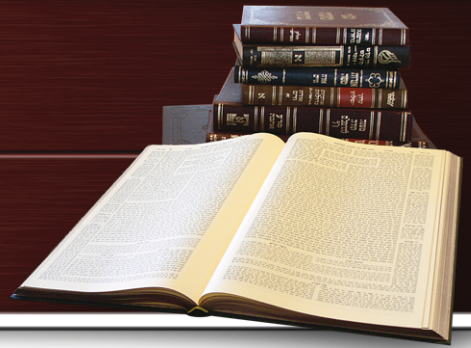


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- Compiled by Rabbi Moishe Dovid Lebovits
- Reviewed by Rabbi Benzion Schiffenbauer Shlita
- All Piskei Harav Yisroel Belsky Shlita are reviewed by Harav Yisroel Belsky Shlita

Volume 5 • Issue 1



HALACHOS OF SEATS

The *halachos* regarding seats arise quite often. For example, does one need a set seat for *davening*? Can one sit in their parent's seat? Does it make a difference if it is a seat designated for one's father in *shul* or in the house? What is the custom to buy seats for the *yomim noraim*? The answers to these questions and others will be addressed in this issue.

Seats for *Davening*

The *Gemorah* in *Berochos*¹ says “whoever² has a set place for *davening* [merits] that the G-d of *Avraham* will be with him.”³ This is codified in the *Shulchan Aruch*⁴ and all of

1. 6b. See Yerushalmi Mesechtas Berochos 4:4. Refer to Rif page 6.
2. Refer to Yisa Beracha pages 29-34 on this.
3. Refer to Yisa Beracha pages 1-2.
4. O.C. 90:19.



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the *poskim*.⁵ The *Gemorah* is *Berochos*⁶ says “one who has a set place to *daven* makes his enemies fall beneath him.” The *Orchos Yosher* says one should be very careful to keep this *halacha*.⁷

Women

This *halacha* of having a set seat for *davening* applies to women as well.⁸

Reasons

Many reasons are offered why it is suggested to have a set seat for *davening*.⁹ We will list a few of them. Some say the reward is not because you have a set place, but because you are also careful in the way in which you *daven*.¹⁰ The *Tur*¹¹ says the reason for having a set seat is because *davening* is comparable to a *korbon*, and just as the *korbonos* had their respective places to be *shechted*, so too when one *davens* he should *daven* in a set place. Others say when one has a set place for *davening* it brings one to fear, and if one has fear he will recognize who he is *davening* in front of.¹² Some say the reason for a set seat is because then one will be able to concentrate better in his *tefilla*.¹³ When one has a set seat he knows his area so to speak, and he recognizes that this area is proper to *daven* in i.e. not in front of someone who *davens* long. If one were to *daven* in a different seat all the time this would not be possible.¹⁴

One *Shul* or One Place

Some *poskim* say that when the *Gemorah* said one should have a set place for *davening* it was referring to one's seat even if he *davens* in different *shuls* all the time.¹⁵ According to this opinion the point is that one should not sit in one corner of the *shul* for one *tefilla* and the other side of the *shul* for a different *tefilla*.¹⁶ Many *poskim* say that one should

5. Rosh Mesechtas Berochos 1:7, Rambam Hilchos Tefilla 5:6, Chai Adom 22:3, Kitzur Shulchan Aruch 12:10, Chesed L'alafim 90:9, see Tzitz Eliezer 15:54.

6. 7b.

7. page 97.

8. Halichos Bas Yisroel page 36:1.

9. Refer to Maharsha Mesechtas Berochos ibid.

10. Ran page 6.

11. O.C. 90. Refer to Kaf Ha'chaim 90:117.

12. Yisa Beracha page 8.

13. Refer to Chinuch mitzvah 95. Some say based on this to always *daven* from the same type of *siddur*, because this way one knows where he can find the *tefillas* (Yisa Beracha page 105).

14. Yisa Beracha page 18.

15. Rosh ibid, Ran page 6.

16. Ran ibid, Shiltei Geborim 2.

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have a set *shul* to *daven* in and a set seat in that *shul*.¹⁷ The *Pri Megadim*¹⁸ holds one may have a set *shul* for the winter and a set *shul* for the summer. The opinion of *Harav Shlomo Zalman Aurbach zt"l* is that one may *daven* in a different *shul* during the week than on *Shabbos*, but in order to be considered having a set seat he should sit in the same place in whichever *shul* he *davens* in.¹⁹

Changing one's Seat etc.

