



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

### Kesubos Daf Tzaddik Beis

- **Rami bar Chama** said, if Reuven sold a field to Shimon without a guarantee (if a creditor of Reuven takes the field from Shimon, Reuven would not be obligated to reimburse Shimon), and Shimon then sold it back to Reuven with a guarantee, and a creditor of Reuven then came and took the field from Reuven, Shimon would be obligated to reimburse Reuven for the field. **Rava** said to him, Shimon accepted on himself to reimburse Reuven if the field is taken away by any other creditor, but not if it is taken away by a creditor of Reuven himself!
  - The Gemara says that **Rava** would agree that if this field was originally inherited by Reuven and the creditor who took it from Reuven was a creditor of Reuven's father, that Shimon would have to reimburse Reuven, because a creditor of his father is considered like any other outside creditor.
- **Rami bar Chama** said, if Reuven sells a field to Shimon with a guarantee, and they then set the amount of the purchase as a loan from Reuven to Shimon (he did not pay for the field, so they made the amount as a loan), and then Reuven dies and a creditor of his tried to take the land from Shimon and so Shimon gave him money instead (thinking that the money he anyway owed to Reuven he now gave to the creditor), the heirs of Reuven can tell Shimon, you owed our father money, and money of an estate is not encumbered to pay back a loan. Therefore, if you had given us the money we would not have had to pay the creditor. Therefore, Shimon would have to now still pay to the heirs the amount that he owed to Reuven.
  - **Rava** said, if Shimon is smart he should pay the loan to Reuven's heirs with the land. Once they have the land he can then take it back as the guarantee that was given to him by Reuven. This is based on what **R' Nachman** said in the name of **Rabbah bar Avuha**, that if heirs get land as payment for a debt to their father, that land then becomes subject to the lien of their father's creditors.
- **Rabbah** said, if Reuven sold all of his fields to Shimon in one document, and Shimon then sold one of the fields to Levi, if a creditor of Reuven comes to take a field for his debt, he may take a field from whomever he wants. This is only true if Levi bought middle grade land (which is what a creditor normally collects from). However, if Levi bought high grade or low grade, he can tell the creditor that I purposely didn't buy middle grade land, because I did not want to become subject to a creditor. Moreover, even if Levi bought middle grade land, if he left some middle grade land with Shimon, Levi can tell the creditor that I purposely did not buy all the middle grade land so that if a creditor comes he can go to Shimon to collect.
- **Abaye** said, if Reuven sold a field to Shimon with a guarantee and a creditor of Reuven then comes and tries to take that field, Reuven is allowed to go and try to prevent the creditor from doing so. The creditor cannot tell Reuven that he has no standing to do so, because Reuven says, if you take this from Shimon he will come to me for reimbursement.
  - **Others** say that Reuven may do so even if he did not sell with a guarantee, because he can say that he doesn't want Shimon having any complaints on him.
- **Abaye** said, if Reuven sold a field to Shimon without a guarantee, and someone then came forth stating that the field was his and not Reuven's, the Halacha is that if Shimon did not yet make a kinyan chazaka on the field he can still back out and not pay for it. Once he did make the kinyan he can no longer back out, because he has bought a field without a guarantee, accepting the risks that come along with that.
  - The kinyan is made as soon as he walks the boundary of the field.
  - **Others** say that even if it was purchased with a guarantee he still cannot back out once he made the kinyan, because Reuven can tell him, show me the document that the field was taken from you and then I will pay you.