

## When Does a Kinyan Take Effect in a Real Estate Sale?

### **Rav Eliezer Cohen**

**Question:** When one purchases real estate there are various steps that take place after a payment is made, (even if the buyer pays in cash) such as recording the deed and handing over the key. When does the transfer of ownership take effect?

**Answer:** Chazal rule that although a cash payment is not a valid *kinyan* for movable items, it is a good *kinyan* for land. The whole reason chazal did not allow cash to finalize a transaction is because of damages that may happen and the seller wouldn't save it, that is by moveable items, not by land which stays in the same spot and we don't worry about it in the same way. In contemporary society most countries do not usually sell just for cash, there is usually just a deposit at first. In addition there is a long process after a payment is made until the buyer actually takes possession of a house, and he is not considered the owner until the process is completed. For this reason, the Pischei Choshen rules that when it is customary to write a deed - as it is in most places today - ownership is not transferred until the deed is recorded.

Handing over keys is not a sufficient *kinyan* even if you would use cash. Chazal say that when a buyer performs an action towards a property that shows ownership, such as putting a new lock on the door or starting some renovations on the house, that action is a valid *kinyan*. Being given a key, however, is not really a show of ownership and, therefore, would not be a valid *kinyan* even in a place where it is not customary to write a deed.