

## Bava Basra – Simanim

### Daf 67 – דף סז

### פרק ד – המוכר את הבית

#### 1. What is included in the sale of a *chatzeir*

The next Mishnah states: המוכר את החצר מכר בתים בורות שיחין ומערות – *one who sells a courtyard automatically sell the houses, pits, cisterns, and vaults in the chatzeir, אבל לא את המטלטלין – but not the movable items there.* If he said: הוא וכל מה שבתוכו – “I am selling [the *chatzeir*] and everything in it,” then all מטלטלין used exclusively with the *chatzeir* are included. Either way, a bathhouse or olive press in the *chatzeir* are not sold with it. Rebbe Eliezer says: המוכר את החצר לא מכר אלא אוירה של חצר – *one who sells a chatzeir sold nothing but its open areas* [the Gemara discusses if they argue about the word "דרתא", or the word "חצר", and explains the point of contention]. A Baraisa teaches that shops which open into the *chatzeir* are sold with it, but not shops which do not open into the *chatzeir* (rather, to the street). Shops which open into both are sold with it. This contradicts a Baraisa of Rebbe Chiya which says such shops are not sold with the *chatzeir*, and the Gemara answers that the first Baraisa's case is דרוב לגו – *where most of its [business] is from inside the chatzeir*, and the second Baraisa is where most of its business is from the street.

#### 2. If a *chazakah* on a sand-field acquires a riverbed, and vice versa

Rav Nachman said: מכר לו חולסית ומצולה – *if one sold to [another] both a sand-field and a riverbed, if [the buyer] made a kinyan chazakah on the sand-field, he has not yet acquired the riverbed, or vice versa, even if they are adjacent to each other.* Since they are distinct properties, a *chazakah* on one does not acquire the other. The Gemara asks that Shmuel ruled otherwise, that if one sold ten pieces of land in ten provinces, מהן קנה כולן – *once [the buyer] made a kinyan chazakah in one of them, he acquires them all!*? The Gemara answers that there, דסדנא דארעא חד הוא – *the mass of earth is one, and all [the acquired property] serves one function* (i.e., producing crops), and can all be acquired with one *chazakah*. Here, the sand-field and riverbed serve different purposes, and cannot be acquired with one *chazakah*. In another version, Rav Nachman said a *chazakah* on one of these properties does acquire the other, despite their serving different functions.

#### 3. What is included in the sale of an olive press, or a bathhouse

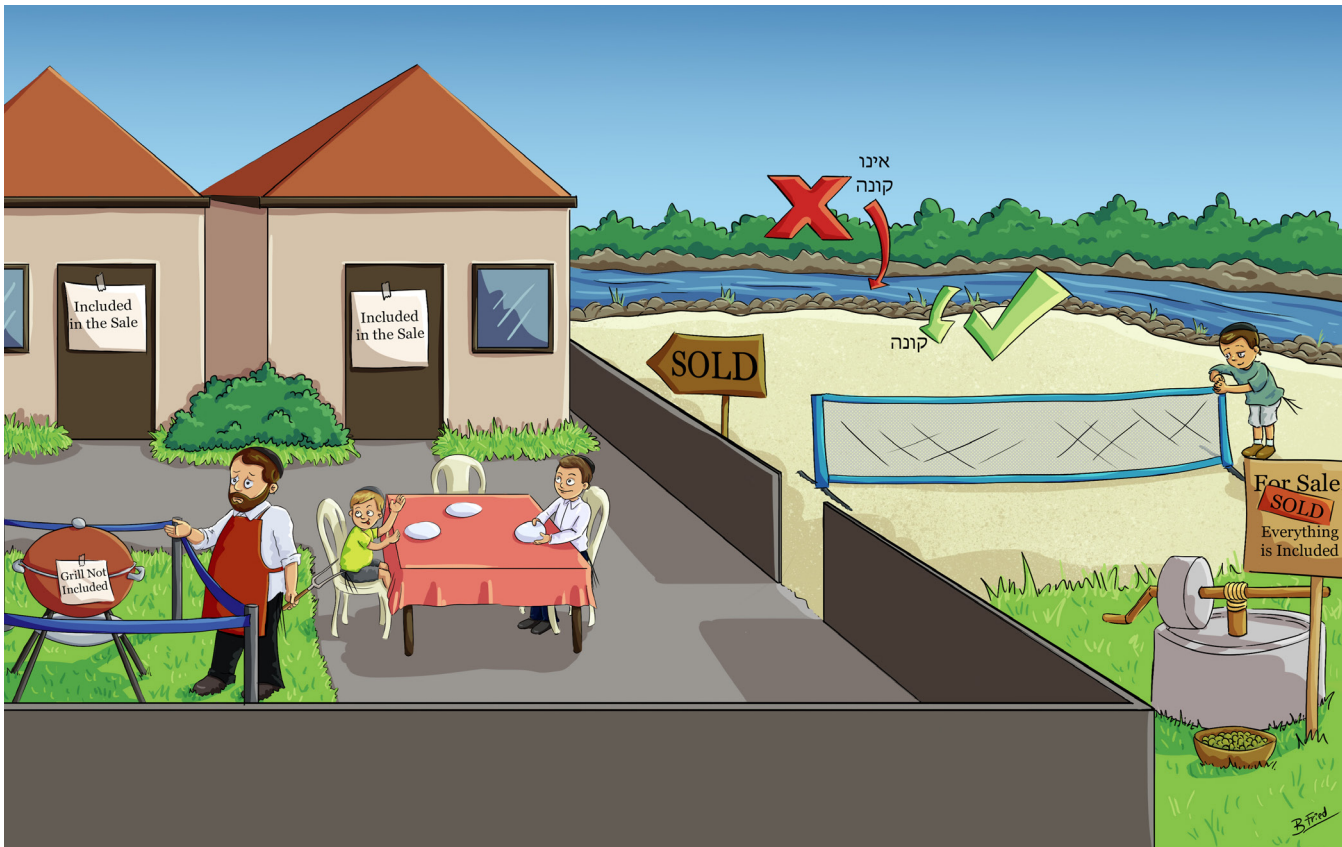
The next Mishnah lists what is sold together with an olive press. The “pool” (which holds the olives), the “crusher” (the mortar where they are first crushed), and the “maidens” (the cedar poles that support the beam which presses the olives) are sold with the olive press. However, he does not sell the pole, wheel, and beam, which are portable. If he said, הוא וכל מה שבתוכו – *it and everything in it,* these items are also sold. A Baraisa teaches that even so, he does not sell items which are not used exclusively with the olive press, such as cloth sacks. Rebbe Eliezer says: המוכר בית הבד מכר את הקורה – *one who sells an olive press automatically sells the beam, and he explains in a Baraisa: שלא נקרא בית – for it is only called an olive press because of its beam.* The next Mishnah teaches what is sold together with a bathhouse, which follows the same guidelines.

#### Siman - Sizzling Barbecue

The man who bought a *chatzeir* to host a grand family barbecue and was disappointed that the portable sizzling grill was not included in the sale, and that when he sent his son to make a *kinyan chazakah* on the nearby sand-field for the volley ball game he wasn't also *koneh* the riverbed nearby, was relieved that the seller of the olive press said he is selling it “and everything in it” so at least they would have olive oil for their salad.

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Sizzling Barbecue



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**3** things to remember

1. What is included in the sale of a *chatzeir* - not moveable items
2. If a *chazakah* on a sand-field acquires a riverbed, and vice versa
3. What is included in the sale of an olive press

