



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

### Bava Basra Daf Samach Aleph

#### PEREK HAMOCHER ES HABAYIS -- PEREK REVI'I

##### MISHNA

- If someone sells a house without specifying what he means to include, he does not include the "yatziya" even if it opens up into the house. He also does not include the storeroom that is at the back of the house, or the roof if it has a fence of 10 tefachim high around it. **R' Yehuda** says, if there is a doorway to get onto the roof, the roof is not included in the sale even if it doesn't have a fence of ten tefachim high.

##### GEMARA

- **Q:** What is a "yatziya"? **A:** In Bavel they said it is a small room attached to the house, and **R' Yosef** said it is an attached room with glass walls.
  - According to the view that a small room attached to the house is not included in the sale, surely an attached room with glass walls would not be included (it is less similar to a house). According to the view that the room with the glass walls is not included, it may be that the small room attached to the house would be included.
  - **R' Yosef** taught a Braisa that says that this room is referred to by 3 names – yetziya, tzeila, and ta. These words are found in pesukim and Mishnayos.
- **Mar Zutra** said, the Mishna only refers to this room when it is 4 square amos. If it is smaller than that, it is considered part of the house.
  - **Q: Ravina** asked **Mar Zutra**, a Mishna says that a bor is not included in the sale of a house. Will you say that the Mishna there is also limited to where the bor is 4 square amos (most boros are not)!? **A: Mar Zutra** said, regarding a bor, since the use is very different than that of a house, even if it is smaller than 4 amos it is not included. However, these rooms, that are similar in use to a house, if they are less than 4 amos they are included, if they are more they are not included.

##### V'LO ES HACHEDER SHELIFNIM HEIMENU

- **Q:** If the Mishna has already taught that a small attached room is not included, does it really need to teach that a storeroom (which has a totally different use than the house) is not included? **A:** It is teaching that even if the seller gave boundaries which included the storeroom, it is still not included. This is like the statement of **R' Nachman in the name of Rabbah bar Avuha**, which said, that if someone sells a house in a large apartment building, he only means to sell that one apartment, even if he gave the boundaries of the entire building.
  - **Q:** What is the case of **R' Nachman**? If an apartment building is not referred to as "a house", then it is obvious that he didn't mean to sell him the building!? If it is referred to as a house, then we should say that he did mean to sell him the entire building!? **A:** The case is that some people refer to the entire building as a house and others do not. **R' Nachman** teaches, that if he meant to sell the entire building he would have written in the contract – "I do not retain anything for myself". Since he did not, we say that he did not sell the entire building.
  - **R' Nachman in the name of Rabbah bar Avuha** also said, if someone sells a field from a large plain of fields, he only sells that one field even if he gave the boundaries of the entire plain.
    - **Q:** What is the case? If an entire plain is not referred to as a field, then it is obvious that he only refers to the one field!? If it is referred to as a field, then why don't we say that he meant to sell him the entire plain!? **A:** The case is that some people refer to a plain as a field and some do not. **R' Nachman** teaches,

that if he meant to sell the entire plain he would have written in the contract – “I do not retain anything for myself”. Since he did not, we say that he did not sell the entire plain.

- Both cases of **R' Nachman** are necessary to be taught. If we would only have the case of the house, we would say that he didn't mean to include the entire building, because the entire building has a different use than that of a house. However, a plain and a single field have the same use, and we would therefore say that the entire plain should be included. If we would only have the case of the plain, we would say that in that case, although he gave the full boundary of the plain, he did not mean to include the entire plain, and the reason he gave its boundaries is because there are no identifiable boundaries of the single field. However, in the case of the apartment, where there are identifiable boundaries of the apartment, and yet he gave the boundaries of the entire building, we would say that giving those boundaries shows that he meant to sell the entire building.
- **Q:** Who does **R' Mari the grandson of Shmuel in the name of Abaye** follow when he says, that when someone sells something he should write in the contract “I am not keeping anything for myself”? **A:** It follows the statement of **R' Nachman in the name of Rabbah bar Avuha**.
- There was a person who told his friend, “I am selling you the land that used to be owned by **R' Chiya**”. Now, he had 2 pieces of land that used to be owned by **R' Chiya**, and they argued as to whether both were included in the sale. **R' Ashi** said, since the seller used the singular word “land”, he did not mean to include two pieces of land.
  - If the seller would have said “lands” it must include at least 2 (since that is the minimum amount for the plural use of the word). If he says “all the lands”, it would include all the lands that he owned, but not his gardens and vineyards. If he would use the term “zihara”, it would even include the gardens and vineyards, but would not include his houses and slaves. If he said my “property”, it would even include the houses and slaves.