

Can One be Moser Modaah on Only Part of a Transaction?

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Question: We have stated that a *Modaah* works to negate a transaction.

Would it also work to negate only part of a transaction?

To give an example: Reuven's father owned assets in Eretz Yisroel and England. All of the siblings live in Eretz Yisroel, with Reuven being the only one living in England. Accordingly, they decided to split their father's inheritance by granting Reuven all of the assets in England and having the siblings divide the assets in Eretz Yisroel.

For the Israeli Rabbanut to deal with the assets in Israel, they told Reuven that they need him to sign a *shtar mechilah* that says that he forgoes his rights to all of his father's assets. Before he does that, he wants to be *moser Modaah* that he is only forgoing his rights to the assets in Eretz Yisroel and not to the assets in England. Will this *Modaah* work?

Answer: The Gemara in Kesuvos speaks about a case where a *shtar mechirah* for one field makes reference to another field as belonging to the buyer. The seller admits that this *shtar* is valid but doesn't want it to be taken as an admission that the other field, which is not part of the transaction, does not belong to him. Since the part of the *shtar* that he takes issue with is irrelevant to the current sale, a *Modaah* can be used to negate the admission.

The case in question is similar to that Gemara. The reason that the Rabanut wants Reuven to sign this *shtar mechilah* is so that they shouldn't have to deal with him while dividing the inheritance in Eretz Yisroel.

Like in the case of the Gemara, Reuven is not claiming that the transaction isn't valid. He agrees that he forgoes all of his rights to the assets in Eretz Yisroel, as the Rabbanut wrote. He is merely taking issue that his written *mechila* should not affect something that is not part of the actual transaction. Since he is not making any admission regarding the assets in England, he can issue a *Modaah* to negate that part of the *shtar*.