The *poskim* stress that one should not change his seat or place that he *davens* unless there is a big need to do so.²⁰ For example, if one is in his seat and people are disturbing him from *davening* he may switch his seat.²¹ The same is true if one comes to *shul* and finds a guest in his seat, he should not make a dispute, but should sit in a different seat.²² When a person goes away for *Shabbos* and he is not in his regular *shul* that he should have a set seat for the entire *Shabbos*.²³

In one's House

If for whatever reason one happens to *daven* at home he should have a set place to *daven* as well.²⁴

Within Four Amos

Although one should have a set seat for *davening*, if one sits within four *amos* of his set seat it is considered as if he sat in his set seat.²⁵ This can happen very often when a person is sitting in your seat and the only available seat is the one next to your set seat.

Which Tefillas

Harav Shlomo Zalman Aurbach zt"l says one is a *yira shomayim* if he has a set seat even

17. Shulchan Aruch 90:19, Aruch Ha'shulchan 23. Some say a whole *shul* is considered one place and as long as one has a set *shul*, he may *daven* anywhere in the *shul* (Aruch Ha'shulchan 23).

18. Eishel Avraham O.C. 90:33.

19. Halichos Shlomo Tefilla 5:footnote 2. This was the custom of *Harav Shlomo Zalman Aurbach zt"l* (ibid:footnote 6).

20. Divrei Chamudos Mesechtas Berochos 1:22, Shiltei Geborim 2, Shulchan Aruch 90:19, Aruch Ha'shulchan 23.

21. Kaf Ha'chaim Palagi 11:10, Kaf Ha'chaim 90:118, Yisa Beracha page 108.

22. Eishel Avraham Butchatch 90:19, Yisa Beracha page 111:footnote 27 in depth, Piskei Teshuvos 90:24:page 711:footnote 270.

23. Yisa Beracha page 114.

24. Ran ibid, Madanei Yom Tov Mesechtas Berochos 1:7:70, Magen Avraham 90:33, Elya Rabbah 22, Ben Ish Chai Mikeitz 1:4, Kaf Ha'chaim Palagi 11:10, Mamer Mordechai 22, Chesed L'alafim 90:9, Mishnah Berurah 59, Aruch Ha'shulchan 23, Kaf Ha'chaim 118.

25. Magen Avraham 90:34, Shulchan Aruch Harav 90:18, Keshet Godol 12:18, Chai Adom 22:3, Kitzur Shulchan Aruch 12:10, Mishnah Berurah 60, Aruch Ha'shulchan 23, Kaf Ha'chaim 123.



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for *mincha* and *maariv*.²⁶

What Part of *Tefilla*?

Some *poskim* hold that the only time one should have a set seat is for *shemonei esrei*, and one does not need a set seat for the other parts of *davening*.²⁷

Shteibel

Many times one *davens* in a *shteibel* where they have many different rooms for *davening*. When one *davens* in any of those rooms he should have a set place.²⁸

First Ten or Set Seat

Some *poskim* say one who has the option to be counted towards the first ten or to have a set seat, should *daven* with the *minyan* where he will be counted towards the first ten.²⁹

Passing by one *Davening* or a Set Seat

One should not pass by someone *davening shemonei esrei* in order to *daven* in his set seat.³⁰

Tefilla with a *Minyan* or a Set Seat

One who will miss out on *davening* with a *minyan* if he sits in his set seat should not sit in that seat, but he should sit in a different place and *daven* with a *minyan*.³¹

Skipping *Pesukei D'zimra* or Set Seat

One who will have to skip some parts of *pesukei d'zimra* in order to *daven* in his set place should do so. This applies even if he may *daven* in a different *shul* where he will not have to skip it, but he will not be *davening* in his set seat. The reason is because the make up of what should be said in *pesukei d'zimra* is not mentioned in the *Gemora*, but the *halacha* to have a set seat is.³²

26. Halichos Shlomo Tefilla page 61:footnote 8.

27. Ben Ish Chai Mikeitz 1:4, Rivevos Ephraim 1:67 quoting the opinions of Harav Chaim Kanievesky Shlita, and Harav Shlomo Zalman Braun zt"l. Some say one should stay in the same seat until the end of *davening* (*Yisa Beracha* page 107:footnote 16).

28. Piskei Teshuvos 90:footnote 260, Sheilas Rav page 192:87.

29. Avnei Yushfei Tefilla page 100:footnote 42. Refer to Halichos Shlomo Tefilla page 61:footnote 8.

30. Avnei Yushfei Tefilla pages 98-99:22:footnote 36 quoting the opinion of Harav Elyashiv Shlita.

31. Avnei Yushfei Tefilla page 73:2. See Rivevos Ephraim 6:32 who argues. Refer to Halichos Shlomo Tefilla page 61:footnote 8.

