



Today's Daf In Review is being sent l'zecher nishmas Habachur Yechezkel Shraga A"H ben R' Avrohom Yehuda

### Pesachim Daf Lamed Aleph

#### MISHNA

- If a goy lends money to a Yid before Pesach, with a lien on the Yid's chametz, that chametz is mutar b'hana'ah after Pesach.
- If a Yid lends money to a goy before Pesach, with a lien on the goy's chametz, that chametz is assur b'hana'ah after Pesach.

#### GEMARA

- With regard to a creditor who has a lien on the borrower's property, and the borrower defaults on the loan, **Abaye** says the creditor is considered to own the property retroactively from the date of the lien. **Rava** says he owns the property from the time of collection.
  - Both agree that if the borrower is makdish or sells the land between the time of the lien and the default, the creditor may repossess the land. The machlokes is where the creditor was makdish or sold the land during this time. **Abaye** says, at the time of default it turns out that the creditor owned it from the time of the lien and his being makdish or sale is effective. **Rava** says he does not own it until the time of default and therefore the sale or the act of being makdish are not effective.
  - **Q: Rami bar Chama** said, if Reuven sold a field to Shimon with a guarantee (that if the field is taken away from Shimon by creditors of Reuven, Reuven will reimburse Shimon for the purchase price), and accepted a note from Shimon as payment, but also placed a lien on the field to secure the note, and then Reuven died, at which time creditors of Reuven came to repossess the field as repayment of a loan, and Shimon paid the amount of the loan to the creditors, thereby keeping him in possession of the field, the children of Reuven can tell Shimon that they will not pay him for the amount that it cost him to retain the field, and they can also demand payment of the purchase note from Shimon as well. They can tell Shimon that one may only demand payment from inheritors for a debt of the deceased when there is real property that can be used as payment. Therefore, they would not have had to pay the creditor which Shimon already paid. **Rava** said, if Shimon is smart, he should pay the purchase note with the land that was purchased, and then take it back under Reuven's guarantee, because **R' Nachman** said, land which inheritors received as repayment for a loan to the estate after the creditor has passed away, is subject to claims against the estate. Now, that should only be correct if one would hold that a creditor takes possession of the property under the lien retroactively, because that would mean that it is as if the creditor was in possession of this land before he died. However, **Rava** had said that it does not!? **A:** Through the concept of "Shibuda d'R' Nossan", land purchased by Shimon, which is under lien to Reuven is considered to also be under lien to Reuven's creditors (of which one is Shimon, based on the guarantee given to him by Reuven).
  - **Q:** Our Mishna says, if a goy lends money to a Yid before Pesach, with a lien on the Yid's chametz, that chametz is mutar b'hana'ah after Pesach. According to **Rava**, since the goy is considered to own the chametz only from the time of default, the chametz should be assur, because it is owned by the Yid on Pesach!? **A:** The Mishna is discussing a case where the chametz was physically given over to the goy as security. When given over as security, it is considered to be owned by the creditor at the time it is given over.
  - Maybe we can say that the machlokes between **Abaye and Rava** is a machlokes Tanna'im. A Braisa says, if a Yid lends money to a goy before Pesach and places a lien on his chametz, after Pesach the chametz is mutar b'hana'ah. **R' Meir** says it is assur. It must be that **R' Meir** holds like **Abaye**, and the **T"K** holds like **Rava**?

- If this is correct, how do we explain the next part of the Braisa? The Braisa says, if a goy lends money to a Yid before Pesach and places a lien on his chametz, all agree that the chametz is assur after Pesach. According to what we just said, the two views should hold the opposite in this case!? Rather, the case must be that the chametz was given over as security, and the **T"K** and **R' Meir** argue in the halacha of **R' Yitzchak**, who says that a creditor is koneh security that is given to him. The **T"K** says that this halacha is only true when the creditor and debtor are both Yidden. **R' Meir** says, as long as the creditor is a Yid, this halacha applies. All would agree that when the creditor is a goy, he is not koneh the security, which is why the Braisa says that the chametz is assur in that case.
  - **Q:** If a goy is not koneh the security, how does our Mishna say that when the goy is the creditor, the chametz is mutar after Pesach!? **A:** The Mishna is discussing where the borrower said that he wants the goy to be koneh the security at the time that he gives it to him to hold.
- A Braisa says that when chametz is found in a store after Pesach, we assume it is from the chametz inventory that stands to be sold, and not from the workers in the store. Therefore, if the store is owned by a Yid, the chametz is assur, even if the workers are goyim. If the store is owned by a goy the chametz is mutar even if the workers are Yidden.

#### MISHNA

- If a ruin falls on chametz, it is considered to be out of the owner's possession. **R' Shimon ben Gamliel** says, this is only if it is deep enough that a dog could not smell it.

#### GEMARA

- **R' Chisda** said that he still must be mevatel the chametz (in case it gets uncovered).
- A Braisa says that a dog has the ability to smell something that is buried up to 3 tefachim deep in the ground.
  - **Q: R' Acha the son of R' Yosef** asked **R' Ashi**, when **Shmuel** said that the proper way to guard money is by burying it in the ground, must it be buried 3 tefachim deep? **A: R' Ashi** said, here we are not concerned for the sniffing of a dog, so it need not be 3 tefachim deep.
    - **Q:** How deep does the money have to be buried? **A: R' Pappa from Sichra** said, one tefach deep.