

99043003062000, 99043003062000

Register heritable building right on several plots of land or on heritable building rights

Heruntergeladen am 08.06.2025

<https://fimportal.de/xzufi-services/370670314/L100001>

Modul	Sachverhalt
Leistungsschlüssel	99043003062000, 99043003062000
Leistungsbezeichnung I	Register heritable building right on several plots of land or on heritable building rights
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	Berichtigung (062)
SDG-Informationsbereich	Vorübergehender oder dauerhafter Umzug in einen

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	anderen Mitgliedstaat
Lagen Portalverbund	Hausbau und Immobilienerwerb (1050100), Kauf, Miete und Pacht (2050100)
Einheitlicher Ansprechpartner	Nein
Fachlich freigegeben am	05.01.2022
Fachlich freigegeben durch	Hessian Ministry of Justice
Handlungsgrundlage	<p> https://www.gesetze-im-internet.de/gbo/_6a.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/erbbauv/_1.html https://www.gesetze-im-internet.de/gnotkg/_43.html https://www.gesetze-im-internet.de/gnotkg/_49.html https://www.gesetze-im-internet.de/gnotkg/_52.html https://www.gesetze-im-internet.de/gnotkg/anlage_1.html </p> <p> https://www.gesetze-im-internet.de/gbo/_6a.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/erbbauv/_1.html https://www.gesetze-im-internet.de/gnotkg/_43.html https://www.gesetze-im-internet.de/gnotkg/_49.html https://www.gesetze-im-internet.de/gnotkg/_52.html https://www.gesetze-im-internet.de/gnotkg/anlage_1.html </p>
Teaser	The heritable building right is the right, usually against payment of a so-called ground rent, to have a building that belongs to someone else.
Volltext	The heritable building right is the right, usually against payment of a so-called ground rent, to have a building that belongs to someone else. For this purpose, a heritable building right contract is concluded, in which an individual ground rent is determined for a limited term (usually a maximum of 99 years). The ground rent, which is usually payable annually, is generally subject to the free agreement of the parties. A heritable building right can be sold, inherited or

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loaned. Hereditary builders can be municipalities, churches, foundations or private individuals.

A heritable building right can also be ordered on several plots of land or several heritable building rights (total heritable building right). When ordering a heritable building right to one or more heritable building rights (so-called subheritable building right or total hereditary building right), the heritable building owner passes on his building authority. In principle, for the registration of these joint heritable building rights, the land concerned must

- in the same land registry district, and
- are located in the same cadastral district, and
- directly adjacent to each other.

This requirement may exceptionally be derogated from in the interests of economically viable arrangements if:

- the land to be encumbered is close to each other, and
- the object of the heritable building right is a uniform building or a building with associated ancillary facilities on the land to be encumbered ****or****
- the heritable building right is to be divided into residential or partial heritable building rights.

The entry in the land register takes place by creating the heritable building land register and entry of the heritable building right in the land registers or encumbering the existing heritable building right by registering the subhereditary building right by the competent land registry office.

Erforderliche Unterlagen

- Application in publicly certified form by the landowner or landowners or the person entitled to a hereditary building permit or the person entitled to the hereditary building rights, if the application also contains the registration permit ******, **or**** written application of the heritable building owner or

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the hereditary building rights when ordering a joint heritable building right to several plots of land or several heritable building rights or the subhereditary building rights when ordering a heritable building right to a heritable building right and ****also**** the registration approval of the landowner or the property owners or the upper hereditary building owner or the upper hereditary building rights in public certified form

- Clearance certificate from the tax office (further information can be obtained from the notary working in your case)
 - Proof of the agreement between the landowner and the hereditary building owner or the upper hereditary building owner and the subhereditary building owner in publicly certified form
- if applicable, a certified map of the Cadastral Office as proof that the properties are close to each other
- if applicable, prima facie evidence of the fact of the (completed or intended) construction of a single building or a building with associated ancillary facilities on the land or the fact of the intended division of the heritable building right into residential or partial heritable building rights (further information on this can be obtained from the notary working in your case)
 - if applicable, further evidence and approvals

Voraussetzungen

The entire heritable building right arises by agreement of the entitled person with the owner(s) of the land or .dem or the hereditary building rights and entry of a corresponding note in section II of the land register of the encumbered land. In addition, a heritable building land register is created.

For the establishment of subhereditary building rights, the agreement between the upper hereditary building rights and the subhereditary building rights as well as the entry in the land register of the upper hereditary building right is required. A heritable building land register is created for the sub-heritable building right.

For the registration of the universal or sub-hereditary

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building right, an application for registration must be made by you or the notary notary notary.

The registration of the heritable building right in the land register or in the heritable building land register and the creation of the heritable building land register take place if all necessary documents have been submitted in due form and there are no grounds for refusal.

For further information on this topic, please contact a notary.

Kosten

(as of November 2020)

minimum EUR 15 – maximum EUR 26,585 (with a maximum transaction value of EUR 60,000,000 and the charging of one fee):

For the new registration of a heritable building right, a full fee is charged by the land registry. Even in the case of a universal right, the fee is levied only once if the entry is made on the basis of a simultaneous application and the land register of the land is kept at the same land registry. The actual fee amount depends on the business value. To determine the goodwill, the amount of the ground rent capitalized under the Court and Notary Costs Act (GNotKG) is compared with the value of the developed property in the amount of 80 percent. The higher value is decisive.

With regard to the specific court costs to be expected in your case, you should consult the notary active in your case.

In addition to the costs for the activities of the land registry, costs under the GNotKG are also incurred for the activities of the notary. 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.

Verfahrensablauf

You must apply for registration at the Land Registry. As a rule, the notary who has certified or certified the

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documents required for registration initiates the registration.

- 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 inform the notary or you in writing and request the submission of the missing documents or the documents (to be certified or certified by a notary) in due form.
- If all the necessary documents are available, the responsible registrar will make the necessary entries by creating a heritable building land register, if necessary.
- 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

- Registration of a heritable building right to a heritable building right (subheritable building right) or to several plots of land or to several heritable building rights in the land register (so-called joint heritable building right)
- Creation of the heritable building land register (for the complete heritable building right or the subheritable building right) and entry in the land registers or the heritable building land registers is carried out by the land registry office
- all prerequisites must be met

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- 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 jurisdiction the property is located and the land register is kept

Ansprechpunkt

Competent is the land registry office of the district court, where the land register or (in the case of registration of a sub-heritable building right) the heritable building land register is kept. 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.
<https://www.justizadressen.nrw.de/og.php>
<https://www.justizadressen.nrw.de/og.php>

Zuständige Stelle

Formulare

Ursprungsportal

Register heritable building right on several plots of land or on heritable building rights, Erbbaurecht an mehreren Grundstücken oder an Erbbaurechten eintragen lassen