32. Opinion of Harav Elyashiv Shlita quoted in Avnei Yushfei Tefilla page 130:34:footnote 40, see *Ishei Yisroel* page 82:footnote 40 quoting this as the opinion of Harav Shlomo Zalman Aurbach zt"l.

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Set Seat When Learning

The *poskim* stress that when one learns he should have a set place as well.³³

Where does the Rav Sit?

There is a discussion in the *poskim* regarding the correct place for the Rav to sit. The custom of most *rabbonim* is that if the *aaron kodesh* is on the *mizrach* side then the Rav sits on the left of the *aaron kodesh*.³⁴

Buying Seats in Shul

The custom is that one buys a seat to sit in while *davening* in a *shul*.³⁵ The custom is that although one buys the seat, one has no right to give it to someone else. The money which is given for the seat is a nice gesture but one does not acquire the seat.³⁶ One who goes away for a while and wants to give his seat to someone else has to get permission from the Rav etc.³⁷

There is a discussion in the *poskim* if one had a set seat and now the *shul* did construction does he have the right to the same seat as before.³⁸

Additionally, the *poskim* discuss if one who buys a seat has a right to the seat all day or just for *tefilla*. For example, if one comes to shul for a *shiur* does he have rights to his seat?

The opinion of *Harav Korelitz Shlita* is that one only has rights to his seat before *davening*, during *davening* and after *davening*.³⁹

One who had a set seat in *shul* and was *niftar r"l*, gives over his seat to his son through *yerusha* if the son is not married.⁴⁰

One who was asked to leave a *shul* should consult a Rav if he is entitled to get back the money he paid for his seat.⁴¹

33. Refer to Shulchan Aruch 155:1, Aruch Ha'shulchan 1.

34. Refer to Pri Megadim M.Z. 94:2-3, Mishnah Berurah 94:11, Darchei Chaim V'sholom 248:page 83, Betzel Hachuchma 3:15. See Mishmeres Shalom 15:2.

35. Refer to Rashba 1:319, Rosh klal 5:3, Radvaz 2:628, Chasam Sofer O.C. 29, see Igros Moshe C.M. 1:40, Divrei Yatziv C.M. 51. Some *poskim* are of the opinion that if there is a custom to buy seats then one has a right to tell someone else not to sit there. (Refer to Halacha Berurah 153:page 436:footnote 35, see Biur Halacha 153 ein adom).

36. Opinion of Harav Korelitz Shlita quoted in Mishkan Dovid 15:footnote 2.

37. Mishkan Dovid ibid:1.

38. Refer to Maharsham 1:35, 6:15, Tzitz Eliezer 5:4, Minchas Yitzchok 9:154.

39. Mishkan Dovid ibid:footnote 7.

40. Opinion of Harav Korelitz Shlita quoted in Mishkan Dovid page 142:footnote 10.

41. Refer to Mishkan Dovid 15:12:footnote 18.



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There is a discussion in the *poskim* if one has a set seat in shul and the seat next to him opened up, if he is entitled to the seat because of the *halachos* of *bar metzra*.⁴²

Buying a Seat with *Maser* Money

The *poskim* have a discussion if one is allowed to buy a seat in *shul* from one's *maser* money. The consensus of the *poskim* is that initially one should not use *maser* money for this, but if one can not afford it then doing so is permitted.⁴³ The opinion of *Harav Yisroel Belsky Shlita* is that one may use two-thirds of his regular (non-*maser*) money and the rest may be taken from *maser* money.

Sitting in a Parent's Seat

One has an obligated to both honor and fear his parents. Included in the *halachos* of fearing one's parents is the *halacha* that one is not allowed to sit in his parent's seat.⁴⁴ The reason is because if one sits in his father or mother's seat it shows that you are equal to them.⁴⁵ This *halacha* applies to a parent-in-law as well.

Which Seat?

The opinion of many *poskim* is that the parent's seat we are referring to is a seat where the father sits when he converses with elders.⁴⁶ This is also referring to a seat where the father *davens* in *shul*.⁴⁷ Others say it means even the seat where the parent sits in the house.⁴⁸ If one's father *davened* once in a place, it is considered his place and his son may not *daven* in that seat.⁴⁹

Standing in a Parents Place

A son may not even stand in the place where his father converses with elderly people.⁵⁰ This is true even in a place where one's parent *davens*.⁵¹ One is permitted to stand in the place where his father sits at home.⁵²

42. Tzitz Eliezer 5:4:4. Refer to Shulchan Aruch Choshen Mishpat 175:53, Shach 53.

43. Refer to Minchas Yitzchok 8:83, Tzitz Eliezer 20:35, Tzedaka U'mishpat 6:footnote 26, see Maser Kesafim page 160:7.

44. Mesechtas Kedushin 31b, Rosh 1:50, Rif page 13. See Kibud Av V'eim (Yosef) page 203. Some say the *halacha* means that one does not have the right to stand and leave from that place until his father says that he may do so (Refer to Shevet Ha'Levi 2:111:2).

