

WEST VIRGINIA CODE: §46-2-605

§46-2-605. Waiver of buyer's objections by failure to particularize.

- (1) The buyer's failure to state in connection with rejection a particular defect which is ascertainable by reasonable inspection precludes him from relying on the unstated defect to justify rejection or to establish breach:
 - (a) Where the seller could have cured it if stated seasonably; or
 - (b) Between merchants when the seller has after rejection made a request in writing for a full and final written statement of all defects on which the buyer proposes to rely.
- (2) Payment against documents made without reservation of rights precludes recovery of the payment for defects apparent in the documents.