

## Bava Basra – Simanim

### דף קד – Daf 104

### פרק ו – המוכר פרות

#### 1. The buyer is not forced to purchase the excess land at its initial higher price

The Mishnah taught that if a buyer is given more land than the בית כור he purchased (above 7 ½ קבין), the seller can choose if the buyer should return the excess land or purchase it from him. The Gemara challenges this from a Baraisa stating that if the buyer was given more than 7 ½ קבין beyond a *beis kor*, *we compel the seller to sell* the excess land if the buyer insists on buying it, *ואת* – *and we compel the buyer to buy it* if the seller insists. This proves that the benefit of each party was protected!? The Gemara answers that the case is *land that was originally expensive, and now it has decreased*. Here, we tell the seller: *“If you want to give him the excess land, give it to him at the current lower price.”* Although only the seller decides if the excess land is returned or purchased, he cannot compel the buyer to purchase it at a loss. Another Baraisa, which states the buyer pays the original price, is explained as a case where the price rose after the purchase.

#### 2. If the nine קבין rule applies even for purchases of many כורין

The Mishnah taught that if the buyer was given nine קבין beyond the בית כור purchased, the excess land is returned to the seller. Rav Huna says this applies *even in a large plain* totaling many כורין. Although this excess may be proportionally far less than 7 ½ קבין per כור, it is returned, since it represents the size of a significant field. Rav Nachman disagrees and says: *נותן שבעת קבין ומחצה* – [the seller] *allows 7 ½ קבין for each and every כור* of land sold, and so long as the excess is less than this proportion of the total land sold, the excess is forgiven. However, if the excess is beyond the proportion of 7 ½ קבין per כור sold, and the total excess is above nine קבין, the excess land is returned (and the buyer is not compelled to buy it, as taught above).

#### 3. The buyer may return excess land if it borders the seller's own field

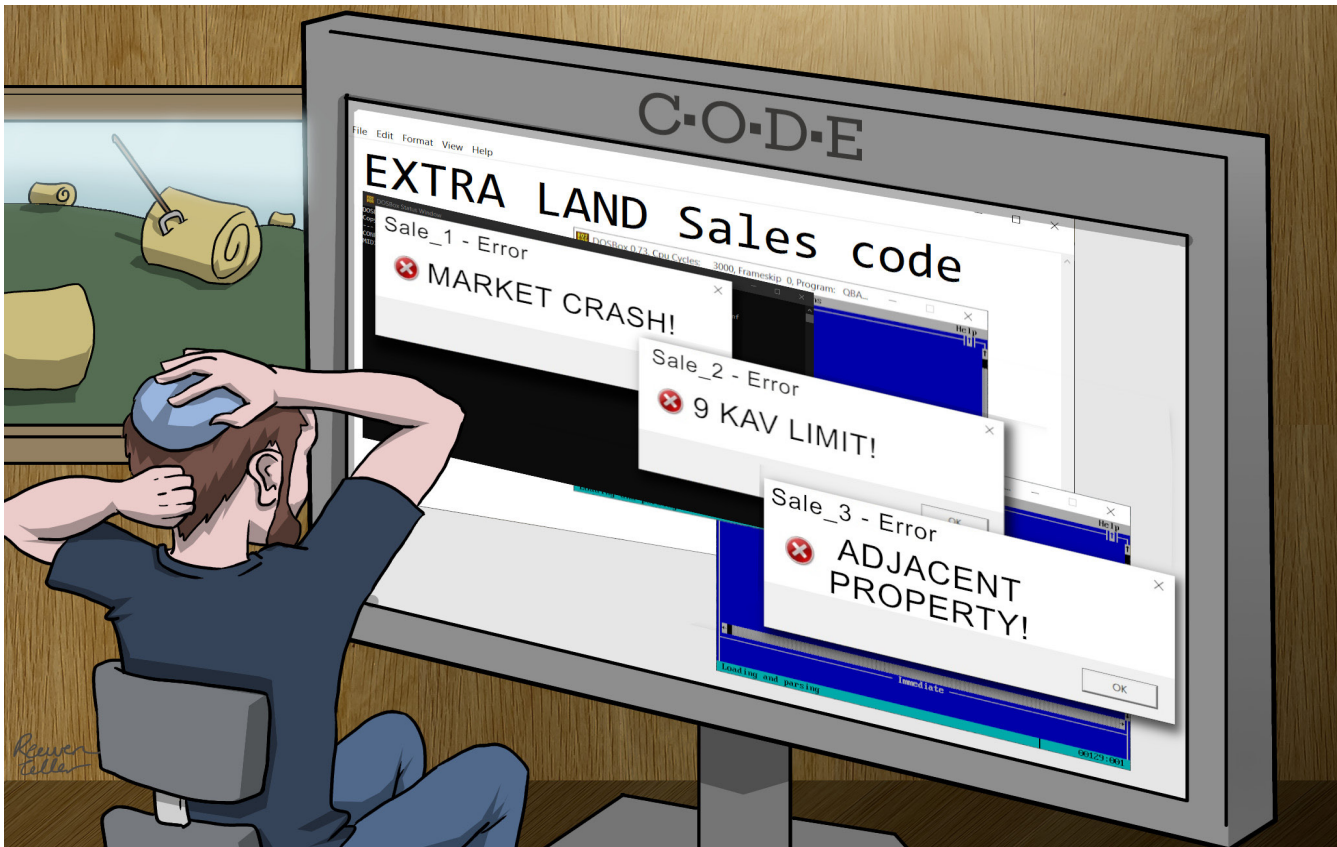
In a Baraisa it was taught: *אפי' אם היה סמוך לשדהו – If [the sold field] was adjacent to [the seller's] field, he may return the land.* *even if the excess land was a minimal amount, מחזיר לו קרקע* – *he may return the land*. The seller cannot compel the buyer to purchase it, because even this small land is useful to the seller, since it is adjacent to his field. Rav Ashi asked what the law is if something separates the excess land from the seller's field, such as a pit, an irrigation stream, a public path, or a hedge of palms. These questions are left unresolved.

#### Siman - Code

The dishonest land seller programmed his sales computer code to intentionally calculate extra land so he could force **the buyers to pay for the excess**, but the plan failed when **he lost money to the first customer who was able to buy it at the current lower market rate, sold multiple Bais Kor to the second and reached the nine Kav limit, and retained the property right next to the third so he had to take the extra back.**

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Code



The dishonest land seller programmed his sales computer CODE to intentionally calculate extra land so he could force the buyers to pay for the excess, but the plan failed when he lost money to the 1st customer who was able to buy it at the current lower market rate, sold multiple Bais Kor to the 2nd and reached the 9 Kav limit, and retained the property right next to the 3rd so he had to take the extra back.

### 3 things to remember

1. The buyer is not forced to purchase the excess land at its initial higher price
2. If the nine קבין rule applies even for purchases of many כורין
3. The buyer may return excess land if it borders the seller's own field

