

## Priority of Expropriation

**Ref: Sefer Mishpatim, Hilchot Malveh Veloveh, Chapters 20–21**

When a person owes many debts, the lender who lent first can expropriate property first. If property was purchased by borrower after loans were taken, no precedence is given to lenders for expropriation. Here, whoever comes first can expropriate first.

Regarding movable property, there is no concept of precedence. Whoever comes first, can expropriate.

When the creditors (lenders) all have promissory notes with same date, funds should be divided so that lowest loan gets sorted out. If funds will allow more than lowest creditor, then pay this one and then divide with rest of creditors. (A creditor cannot recover more than he lent out.)

A creditor is entitled to expropriate the increase in value of the purchased field.

This does not apply to presents, or orphans.

Also depends on whether the increase in value is:

- Natural or
- Due to persons efforts

	Creditor Expropriates
Field value increases on its own	✓ Entire increase
Field value increases due to efforts of purchaser	✓ plus <b>50% of increase</b>
Produce consumed by purchaser	×
Produce still attached to ground	✓
Recipient of a present increases value of present through his effort	× Cannot expropriate the increased value
Present value increases on its own	✓
Orphans increase the value of estate	×
Estate of orphans increase on its own	✓
Heirs – Here there is doubt as to who increased the value i.e. father or heirs	Heirs must prove that they caused the increased value. If yes then creditor cannot expropriate the full increase