45. Levush 240:2.

46. Refer to Rashi Mesechtas Kedushin ibid "lo," Rif page 13.

47. Shulchan Aruch Y.D. 240:2.

48. Tur Y.D. 240.

49. Mivakshei Torah 20:page 207.

50. Refer to Rambam Hilchos Mamrim 6:3, Taz 2.

51. Shulchan Aruch 240:2, Aruch Ha'shulchan 240:9. This applies even to a set place where a parent may sit in a store (Aruch Ha'shulchan ibid).

52. Prisha 2, Shach 1, Aruch Ha'shulchan 240:9, see Taz 2.

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Daughter and Mother

The same *halacha* applies to a daughter in regards to her mother. The *Shulchan Aruch* did not speak about this because it was not the *derech* for a woman to have a set place.⁵³

Mechilah

If one's parent does not mind that the child sits in his or her seat then doing so is permitted.⁵⁴ However, one should ask the parent if he or she minds since one may not assume that they do not mind. The *Aruch Ha'shulchan*⁵⁵ says if one sees a son standing in his father's place in *shul* we may assume the father allowed him do so.

Not in front of the Parent

According to most *poskim* this *issur* applies whether or not the parent is present.⁵⁶ Since this a question of a *d'oraisa* one should be stringent.⁵⁷

Giving a Shiur

In a situation where one's father gives a *shiur* and the son is taking him over, he should sit a bit off to the right or left, but not in the same exact spot as his father.⁵⁸

After Death r"l

After a parent dies, *r"l*, it is permitted for their child to sit in their seat in *shul* etc.⁵⁹

Parents Bed

It can happen that one's parents will go away for *Shabbos* and invite their daughter and son-in-law over for *Shabbos*. The question arises if the couple may sleep in their parent's beds. Is this included in the *issur* or not? The *poskim* say that a bed is not a place of honor and therefore, sleeping in one's parent's bed is permitted.⁶⁰ Although, some are stringent with the above,⁶¹ the custom is not like this opinion.

53. Aruch Ha'shulchan 240:9.

54. Aruch Ha'shulchan *ibid*.

55. 240:9.

56. Taz 2, Aruch Ha'shulchan *ibid*. See Yaskil Avdi Y.D. 7:21 who seems to be lenient. Refer to Kibud Av V'eim (Yosef) page 204.

57. Ben Ish Chai Shoftim 2:2.

58. Moreh Horim V'kibudom page 28, Mivakshei Torah 20:page 206.

59. Chaim B'yad Y.D. 125:48, Oz Nedberu 8:60, Tzitz Eliezer 15:41:2, Moreh Horim V'kebudom page 28:footnote 17, Mivakshei Torah 20:page 208, Kibud Av V'eim (Yosef) page 213:22.

60. Opinion of Harav Elyashiv Shlita quoted in Moreh Horim V'kebudom page 29:footnote 19. See Kibud Av V'eim (Yosef) page 211:18 who is stringent.

61. Meam Loez Yisro page 642.



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Special Chair

If a parent has a special chair in which they sit on, then a child may not sit on it even if they move it to a different place in the house.⁶² Nonetheless, one who needs to get something may stand on the special chair.⁶³

Inviting Parents to one's House

The custom is that if a parent is invited to his son's house, the son allows his father to sit in his seat at the head of the table.⁶⁴ If the father refuses then the son can sit at the head of the table.

Sitting next to a Parent

Some say that it is not respectful for a child to sit next to his parent by a wedding etc.⁶⁵ However, the custom is not to be concerned with this opinion.⁶⁶

Where a Parent Works or Learns

Some *poskim* say it is permitted to sit in a seat where one's parent works or learns.⁶⁷

Father went to a Different *Shul*

Once a father stopped *davening* in a certain *shul*, his set seat is no longer considered his set seat at all, and his son may *daven* in that seat if he wishes to do so.⁶⁸

Saving Seats

The issue of saving seats is something which may arise quite often, whether on a bus, at a *shiur*, etc.

One who is riding a bus where he pays for his ride may not save a seat for someone else who will be boarding the bus later on. The same is true for a *shiur* or where an entrance fee is applicable.

