

Acquisition of Gifts

Ref: *Sefer Kinyan, Hilchot Zechiyah Umatanah, Chapter 3*

Gifts have to be acquired in the same way as purchases.

Reminder:

Rules of Conditions in Marriage Contract. Ref: *Sefer Nashim, Hilchot Ishut*, Chapter 6.
 Definition of Sales. Ref: *Sefer Kinyan, Hilchot Mechirah*, Chapters 1- 6.
 Pack on Finances



	Purchase	Gift
Does not acquire until takes possession by one of the legal processes i.e. <ul style="list-style-type: none"> • movable property – <i>hagbahah</i> • bigger articles – <i>meshichah</i> • landed property and servants – manifest ownership on legal document 	✓	✓
Verbal statement insufficient	✓	✓
 Verbal statement is sufficient when creditor forgoes a debt, or given the object he was looking after (because it is already in his possession)	✓	✓
Verbal statement also sufficient in <i>kinyan</i> known as <i>maamad shloshtan Rabanim</i> describe this <i>halachah</i> as a dictate which cannot be explained.	✓	✓
Witnesses only necessary when there are argument and denials	✓	✓
Seller must accurately define the property he is selling	✓	✓
Rules of conditions apply	✓	✓
Rules of the condition ‘ <i>al menat</i> ’ apply i.e. after fulfilment of condition the ownership takes place retroactively	✓	✓
Gift to a gentile forbidden	n/a	✓
Gift to <i>eved Cnaani</i> . Servant’s master acquires it unless conditions applied in correct manner	n/a	✓
Gift to married woman allowed but husband acquires right to benefit from it, unless conditions applied in correct manner	x	✓