation free of charge. They're in your area and you can contact them directly.

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Ongoing Update Service Keeps You Current

Things change, laws change, the world changes... new ideas come along all the time. When you register, you can access our website to get updates and changes... like new and improved spreadsheets and documents. They can be downloaded directly to your computer.

- Please visit our website under [Updates](#).
- 🚫 **Remember to bookmark our website: www.JIAN.com**

Editing Your Sample Contract

Since this entire agreement is formatted in Word, you can edit it like any other Word document. You can jump from variable to variable by clicking the above  green arrows (JIAN Menu) which will take you forward / backward and highlight the entire sample text identified within the “[]” brackets – simply edit / type-over with your information.

To make sure you have filled in all the variables, use Word's 'FIND' function to locate any “[]” which may contain an unedited variable.

- Click the  icon in the JIAN menu above to turn the expert comments on/off.
- Upon completion, delete any unnecessary blank lines that remain.
- You may format this document any way you like.
- Delete this page.

[Company Legal Name]

[Address] * [City], [State] [Zip Code]

[Telephone] * [WebSite Address]

[Date]

[Seller]

[Seller's Address]

Dear [Seller's Representative]:

Re: *Cancellation of Agreement*

You are hereby notified that our  contract dated [Effective Date], for the purchase of [Type of Goods] (the "Agreement"), is canceled.

This action is taken as a result of your breach of the Agreement as follows:

- [Describe Breach].
- Xxx
- xxx

You are further notified that in accordance with the UCC, any obligation to make further performance under the Agreement is terminated, and that the right to proceed against you because of your breach of the Agreement is not waived.

You are further notified that as a result of your breach of the Agreement, we have suffered damages in the amount of [Amount of Damages], computed as follows:

- [Damages Breakdown].
- Xxx
- xxx

Unless you remit the total amount of the damages in good funds within five (5) days after receipt of this letter, we shall have no choice but to refer the matter for collection.

Thank you very much for your immediate attention to this matter.

Sincerely,

[Owner/Founder]