In a situation where there is no fee charged, it is permitted to save a seat if there are other seats available.⁶⁹

62. Moreh Horim V'kebudom page 28:19.

63. Opinion of Harav Ben-zion Abbba Shaul zt"l and Harav Elyashiv Shlita quoted in Moreh Horim V'kebudom page 29:footnote 18.

64. Aruch Ha'shulchan 240:11, Shearim Metzuyanim B'halacha 143:footnote 2:page 25, Mivakshei Torah 20:page 207 quoting the opinion of Harav Elyashiv Shlita, Kibud Av V'eim (Yosef) page 215:3.

65. Refer to Bais Yosef Y.D. 240.

66. Ben Ish Chai Shoftim 2:20, Aruch Ha'shulchan 240:11, opinion of Harav Elyashiv Shlita quoted in Moreh Horim V'kebudom page 29:footnote 20, Kibud Av V'eim (Yosef) pages 207-208.

67. Kibud Av V'eim (Yosef) page 210:15.

68. Olos Yitzchok 2:291.

69. Refer to Mishpatei Hatorah 1:85:page 311.

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Avel r"l

The custom is that an *avel* changes his seat from where he was accustomed to sit in *shul*.⁷⁰ There is a discussion in the *poskim* if an *avel r"l* may switch his seat on *Shabbos* since it may be a concern of *aveilus* in public.⁷¹ The custom of most people is that switching one's seat is done on *Shabbos* as well.⁷²

One should switch his seat more than four *amos* away from his original seat, since within four *amos* is considered his set seat.⁷³

70. Shulchan Aruch Y.D. 393:4, Gr'a 11. Refer to Sharei Halacha U'minhag Teshuvos and Biurim page 245 who says the custom is not to change seats (this is the custom practiced in Lubavitch).

71. Refer to Shulchan Aruch ibid, Pischei Teshuva 7.

72. Igros Moshe Y.D. 1:98.

73. Pischei Teshuva 7.



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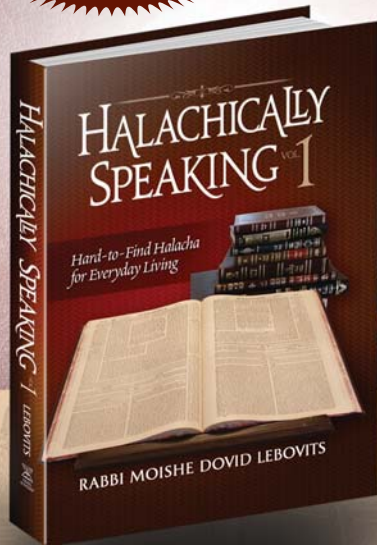
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► Each issue reviews a different area of contemporary *halacha* with an emphasis on practical applications of the principles discussed. Significant time is spent ensuring the inclusion of all relevant *shittos* on each topic, as well as the *psak* of *Harav Yisroel Belsky, shlita* on current issues.

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KASHRUS CONNECTION

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POLICY/ UPDATES

Fortune Cookies Pas or Bishul?

The raw fortune cookie product starts out as a liquid mixture (which consists primarily of flour, water, sugar, oil, and citric acid) similar to a pancake mix. The liquid mix is placed in an oven (with a bit of oil sprayed on the tray so the mix should not stick), and is formed in many circles. It comes out as a regular soft cookie with similar texture to that of a pancake.

The KOF-K *Bais Din* decided that fortune cookies are to be considered a bread item. Those who eat only *pas yisroel* should be careful to avoid eating these cookies since they are *pas palter*. The *beracha rishona* on a fortune cookie is a *mezonos*.

KASHRUS CORNER

Popcorn

Due to the fact that many people mistakenly assume that all popcorn is *kosher*, we present the following once again:

Popcorn is made with corn kernels, oil and salt. One must be careful that the popcorn is *kosher* certified when considering buying it at stores, sport stadiums and other entertainment venues. Buying popcorn because the store says that they use “*kosher*” oil is not acceptable.



LIBRARY



For articles, audio *shiurim* downloads, and videos please visit our website at www.kof-k.org. Topics include *bishul akum*, checking for bugs, *tevilas keilim* and many other topics.

Articles and *shiurim* are available by our *vaad halacha* (**Harav Aron Felder Shlita, Harav Shlomo Gissinger Shlita, and Harav Doniel Neustadt Shlita**), and our Rabbinical Staff including Rabbi Ari Senter Shlita and more.

Please note: the material presented here is for consumer awareness; one should maintain the time honored custom of asking one's own *Rav* for personal *pesak*. To receive this FREE via email please e-mail mlebovits@kof-k.org.



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