

Does One Have to Specify All the Things He is Selling by Mechiras Chometz?

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Question: The *shtar* used for *mechiras chometz* includes a list of items that are included in the sale. How detailed does a person have to get in regard to what he is selling? Does he need to list all of the items or is it sufficient to just say that he is selling all of his *chometz*?

Answer: The reason why the *shtar* lists the specific items being sold is based on a Mekor Chaim that notes that according to Choshen Mishpat, a sale must be on a "*davar mesuyim*." This means that one cannot simply say that he is selling all of the contents of his house; rather, he must detail what items in the house he is selling. Accordingly, simply saying that you are selling all of your *chometz* without listing what is being sold would not be a valid sale.

Many Acharonim say that this is not really necessary for various reasons. Some say that because the sale agreement specifies that a group of professionals will assess how much it is worth, it is a valid *mechirah* and there is no issue of it being not *mesuyim*. Others say that the problem of not being *mesuyim* only applies when one says that he is selling *all* of the contents of his house. If anything is specified, that is not a problem. In this *mechirah*, it is specified that the sale is limited to the *chometz* in the house, which would take care of this problem. Another reason given is because the non-Jew is coming with a resolute mind to purchase the *chometz* no matter what is included, therefore, the sale is valid.

Practically, we are stringent to detail all of the items being sold but if one didn't do this, it would not be a problem because of the way *shtaros* are written today.