



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

Bava Basra Daf Chuf Tes

- **Q:** We have given the source from where **R' Yishmael** learns the concept of chazaka, but from where do the **Rabanan** learn the concept of chazaka? **A: R' Yosef** said, the pasuk tells how Yirmiya spoke during the 10th year (of Tzidkiyahu's reign) and told the people that they should make sure to keep their documents of purchase, because the galus would begin after the 11th year. That means, that 2 years (years 10 and 11) would not be sufficient for chazaka, which shows that at least 3 years are needed.
 - **Q: Abaye** asked, maybe a chazaka is established even after one year, and the Navi was giving the people advice to hold onto their documents so that they do not need to find witnesses later on to prove that they established a chazaka!? In fact we see that the Navi told them to build houses and plant gardens in Bavel, since they would be there for a while. The Navi also told them how to preserve their documents. This shows that the Navi was giving them good advice!? **A:** Rather, **Rava** said, the reason why 3 years creates a chazaka is, that a person is moichel when he sees someone using his property for the first year. He is even moichel for a second year as well. He is not moichel for a third year. Therefore, if he allowed someone to be in his field for 3 years without protest, it must be that the user of the field actually took ownership of the field.
 - **Q: Abaye** asked, if so, if a protest is made after 2 years, the user should only have to return the land, and not the produce that he ate from the land, so why did **R' Nachman** say that the land and the produce of the 2 years must be returned!? **A:** Rather, **Rava** said, the reason why 3 years creates a chazaka is, that a person does not protest when he sees someone using his property for the first year. He also does not protest for a second year as well. He does protest in the third year. Therefore, if he allowed someone to be in his field for 3 years without protest, it must be that the user of the field actually took ownership of the field.
 - **Q: Abaye** asked, based on this, people like the household of Bar Elyashiv, who are particular and protest if someone even walks on their boundary, if someone used their property and they did not immediately protest, would that create a chazaka immediately? If you say that it does, then there is no set time for chazaka, rather we would have to look at each case individually!? **A:** Rather, **Rava** said, for the first 3 years after purchasing a property, the buyer is careful to retain his purchase documents. Beyond that he is not careful if there has been no challenge to his use of the property.
 - **Q: Abaye** asked, if so, a protest that is made without this person present should not be a valid protest, because he is not informed to keep onto his documents!? **A:** Any protest informs him to do so, because people talk, and eventually he will hear that his use of the land was protested.
- **R' Huna** said, 3 years create a chazaka only when the person used the field for 3 *consecutive* years.
 - **Q:** This was already stated in the Mishna, when it said that the chazaka is established by use of 3 years "from day to day"! **A:** We would think that the Mishna is teaching that the 3 years must be complete years, not partial years, but those 3 years need not be consecutive. **R' Huna** therefore teaches that they must be consecutive.
 - **R' Chama** said that **R' Huna** would agree that if the local custom was to only plant every other year (and leave the field empty in the alternating years), that the 3 years of use do not have to be consecutive (however, the chazaka would only be established after the field had been *used* for 3 years – Rashbam).

