

Loan Repayment after Death of Lender or Borrower


Ref: *Sefer Mishpatim, Hilchot Malveh Veloveh, Chapter 17*

	Return of loan	Takes oath
Lender dies and heirs demand payment	✓	✓
Borrower heirs demand lender takes oath	✓	✓
Lender dies before borrower and heirs of lender demand payment from heirs of borrower	✓	✓
Borrower dies before lender and lender heirs want to collect from borrower's heirs	× Because lender would have had to take oath, and an oath cannot be passed on to heirs	×
Says borrower paid a portion of the debt (when borrower dies before lender)	✓	✓ Here heirs may take an oath and collect remaining amount
Lender's heirs come to collect from borrower's heirs and there is a promissory note and heirs say our father told us 'I did to borrow'	✓	× if someone says 'I did not borrow it means that he did not pay. He must therefore pay and the claimant need not even take oath.
Promissory note, but receipt delivered to heirs after death	× however the contract is not destroyed.	✓ Receipt might be a forgery so they must be given a chance, once they have matured, to challenge the receipt.

A legal document (financial) that does not mention place of composition, is acceptable.

A legal document (financial) that is not dated is also acceptable.

This is because financial legal documents are less strict than other types, to encourage people to give loans.

 **Reminder**
Pack on *Shtar*

