

Neighbour's Rights

Ref: *Sefer Kinyan, Hilchot Shechenim, Chapters 12, 13 and 14*

Basically, neighbours and partners have first rights of purchase to their neighbouring properties.

They also have the right to prevent a foreign party coming into their midst.

These laws are also relevant on how to share out land between the estate of brothers, a *yavam*, or land purchased by partners. In this division, the guiding principle is that whenever a situation provides benefit to one party and does not cause the other party a loss, we compel the 2 parties to comply.

Also a neighbour will benefit from acquiring the adjacent property, whereas a more distant purchaser can just as easily purchase another distant property.

Reminder:

Pack on Inheritance

Yibum and Chalitzah Definition. Ref: Sefer Nashim, Hilchot Yibum Vachalitzah, Chapter 1



Neighbours rights

	Neighbour has right to purchase
Colleague has already sold his property to someone else	✓
Sale was made to a <i>talmid chacham</i> , and neighbour was an unlearned person	✓
More than one neighbour presents at same time	Shared
More than one neighbour but only one presents.	✓ neighbours who come later do not have the right
Sells to one of many neighbours	× (i.e. others do not have right)
Sells many properties one of which borders on a neighbour	× Because all were purchased at once
Sells to original owner	×
Purchases field from Gentile	×
Owner rents out property	×
Owner gives someone property as security and then later sells it to him	×

Cases of dire need e.g. <ul style="list-style-type: none"> Someone sells a distant property to redeem this more local one Someone sold a less valuable property to be able to redeem this property Owner sells property to pay Kings taxes Owner needs money to pay for burial expenses Owner finances needed to support his widow 	x
Owner sells property to orphans	x
Owner sells property to a woman	x
Owner sells property to a tumtum	x
Owner sells property to <i>androgynous</i>	x

	Neighbour has right to purchase
Person gives landed property as gift	x
Exchange one courtyard for another	x
Small portion of land sold in the middle of a field and then sold an adjacent portion near neighbour	x No claim if different qualities of land because purchaser himself is a neighbour. Otherwise considered a trick.
Owner sells land with conditions	x as long as owner still connected to land, neighbour cannot displace purchaser
Purchases two fields at once, one being adjacent to a neighbour	x
Owner sells field to two people	✓ neighbour can displace one or both
Creditor expropriates property of owner <div style="background-color: #e0e0e0; padding: 5px; display: flex; align-items: center;"> <div style="flex: 1;"> <p>Reminder: Pack on Expropriation</p> </div> <div style="flex: 0.5; text-align: center;">  </div> </div>	✓ creditor does not have more rights than owner
Wife owns property and is neighbour. Adjacent property was sold. <div style="background-color: #e0e0e0; padding: 5px; display: flex; align-items: center;"> <div style="flex: 1;"> <p>Reminder: Pack on Wife's Property</p> </div> <div style="flex: 0.5; text-align: center;">  </div> </div>	✓ Husband can displace purchaser (wife's property is in his domain)

	Neighbour has right to purchase
Neighbour does not have funds and purchaser does	x

Neighbour abroad or unwell

× purchaser does not have to wait



The *Rabanim* established these rules as ways of kindness and a generous spirit.