



בס"ד

Intro

Today we will בע"ה learn מסכת בבא בתרא to דף קד of אסכת בבא בתרא Some of the topics we will learn about include.

The Halachah of

בן שמכר בנכסי אביו בחיי אביו ומת

If ראובן sold his anticipated share in his father יעקב's estate, and the son יעקב' died before the father 'עקב';

בנו מוציא מיד הלקוחות

חנוך the son of ראובן can extract from the buyer his father's share in יעקב's estate, because as the Rashbam explains מפני שהן ראוי

ולא באו ליד ראובן מעולם

שיזכו בהן לקוחות מכחו

Since אובן died before the assets came to his possession, the sale was not effective, because a buyer can acquire the sale item only after it comes into the seller's possession.

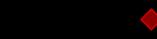
The question in whether

וזו היא שקשה בדיני ממונות

This ruling is most complex and difficult to understand of all monetary laws; which depends on לענין דינא

מצי אמר מכח אבוה דאבא קאתינא

Regarding monetary matters, whether or not a grandson is considered a direct heir of his grandfather.



בן שמכר בנכסי אביו בחיי אביו ומת



בנו מוציא מיד הלקוחות

מפני שהן ראוי ולא באו ליד ראובן מעולם שיזכו בהן לקוחות מכחו



וזו היא שקשה בדיני ממונות

לענין דינא מצי אמר מכת אבוה דאבא קאתינא



Several other דיני ממונות which are not considered complex.

The question of

בן מהו שיירש את אמו בקבר

להנחיל לאחין מן האב

Does a son inherit his mother's assets even after he dies, as in a case of

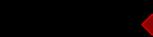
מת הבן

Dedicated By: _

ואח"כ מתה אמו

If the son first died and then his mother died, are these assets inherited by the son's heirs through his father? OR

Are they inherited by the mother's heirs through her father?



Several other דיני ממונות which are not considered complex



בן מהו שיירש את אמו בקבר להנחיל לאחין מן האב

> מת הבן ואח"כ מתה אמו







So let's review ...

שלחו מתם

בן שמכר בנכסי אביו בחיי אביו ומת

If ראובן sold his anticipated share in his father יעקב's estate, and the son יעקב' died before the father יעקב;

בנו מוציא מיד הלקוחות

חנוך the son of ראובן can extract from the buyer his father's share in יעקב's estate, because as the Rashbam explains מפני שהן ראוי

ולא באו ליד ראובן מעולם

שיזכו בהן לקוחות מכחו

Since אובן died before the assets came into his possession, the sale was not effective, because a buyer can only acquire the sale item after it comes into the seller's possession.

And the message of שלחו מתם concluded; וזו היא שקשה בדיני ממונות וזו היא שקשה בדיני ממונות

This ruling is most complex of all monetary laws.

As the Gemara explains

The שלחו מתם hold that it's complex and difficult to understand, because the קוחות can claim to the son חנוך און ואת מפיק

How can you extract from us that which your father ראובן sold to us? \circledR

והלא אין אדם יורש מה שמכר אביו?

One does not inherit that which his father has already sold to others?

שלחו מתם בן שמכר בנכסי אביו בחיי אביו ומת

If ראובן sold his anticipated share in his father יעקב's estate, and יעקב died before the father יעקב;

בנו מוציא מיד הלקוחות

תנוך the son of ראובן can extract from the buyer his father's share in יעקב's estate,

because as the Rashbam explains מפני שהן ראוי ולא באו ליד ראובן מעולם שיזכו בהן לקוחות מכחו

Since put died before the assets came into his possession, the sale was not effective, because a buyer can only acquire the sale item after it comes into the seller's possession.

And the message of PNN INC concluded;

וזו היא שקשה בדיני ממונות

This ruling is most complex of all monetary laws.

And it is complex because...

The לקוחות can claim to the son תנוך

אבוך מזבין ואת מפיק

How can you extract from us that which your father כאובן sold to us?

והלא אין אדם יורש מה שמכר אביו One does not inherit that which his father has already sold to others?



Dedicated By: _





The Gemara however concludes that this ruling is not complex, because חנוך can claim

מכח אבוה דאבא קאתינא

I inherited these assets directly from my grandfather יעקב, not from my father; as the Rashbam explains;

דבני בנים הרי הם כבנים

Since a grandson is considered like a son, חנוך takes over his father's place and inherits that share directly from his grandfather יעקב.

And we find this concept in the Pasuk 'תחת אבותיך יהיו בניך וגו

Your sons are the successors of your father, who is their grandfather.

While the שלחו מתם hold לענין דינא לא

Regarding monetary matters, a grandson is not considered a direct heir of his grandfather.

And the Pasuk is not a proof, because ההוא בברכה כתיב

The Pasuk merely teaches that the righteous people will merit grandchildren who will follow in their good ways.



is not considered a direct heir of his grandfather. And the Pasuk is not a proof,

ההוא בברכה כתיב

The Pasuk merely teac that righteous peopl will merit grandchildren who will follow in their ways.









The Gemara seeks to bring proof otherwise that לענין דינא

מצי אמר מכח אבוה דאבא קאתינא

Regarding monetary matters, a grandson IS considered a direct heir of his grandfather; as it seems to be supported by the previous Mishnah;

נפל הבית עליו ועל אביו

או עליו ועל מורישיו

והיתה עליו כתובת אשה ובעל חוב

If a house fell upon both א ראובן and his father יעקב or upon both אולם and another relative from whom he is in line to inherit and they both died, and ראובן owned money for a Kesubah or for a debt;

It depends:

If the son ראובן died first, he does not inherit his father ייעקב sestate, and there's NO money from which to collect his debts; assuming he has no other assets.

