

Can a Teenager Sell Inherited Real Estate?

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Question: I was working on purchasing a certain house and already settled on the terms with the seller. Sadly, the owner passed away suddenly before we went into contract. The *askanim* who are taking care of the family want the deal to go through so that the family will have some money to live on. The oldest child is an 18-year-old and he's the only boy. I'm concerned that at some point in the future, the boy will say that he never really wanted to sell the house and he'll try to reverse the sale. Do I have any reason to be concerned about this?

Answer: Although an 18-year-old is considered a *gadol* in every way, there is one exception. When it comes to real estate, Chazal were aware that teenagers have an inclination towards money and were concerned that if someone offers them cash in exchange for a property, they might accept it even if the property is worth much more than what is being offered. For this reason, they restricted anyone under the age of twenty from selling real estate. An exception to this rule is a teenager who is particularly astute. Such a boy can sell property that he acquired on his own, such as one that he bought or was given to him as a gift. However, even he may not sell property that he inherited because that type of property is considered more at risk.

If the sale in question goes through without any objections, after the boy turns twenty it will become valid retroactively from the time of the sale. But if he objects before he turns twenty, not only will the sale be canceled, you will have to pay him rent for the entire time that you lived in the house. The Nesivos Hamishpot adds that even if a teenager really needs the money, his property cannot be sold before he turns twenty.

There is a Teshuvos Ridvaz that says that if the teenager has an *apotropus*, and the guardian agrees with the sale, it will be valid. Whether or not *askanim* have the status of an *apotropus* is a topic in and of itself. Although they may be an *apotropus* on funds they collect for the family, to say that they have this status to sell a property is a bit of a stretch. In any case, the Ridvaz's *chiddush* is not so simple and the Nesivos would not agree with it. The only real solution would be to lend money to the orphans and collect the property in lieu of payment when they don't pay the debt. Even if a child is under twenty, *bais din* can seize his property to pay a debt, so this would be the best option, provided that it could be worked out legally. Simply buying the house, however, would leave you at risk of having the sale later reversed.