

## Is a Forced Sale Valid ?

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**Question:** A fellow owns a house in a popular location. He is getting many offers to buy the house but he is not interested in moving. One day, someone walks over to him, pulls out a gun, and says, "Your house is worth \$1 million. I am buying it right now." Is this sale valid?

**Answer:** The Gemara says that if someone is forced to sell something, the sale is valid. The Rishonim debate whether the seller has to at least express his consent to the sale. The Shulchan Aruch rules that as long as money is exchanged, the deal is valid, even if the seller never said that he agrees. The reason is, based on the circumstances, we can assume that the seller agreed to the sale in order to save his life, even if he didn't openly say so.

**Question:** What if the buyer demands a discount? For example, what if he forces the homeowner whose house is worth \$1 million to accept \$900,000 for it?

**Answer:** The Rishonim write that a sale due to duress is only valid if the item is being sold for a fair price. Whereas, if the buyer forces him to sell at a discounted price, the sale would not be valid. The reason for this distinction is that while a forced sale is valid, a forced gift is not. If the buyer forces the seller to give him a discount, he is essentially forcing him to give him a gift, which is not a valid transaction.