If the father יעקב died first, the son ראובן does inherit his father יעקב's estate, and there IS money from which to collect his debts.

Now, a dispute arises;

יורשי האב אומרים

הבן מת ראשון ואח"כ מת האב

The heirs of the father יעקבי claim that the son ראובן died first, and therefore, they inherit the estate from יעקב, and the בעלי החוב cannot collect;

ובעלי החוב אומרים

האב מת ראשון ואח"כ מת הבן

His creditors claim that the father יעקד died first, and therefore, the son ראובן inherits from him, and they can now collect from the son's estate.



The Gemara seeks to bring proof otherwise that

לענין דינא

מצי אמר מכח אבוה דאבא קאתינא

Regarding monetary matters, a grandson is considered a direct heir of his grandfather;



נפל הבית עליו ועל אביו או עליו ועל מורישיו והיתה עליו כתובת אשה ובעל חוב

If a house fell upon both ראובן and his father יעקב or upon both ראובן and another relative from whom he is in line to inherit - and they both died, and כאובן owned money for a Kesubah or for a debt;

It depends:

If the father יעקב died first, the son כאוכן does inherit his father יעקב's estate, and there is money from which to collect his debts. If the son ראוכן died first, he does not inherit his father ישקב's estate, there is no money from which to collect his debts; assuming he has no other assets.



His creditors claim that the father יעקב died first, therefore, the son ראובן inherits from him, and they can now collect from the son's estate.

ואח"כ מת הבן

יורלי דאה אומרים

הבן מת ראשון ואח״כ מת האב

The heirs of the father יעקב claim that the ראובן died first, and therefore, they inherit the estate from יעקב, and the cannot collect.







The Gemara initially assumes as follows: In the first case of

יורשי האב

Refers to

בני ראובן

The sons of ראובן;

And in the second case of

מורישיו

Would refer to

אחי ראובן

The brothers of ראובן;

Now, if we are to say

לענין דינא

מצי אמר מכח אבוה דאבא קאתינא

Then the יורשי can claim הבן מת האבן, because since ראובן died first, they inherited these assets directly from their grandfather יעקב not from ראובן, and therefore יראובן's debtors do not have a claim to these assets.

However, if we are to say

לענין דינא

לא מצי אמר מכח אבוה דאבא קאתינא

Then the יורשי cannot claim הבן מת האשון, because even though ראובן died first, they inherited these assets from their father ראובן, and his debtors do have a claim to these assets.

The Gemara explains that this is not necessarily so, perhaps

יורשי האב

Refers to

אחיו

The brothers of ראובן;

And if so, in the second case

מורישיו

Would refer to

אחי דאבוה

The brothers of יעקב, the uncles of ראובן;

And therefore, the יורשי can claim הבן מת ראשון because since ראובן died first, they inherited these assets from their father יעקב, not from their brother ראובן. However, ראובן's sons indeed have no claim, because even if ראובן died first, they inherited these assets from their father ראובן and his debtors do have a claim to these assets.

The Gemara also discusses several other Halachos of דיני and concludes that these laws are not קשה בדיני ממונות

======

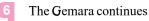












בעו מיניה מרב ששת בן מהו שיירש את אמו בקבר

להנחיל לאחין מן האב

Does a son inherit his mother's assets even after he dies, as in a case of

מת הבן

ואח"כ מתה אמו

If the son first died, and then his mother died,

Perhaps,

בן יורש את אמו בקבר

A deceased son does inherit his mother's estate and these assets are then inherited by the son's heirs from his father's side?

OR

אין הבן יורש את אמו בקבר

A deceased son does not inherit his mother's estate and these assets are inherited by the mother's heirs from her father's side?



from his father's side?





7

The Gemara brings several proofs that אין הבן יורש את אמו בקבר להנחיל לאחין מאב

As the Rashbam in דף קי"ד explains כיון דמת פקע לו כחו בירושת אמו

Once the son died, he lost the rights to inherit his mother's assets.

And the Gemara brings the Torah source from a אזירה שוה of the word מסוב.

Regarding a son's inheritance from his father the Pasuk states

ולא תסוב נחלה לבני ישראל ממטה אל מטה

And regarding a husbands' inheritance from his wife the Pasuk states

ולא תסוב נחלה ממטה למטה אחר

מה סיבה האמורה בבעל אין הבעל יורש את אשתו בקבר אף סיבה האמורה בבן אין הבן יורש את אמו בקבר להנחיל לאחין מן האב

Just as a husband inherits only those assets that were in his wife's possession at the time she died, but he does not inherit those assets that would come to his wife after she died, as in a case of

מתה

ואח"כ מת אביה

If the wife first died and then her father died with no sons, her husband does not inherit those assets. Rather, her sons or daughters, or if she has no children, her closest relatives inherit these assets.

So too, a son only inherits his mother's assets when he is alive, but he does not inherit his mother's assets after he dies, and therefore in the case of

מת הבן

ואח"כ מתה אמו

If the son first died and then his mother died, the son's heirs through his father do not inherit these assets. Rather, the mother's heirs through her father inherit these assets.

The rest of the Daf is reviewed in Daf Lamed.

הדרן עלך פרק מי שמת

Dedicated By: ___

We have B"h completed the ninth Perek of מסכת בבא בתרא, and in the next Shiur we will begin the tenth Perek, נשוט B'ezras Hashem.





