

One who owned houses, etc.

מי שהיו לו בתים כולי –

OVERVIEW

The משנה in פאה¹ states that one may receive (and לקט שכחה ופאה) מעשר עני provided he has less than two hundred זוזים (in assets). The ברייתא cited here is discussing a person whose possession of houses and fields, etc. make him ineligible to receive מעשר עני. The issue at hand is whether the value of the houses is included in זוז מאתיים, or is the value of the houses excluded from the זוז מאתיים limitation.

לא מיירי בבתים שדר בהם -

This ברייתא is **not discussing the houses in which he lives**; those houses in which he lives are not included in his assets to determine whether he is eligible for מעשה עני; only houses which he owns for nonresidential purposes are included in tallying his assets.

תוספות proves his contention:

דהא תנן במסכת פאה (פ"ח מ"ח) אין מחייבין אותו למכור ביתו וכלי תשמישו:

For we learnt in a משנה in מסכת פאה that we do not obligate him to sell his house (where he lives) and his utensils in order to include them in his assets, to determine whether he has less than two hundred זוז, to be considered a poor man and be eligible to receive לקט שכחה וכו'. He may keep his residence house and utensils, and if his remaining assets are less than זוז מאתיים he may receive מעשר עני and לשו"פ. Therefore we must conclude that the בתים mentioned in this ברייתא are not his residence.

SUMMARY

The house, in which one resides, is excluded from the זוז מאתיים limitation; however all other houses are included.

THINKING IT OVER

If one resides in more than one house are they all exempt from the זוז מאתיים limitation?²

¹ פ"ח מ"ח.

² See משניות פאה in משנה ראשונה there.