

Guarantors

Ref: *Sefer Mishpatim, Hilchot Malveh Veloveh, Chapter 25*

| | Guarantor obligated | Explanation |
|--|---------------------|---|
| Agrees to be guarantor at a time after loan was given | x | |
| Formalises guarantor after loan given but with a <i>kinyan</i> | ✓ | Demonstrates seriousness of Guarantor |
| Guarantors while money is being lent | ✓ | He receives satisfaction that lender gave money because of his commitment |
| Court appoints him as guarantor | ✓ | He receives satisfaction due to trust of court |
| Lender demands payment from guarantor before demanding from borrower | x | Because this wasn't stipulated in advance |
| Lender demands payment from guarantor after demanding from borrower (and borrower does not own property) | ✓ | |
| Borrower owns property | x | Lender can collect from borrower's property |
| Borrower owns property but lender stipulates that he may collect from guarantor first (i.e. before property) | ✓ | |
| Borrower owns property but a <i>kablan</i> (underwriter) guaranteed payment for borrower | ✓ | He said: lend him the money and I will pay. |
| Guarantees a woman's <i>ketubah</i> even with a <i>kinyan</i> | x | It was not guarantors act only which caused women to decide to marry. |
| Father guarantees sons <i>ketubah</i> and <i>kinyan</i> takes place | ✓ | Because of close connection to son |
| <i>Kablan</i> guarantees <i>ketubah</i> | ✓ | |
| <i>Asmachta</i> commitment insincere | x | |
| Two people take loans from same person and are recorded in same promissory note | ✓ | Regarded as guarantors, one for the other |
| Guarantor says, 'I will guarantee whatever you give him' | x | Not a serious commitment since no set figure |