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DIVISION 3. OBLIGATIONS [1427 - 3273.69] (*Heading of Division 3 amended by Stats. 1988, Ch. 160, Sec. 14.)*

PART 4. OBLIGATIONS ARISING FROM PARTICULAR TRANSACTIONS [1738 - 3273.69] (*Part 4 enacted 1872.)*

TITLE 13. SURETYSHIP [2787 - 2856] (*Heading of Title 13 amended by Stats. 1939, Ch. 453.)*

ARTICLE 3. Interpretation of Suretyship [2799 - 2802] (*Heading of Article 3 amended by Stats. 1939, Ch. 453.)*

[2799.](#) In an assumption of liability as surety in connection with a contract, the terms of which are not then settled, it is implied that its terms shall be such as will not expose the surety to greater risks than he would incur under those terms which are most common in similar contracts at the place where the principal contract is to be performed.

(*Amended by Stats. 1939, Ch. 453.*)

[2800.](#) A guaranty to the effect that an obligation is good, or is collectible, imports that the debtor is solvent, and that the demand is collectible by the usual legal proceedings, if taken with reasonable diligence.

(*Enacted 1872.*)

[2801.](#) A guaranty, such as is mentioned in the last section, is not discharged by an omission to take proceedings upon the principal debt, or upon any collateral security for its payment, if no part of the debt could have been collected thereby.

(*Enacted 1872.*)

[2802.](#) In the cases mentioned in Section 2800, the removal of the principal from the State, leaving no property therein from which the obligation might be satisfied, is equivalent to the insolvency of the principal in its effect upon the rights and obligations of the guarantor.

(*Enacted 1872.*)