

Land Sales

Ref: *Sefer Kinyan, Hilchot Mechirah, Chapters 21, 23, 24, 25, 28*

Reminder:

Pack on Weights and Measures (See Appendix)
Pack on Land



Measures –

- If Property sold for house or barn it should be minimum size of **4 x 6 amah**.
- Property sold for large house **8 x 10 amah**
- Property sold for reception hall **10 x 10 amah**
- Property sold for garden of courtyard **12 x 12 amah**
- Property sold for burial plot **4 x 6 amah**
- Property sold for irrigation ditch **2 amah wide + 2 banks of 1 amah each**
- Property sold for a path for 1 person **2 ½ amah wide**
- Property sold for a path from one city to another **8 amah wide**
- Property sold for a public thoroughfare **16 amah wide**

Also how to demarcate parts of a field.

Terminologies used for sale are important e.g. the term fields (*sadeh*) do not include gardens (*gan*) nor orchards (*pardes*). Minimum size of a field is **9 kab**. (I.e. an area in which **9 kab** of seed could be sown)

There can be a number of arrangements.

- *Mocher karka lizman katzuv* (sells land for a period) – Sells property for a specific time. (He may build etc on the land.)
- *Makneh karka leperotehah* (sells land for its produce) – Transfers ownership regarding its produce. (He cannot alter the land in any way, but can plant any seeds he likes. May sell it to someone else. Owner of field needs permission to enter.)
- *Mocher perot sadeh* (sells only produce of field) – Only entitled to enter field to take his produce. Cannot even enter at other times.
- *Socher* – Rents (May only use it for what it has been rented for; may not rent it to someone else. (Stricter than *mocher karka leperotehah* (for its products).)

This same pattern applies to the dovecote, beehive, trees etc.

In the following situation when one purchases **3** trees, the purchaser acquires also the land around these trees. (This land is needed by the tree for its nurture and also for the fruit picker to stand on when picking.)

- Trees have to be positioned in shape of triangle.
- Must be at least **4 amah** between each tree and not more than **16 amah**.
- Trees need to be purchased at same time.

- All trees have to belong to same field.

All the land and what is growing in this area belongs to the purchaser i.e. twigs and branches.

HOUSE

Terminology should state from the ground of the earth's depths to the heights of the sky.

This will therefore also include the items associated with the house.

Normally the sale does not include air space above or underground below, unless this is specified.

Definition of core components and additional attachments of entities i.e. when a person purchases an entity, what is included in the sale and what not i.e.

If stated that all accessories included, then everything is included.

- House with
 - Patio (if smaller than **4 amah** then part of house)
 - Loft (if connected then part of house)
 - Outhouse (not included)
 - Well (not included)
- House and contents (ovens, doors, door frames included but not window frames)

However if items are specified they are included

- Courtyard (which items included and which not)
- Olive Press and its components (which items included and which not)
- Bathhouse and its components (which items included and which not)

Sale of land fit for sowing.

Reminder:

Pack on Weights and Measures (See Appendix)



ROCKS AND PITS

When land is purchased for sowing, it is assessed to see how much of it can actually be sown.

The definition of what could prevent sowing are

- Holes of **10 tefach** or more
- Protruding rocks **10 tefach** or higher

When selling such land, these unsowable areas are either given free or extra, sowable land is given to compensate.

If the hollows or rocks are **less than 10 tefach** they are regarded as sowable. However if these rocks or hollows are very extensive over the whole field, then compensations would have to be made.

The measure for this 'rocky field' is as follows:

In a field of size to sow **1 kor** of seed, the area needed is **75 000 ama²**.

The measure of small rockiness (i.e. less than **10 tefach**) which can be ignored, is if the rockiness covers only up to an area needed to sow **4 kav** i.e. $\frac{1}{45}$ of entire field and contained within **5 kav**. If this is more spread out or covers a greater area, it would be regarded as unsowable and should be given free or an equivalent additional amount of land given.

(1 *kor* = 180 *kav*. Therefore 4 *kav* = $\frac{1}{45}$ *kor*)

MEASURING

If a person sells land fit to sow a *kor* 'measured with a rope' this implies that the measure has to be precise and no leeway is given.

In relation to an area fit to sow 1 *seah* of seed, more than $\frac{1}{24}$ would be considered significant i.e. $\frac{1}{4}$ *kav*. The minimum size of a field is an area fit to sow 9 *kav* of seed.

With a garden the equivalent of 9 *kav* is equal to $\frac{1}{2}$ *kav*.

These figures reflect what is defined as a significant amount of land. Less than this could be compensated with money.