

99043015254000, 99043015254000

Create a partial ownership land register

Heruntergeladen am 08.07.2025

<https://fimportal.de/xzufi-services/345032269/L100001>

Modul	Sachverhalt
Leistungsschlüssel	99043015254000, 99043015254000
Leistungsbezeichnung I	Create a partial ownership land register
Leistungsbezeichnung II	
Typisierung	2/3 - Bund: Regelung (2 oder 3), Land/Kommune: Vollzug
Quellredaktion	Hessen
Freigabestatus Katalog	unbestimmter Freigabestatus
Freigabestatus Bibliothek	fachlich freigegeben (silber)
Begriffe im Kontext	
Leistungstyp	Leistungsobjekt mit Verrichtung
Leistungsgruppierung	Grundbuch (043)
Verrichtungskennung	Anlegung (254)
SDG-Informationsbereich	Vorübergehender oder dauerhafter Umzug in einen anderen Mitgliedstaat
Lagen Portalverbund	Hausbau und Immobilienerwerb (1050100), Kauf, Miete und Pacht (2050100)

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Einheitlicher Ansprechpartner	Nein
Fachlich freigegeben am	05.01.2022
Fachlich freigegen durch	Hessian Ministry of Justice
Handlungsgrundlage	https://www.gesetze-im-internet.de/woeigg/_1.html https://www.gesetze-im-internet.de/woeigg/_3.html https://www.gesetze-im-internet.de/woeigg/_4.html https://www.gesetze-im-internet.de/woeigg/_7.html https://www.gesetze-im-internet.de/woeigg/_8.html https://www.gesetze-im-internet.de/gbo/_13.html https://www.gesetze-im-internet.de/gbo/_19.html https://www.gesetze-im-internet.de/gbo/_29.html https://www.gesetze-im-internet.de/gnotkg/anlage_1.html https://www.gesetze-im-internet.de/woeigg/_1.html https://www.gesetze-im-internet.de/woeigg/_3.html https://www.gesetze-im-internet.de/woeigg/_4.html https://www.gesetze-im-internet.de/woeigg/_7.html https://www.gesetze-im-internet.de/woeigg/_8.html https://www.gesetze-im-internet.de/gbo/_13.html https://www.gesetze-im-internet.de/gbo/_19.html https://www.gesetze-im-internet.de/gbo/_29.html https://www.gesetze-im-internet.de/gnotkg/anlage_1.html
Teaser	Partial ownership is the ownership of non-residential rooms of a building in connection with the co-ownership share of the common property.
Volltext	Partial ownership is the ownership (special property; also called room ownership) of non-residential rooms of a building in connection with the co-ownership share in the common property (land and the building, insofar as they are not in special ownership or owned by a third party). Non-residential rooms are, for example, shops, doctors' surgeries or cafés. If you want to establish partial ownership, you must be entered in the land register. For this purpose, partial ownership land registers are created. Before this can happen, however, you must first create the conditions for partial ownership. This can be done in two ways:

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- If you are a co-owner of a property, a notarised division agreement of all co-owners in accordance with the Condominium Act is necessary. In doing so, you come to an agreement with all co-owners and grant each other partial ownership by division. Each of you then receives ownership (partial ownership, special property; also called room ownership) of non-residential rooms in a building already erected or to be constructed on the property.
- You can make a division under the Condominium Act by means of a notarized declaration if you are the sole owner of a property. With the declaration that you submit to the land registry, you divide the ownership of the property (so-called declaration of division). You combine each share with the ownership (special property; also called room ownership) of existing or future non-residential rooms. In addition, you also assign each share a fractional co-ownership share in the property.
- The entry in the land register takes place by creating the partial ownership land registers by the competent land registry. This means that a separate, special land register sheet is created for each room unit. As a result, a fractional ownership unit, like any other property, can be sold, encumbered with mortgages or other rights, or inherited. The previous land register sheet for the property is closed.

Erforderliche Unterlagen

- written application for registration
- Registration authorisation in the form prescribed in the Land Registry Code
- Distribution plan (construction drawing signed and sealed or stamped by the building authority, showing the layout of the building and the location and size of the privately owned and jointly owned parts of the building)
- Certificate of completion (certificate from the competent building authority that the rooms on which special property is to be established are self-contained) with signature and seal or stamp
- if applicable, the clearance certificate from the tax office (further information on this can be obtained from the notary working in your case)
- Notarized declaration of division or notarized contract on the agreement of all co-owners

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Voraussetzungen	<p>For the establishment of partial ownership, an application for registration must be made by you or the notary notary notary. The creation of the partial ownership land registers takes place if all necessary documents have been submitted in due form and there are no grounds for refusal.</p>
Kosten	<p>(as of November 2020)</p> <p>min. EUR 15 – max. EUR 26,585 (with a maximum transaction value of EUR 60,000,000):</p> <p>For the registration of the contractual granting of ownership of non-residential premises or for the creation of the partial ownership land registers in the event of division by the owner , a full fee is charged by the Land Registry. The actual fee amount depends on the business value. Goodwill is the value of the developed land. This also applies to a building still to be built.</p> <p>In addition to the costs for the activities of the land registry, costs are also incurred for the activities of the notary in accordance with the Court and Notary Costs Act (GNotKG). Please inquire about the amount of the notary costs from the notary working in your case. Information and examples of notary fees can also be found on the website of the Federal Chamber of Notaries.</p>
Verfahrensablauf	<p>You must apply for registration at the Land Registry. As a rule, the notary who authenticated or certified the division agreement or declaration of division initiates the registration.</p> <ul style="list-style-type: none"> • The documents required for registration are checked by the responsible registrar at the land registry. • If documents are not complete or in due form, the competent registrar will contact the notary or inform you in writing and request the submission of the missing documents or the formal documents (to be certified or notarized). • If all necessary documents are available, the responsible registrar will create the partial ownership land registers. The following shall be entered in these

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	<p>special pages of the land register: - the fraction of the co-ownership of the property - the property belonging to the co-ownership share (special property)</p> <ul style="list-style-type: none"> • The successful registration will be made known to the notary submitting the application and to you with the registration notification. • The invoice of the land registry will be sent to you for payment of the costs.
Bearbeitungsdauer	individually, depending on the encumbrance situation of the responsible land registry office and the time when all necessary documents are formally available to the land registry office
Frist	
weiterführende Informationen	
Hinweise	
Rechtsbehelf	
Kurztext	<ul style="list-style-type: none"> • Partial ownership land register Creation • Creation carried out by the Land Registry • all prerequisites must be met • all required documents must be submitted to the Land Registry in due form • There must be no grounds for refusal • Responsible: Land registry office at the district court in whose district the property is located
Ansprechpunkt	<p>Competent is the land registry office of the district court in whose district the property is located. The responsible land registry office can be found on the address database of the Germany-wide location and court search on the justice portal North Rhine-Westphalia.</p> <p>https://www.justizadressen.nrw.de/og.php https://www.justizadressen.nrw.de/og.php</p>
Zuständige Stelle	
Formulare	
Ursprungsportal	Create a partial ownership land register, Teileigentumsgrundbuch anlegen lassen