

Q&A from the Bais HaVaad Halacha Hotline

Finders Keepers

April 20, 2023

Q May I discard a lost object that I found years ago but was never claimed?



A Those who lose inexpensive items often don't invest effort to retrieve them, so they remain in the finder's possession for years. Although *yiush* (despair of ever getting the item back) usually renders a lost object *hefker* (ownerless), in this case the object was found before *yiush* occurred (C.M. 262:3). Therefore, the item is subject to *yehei munach*—it is to be set aside until the advent of Eliyahu Hanavi.

But this doesn't necessarily mean that the lost object itself must be retained; in certain cases, it may be appraised and sold to others or to the finder, who will eventually return its value to its owner. For example, the Gemara (Bava Metzia 29b) permits the finder of tefillin to appraise them and take them for himself, with the explanation that tefillin are easily accessible in the marketplace. The cash value may even be used by the finder for his personal use, so long as he pays when the owner is eventually identified.

Some *poskim* limit this to mitzvah items like tefillin (Shach C.M. 267:16), but most (including Igros Moshe C.M. 2:45) don't differentiate, allowing any item readily available for sale to be liquidated. Today, common household products meet this criterion, given their mass production and universal availability online.

R' Moshe (ibid.) writes that the appraisal may be done by the finder himself if the item's price is fixed. Otherwise, the appraisal should be performed by three people who know the market. He further instructs that all pertinent information be written down and saved. If the item has a *siman* (identifying characteristic), it should be recorded, so that the item's ownership can eventually be determined. It is advisable to photograph the item, record the *simanim*, and note the location in which it was found and any other useful information. This information may be saved physically or digitally, ideally with a cloud storage service for security.

Typically, a found object is used rather than new, so its current value is low. Some *poskim* require appraising the object as new, because paying its true (depreciated) value wouldn't restore the owner's loss (Orchos Rabeinu, citing the Steipler's view). But this depends on the item. There is no market for used hats, so a hat must be appraised as new. Laptop computers have

an established secondhand market, so they may be appraised by current value (R' Yosef Fleischman, Alon Mishpat, Issue 73, 5775, *Hashavas Aveidah*).