

PROMISE HAS NOT BEEN PERFORMED. IF AN INSTRUMENT IS ISSUED FOR VALUE AS STATED IN SUBSECTION (A), THE INSTRUMENT IS ALSO ISSUED FOR CONSIDERATION.

3-304.

(A) AN INSTRUMENT PAYABLE ON DEMAND BECOMES OVERDUE AT THE EARLIEST OF THE FOLLOWING TIMES:

(1) ON THE DAY AFTER THE DAY DEMAND FOR PAYMENT IS DULY MADE;

(2) IF THE INSTRUMENT IS A CHECK, 90 DAYS AFTER ITS DATE; OR

(3) IF THE INSTRUMENT IS NOT A CHECK, WHEN THE INSTRUMENT HAS BEEN OUTSTANDING FOR A PERIOD OF TIME AFTER ITS DATE WHICH IS UNREASONABLY LONG UNDER THE CIRCUMSTANCES OF THE PARTICULAR CASE IN LIGHT OF THE NATURE OF THE INSTRUMENT AND USAGE OF THE TRADE.

(B) WITH RESPECT TO AN INSTRUMENT PAYABLE AT A DEFINITE TIME THE FOLLOWING RULES APPLY:

(1) IF THE PRINCIPAL IS PAYABLE IN INSTALLMENTS AND A DUE DATE HAS NOT BEEN ACCELERATED, THE INSTRUMENT BECOMES OVERDUE UPON DEFAULT UNDER THE INSTRUMENT FOR NONPAYMENT OF AN INSTALLMENT, AND THE INSTRUMENT REMAINS OVERDUE UNTIL THE DEFAULT IS CURED.

(2) IF THE PRINCIPAL IS NOT PAYABLE IN INSTALLMENTS AND THE DUE DATE HAS NOT BEEN ACCELERATED, THE INSTRUMENT BECOMES OVERDUE ON THE DAY AFTER THE DUE DATE.

(3) IF A DUE DATE WITH RESPECT TO PRINCIPAL HAS BEEN ACCELERATED, THE INSTRUMENT BECOMES OVERDUE ON THE DAY AFTER THE ACCELERATED DUE DATE.

(C) UNLESS THE DUE DATE OF PRINCIPAL HAS BEEN ACCELERATED, AN INSTRUMENT DOES NOT BECOME OVERDUE IF THERE IS DEFAULT IN PAYMENT OF INTEREST BUT NO DEFAULT IN PAYMENT OF PRINCIPAL.

3-305.

(A) EXCEPT AS STATED IN SUBSECTION (B), THE RIGHT TO ENFORCE THE OBLIGATION OF A PARTY TO PAY AN INSTRUMENT IS SUBJECT TO THE FOLLOWING:

(1) A DEFENSE OF THE OBLIGOR BASED ON (I) INFANCY OF THE OBLIGOR TO THE EXTENT IT IS A DEFENSE TO A SIMPLE CONTRACT, (II) DURESS, LACK OF LEGAL CAPACITY, OR ILLEGALITY OF THE TRANSACTION WHICH, UNDER OTHER LAW, NULLIFIES THE OBLIGATION OF THE OBLIGOR, (III) FRAUD THAT INDUCED THE OBLIGOR TO SIGN THE INSTRUMENT WITH NEITHER KNOWLEDGE NOR REASONABLE OPPORTUNITY TO LEARN OF ITS CHARACTER OR ITS ESSENTIAL TERMS, OR (IV) DISCHARGE OF THE OBLIGOR IN INSOLVENCY PROCEEDINGS;