משתעבדנא לבעל חוב דאבוכון מדרבי נתן –

I am indebted to your father's creditor because of *Rabi Noson*

Overview

The rule is if יתומים (who did not inherit קרקע) received קרקע as payment for a debt owed to their deceased father, their father's creditor can take it from the יתומים, because of שעבודא דר' נתן; since the father was owed money by his debtor and the father also owed money to another creditor, it is considered as if the father's debtor's קרקע is משעובד to the father's creditor, therefore (even if we maintain בע"ח מכאן ולהבא הוא גובה, nevertheless) the father's creditor can take away the קרקע from the debtor (via the יתומים). Our תוספות explains why this is effective only if the יתומים collected קרקע for the loan owed to their father, but not if they collected מטלטלין.

תוספות asks:

ואם תאמר גבי מטלטלים נמי נימא הכי[1] -

And if you will say; let us also say the same thing regarding collecting **מטלטלין –**

תוספות answers:

ונראה לרבינו יצחק דדוקא גבי קרקע שייך למימר הכי דבת שיעבוד היא -

And it is the view of the ר"י that only by קרקע is it applicable to say (that just as it was משועבד to the father, it is משעובד to the father's creditor), **because** land **is susceptible to a lien -**

דכשהקרקע זו משועבדת לראובן חשבינן ליה כאילו היא בידו -

So that when this קרקע is משעובד to ראובן (the father of the יתומים) **we consider it as if the קרקע is in s**'ראובן **possession;** the proof that it is considered ביד ראובן, is -

דהא אם מכרה או משכנה חוזר ראובן וגובה אותה ולכך משועבדת נמי לבעל חוב -

Because if s'ראובן debtor **would sell** this קרקע **or mortgage it** (use it to secure a loan) **ראובן can go back and collect it** from the purchaser or the mortgage holder, **so therefore** (since this קרקע is בידו של ראובן), **it is also משועבדת to the בע"ח** of ראובן -

אבל מטלטלים אין להחשיבם כאילו הם ביד ראובן כיון שאילו מכרם או משכנם אין גובה מהן -

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[1] The מטלטלין, which the יתומים received (from their father's debtor) are משועבד to their father's creditor, just as it is משועבד to their father. The same logic (of שעבודא דר"נ) that applies to קרקע should also apply to מטלטלין; why did ר' נחמן limit his דין to a case where they collected קרקע? [תוספות assumes in this question that the second לוה is משועבד (not only to his מלוה, but also) to the מלוה of his מלוה.]

However, regarding מטלטלין we cannot consider them as if they are in ראובן's **possession, since if** the debtor **would sell them or mortgage them,** ראובן **would not be able to collect from these** מטלטלין and take them away from the buyer or the mortgage holder, therefore since they are not considered ביד ראובן, they cannot be considered as being משעובד to ראובן's creditor.[2]

תוספות concludes:

ומכאן יש להוכיח דהלכה כרבי נתן דהא רבא קאי כוותיה[3] בשמעתין:

And we can prove from our גמרא **here that the הלכה is like ר"נ** (that מוציאין מזה ונותנין לזה) **since רבא, in our גמרא rules according to** ר"נ.

Summary

Only by a שעבוד of קרקע can it be considered transferred to the creditor's creditor (since the middle creditor can always collect this קרקע), but not by מטלטלין (since the middle creditor cannot collect these מטלטלין if his debtor sold them)

Thinking it over

Does the ruling of שעבודא דר"נ apply also in a case where the debt (of all the parties) was exclusively מטלטלין?[4]

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[2] תוספות in the answer maintains that the second לוה is not directly משועבד to the first מלוה (as תוספות assumed in the question; see footnote # 1), but rather the assets of the לוה are considered in the possession of his immediate מלוה, and therefore they are (also) משועבד to the מלוה of his מלוה.

[3] רבא's ruling (that אי פקח שמעון וכו' [which follows the ruling of ר"נ (regarding יתומים שגבו קרקע וכו')]) is based on the ruling of שעבודא דר"נ.

[4] See מהרש"א.