

Gifts of *Shchiv Mera* (Person on Death-bed)

Ref: *Sefer Kinyan, Hilchot Zechiyah Umatanah*, Chapters 8, 9, 10, 12

 **Reminder:**
Pack on Inheritance



A person is considered healthy even if he has aches and pains and certain handicaps. However, if he is so unwell that he is confined to bed he is called a *shchiv mera* (lying down because of sickness) and the laws applying to his gifts, are different.

Because he would be close to death the rules of giving are relaxed, to make it easier for him.



Derabanan, the statements of a *shchiv mera* regarding gifts are considered as if they were written and transferred.

Leniencies of *shchiv mera*.

Gifts of *Shchiv Mera* (Person on Death-bed)

	<i>Shchiv Mera</i> (affective after death)	Healthy person
Makes statement of transfer on <i>Shabbat</i>	✓	×
Doesn't say, 'you are my witnesses'	✓ Anyone who hears him can be witness	×
Bequeaths a gift to a foetus in mother's womb	✓	✓
Bequeaths using words and no act of <i>kinyan</i>	✓	×
Makes an act of <i>kinyan</i>	× (because he shows that he wishes to rely on a standard <i>kinyan</i> , which cannot transfer property after his death)	✓ (because he is transferring immediately)
Makes an act of <i>kinyan</i> , and specifies his intention to additionally strengthen the position of the recipient	✓	✓
Transfers all his property, then recovers and retracts his gifts	✓ (We assume that he only gave it because he presumed that he was going to die. Otherwise he wouldn't have left nothing for himself)	× Once a present has been given, he cannot retract.
Transfers part of his property, recovers and then retracts	× (When giving away only part of one's property, a <i>kinyan</i> must be made and it's effective immediately. In this way, the gift is considered like that of a healthy person)	×

	<i>Shchiv mera</i>	Healthy person
<i>Shchiv mera</i> tells people to keep things quiet until death i.e. hidden gift until death	✓ (because it will be revealed after death)	×
Wording unclear that gift should actually be given	×	×
Convert gives present to son from prior to his conversion	×	✓
Convert gives gift to another convert	✓	✓
Acknowledge debt to a Gentile	✓	✓
Gives gift to a Gentile	×	✓
Make my servant free (even a servant has some <i>mitzvot</i> that he has to perform)	×	×
Changes mind and reallocates	✓	×

	<i>Shchiv mera</i>	Healthy person
Transferring owed funds to a third selected person	✓	×
Instructs that a promissory note (<i>shtar</i>) be given to someone	✓	×
Says money is owing to so and so but does not say 'give it to him'	×	×
Recipient has dream after father died and pinpointed exact place where money was hidden according to dream	×	×
<i>Shchiv mera</i> speaks to give someone money and afterwards this person dies	✓ money given to recipient's heirs	×
Money promised to someone who unknowingly had already died	×	×
Says to give accommodation	×	×
Says to allow eating from a tree	×	×

	<i>Shchiv mera</i>	Healthy person
Says that one son should inherit	✓ (If however a written will states this, that son only becomes the executor and all the other children still inherit)	x
Says that a non-legitimate heir can inherit	x	x