

99043014254000, 99043014254000

# Have apartment land register created

Heruntergeladen am 14.06.2025

<https://fimportal.de/xzufi-services/121341084/L100002>

Modul	Sachverhalt
Leistungsschlüssel	99043014254000, 99043014254000
Leistungsbezeichnung I	Have apartment land register created
Leistungsbezeichnung II	Have apartment land register created
Typisierung	2/3 - Bund: Regelung (2 oder 3), Land/Kommune: Vollzug
Quellredaktion	Nordrhein-Westfalen
Freigabestatus Katalog	fachlich freigegeben (gold)
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)

Modul	Sachverhalt
Einheitlicher Ansprechpartner	Nein
Fachlich freigegeben am	19.11.2020
Fachlich freigegeben durch	Ministry of Justice Mecklenburg-Western Pomerania
Handlungsgrundlage	<a href="https://www.gesetze-im-internet.de/woeigg/__7.html">https://www.gesetze-im-internet.de/woeigg/__7.html</a> <a href="https://www.gesetze-im-internet.de/woeigg/__8.html">https://www.gesetze-im-internet.de/woeigg/__8.html</a> <a href="https://www.gesetze-im-internet.de/woeigg/__2.html">https://www.gesetze-im-internet.de/woeigg/__2.html</a> <a href="https://www.gesetze-im-internet.de/woeigg/__3.html">https://www.gesetze-im-internet.de/woeigg/__3.html</a> <a href="https://www.gesetze-im-internet.de/woeigg/__4.html">https://www.gesetze-im-internet.de/woeigg/__4.html</a> <a href="https://www.gesetze-im-internet.de/gbo/__13.html">https://www.gesetze-im-internet.de/gbo/__13.html</a> <a href="https://www.gesetze-im-internet.de/gbo/__19.html">https://www.gesetze-im-internet.de/gbo/__19.html</a> <a href="https://www.gesetze-im-internet.de/gbo/__29.html">https://www.gesetze-im-internet.de/gbo/__29.html</a> <a href="https://www.gesetze-im-internet.de/gnotkg/anlage_1.html">https://www.gesetze-im-internet.de/gnotkg/anlage_1.html</a>
Teaser	Condominium ownership is the ownership of an apartment in conjunction with the co-ownership share in the common property.
Volltext	<p>Condominium ownership is the ownership (special ownership; also called room ownership) of an apartment in connection with the co-ownership share in the common property (land as well as the building, as far as they are not in the special ownership or in the ownership of a third party).</p> <p>If you want to establish condominium ownership, it must be entered in the land register. Apartment land registers are created for this purpose. Before this can take place, however, you must first create the conditions for condominium ownership. This can be done in two ways:</p> <ul style="list-style-type: none"> <li>• If you are a co-owner of a property, a notarized partition agreement of all co-owners according to § 3 WEG is required for this. In doing so, you agree with all co-owners and grant each other condominium ownership through division. Each of you then receives ownership (special ownership; also called room ownership) of a certain apartment in a building already constructed or still to be constructed on the property.</li> <li>• You can carry out a division in accordance with § 8</li> </ul>

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WEG by means of a notarised declaration if you are the sole owner of a property. With the declaration, which you submit to the land registry, you divide the ownership of the property (so-called declaration of division). In doing so, you link each share with the ownership (special ownership; also called room ownership) of an existing or future apartment. In addition, you also assign to each share a co-ownership share in the property determined as a fraction.

- The entry in the land register is made by creating the apartment land registers by the responsible land registry office. This means that a separate, special land register sheet is created for each condominium. This means that a condominium can be sold, encumbered with mortgages or other rights or inherited just like any other property. The previous land register sheet for the property is closed.

## Erforderliche Unterlagen

- written application for registration
  - Registration approval
  - Partition plan (construction drawing signed and sealed or stamped by the building authority showing the division of the building as well as the location and size of the parts of the building owned individually and in common)
  - Completeness certificate (certificate of the responsible building authority that the rooms in which condominium ownership is to be established are self-contained)
  - Possibly the clearance certificate from the tax office (you can obtain more information on this from the notary working in your case)
  - Notarised declaration of partition or notarised contract on the agreement of all co-owners.

## Voraussetzungen

In order to establish condominium ownership, an application for registration must be made by you or the certifying notary. The residential property registers are created when all the required documents have been submitted in the correct form and there are no obstacles to registration.

## Kosten

(as of November 2020)

min. EUR 15 - max. EUR 26,585 (with a maximum

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transaction value of EUR 60,000,000):

For the registration of the contractual granting of ownership of an apartment (§§ 3, 7 WEG) or for the creation of the apartment land registers in the case of § 8 WEG, a full fee is charged by the land registry. The specific amount of the fee depends on the business value. The business value is the value of the developed property. This also applies in the case of a building that has yet to be erected.

In addition to the costs for the work of the land registry, costs are also incurred for the work of the notary in accordance with the German Law on Court and Notarial Costs (Gerichts- und Notarkostengesetz, GNotKG). Please enquire about the amount of the notary's fees with the notary working in your case. You can also find information and examples of notarial costs on the website of the Federal Chamber of Notaries (for link see further information).

## Verfahrensablauf

You must apply for registration at the land registry. As a rule, the notary who notarised or certified the partition agreement or the declaration of partition will arrange for the registration.

- The documents required for registration are checked by the responsible legal officer at the land registry.
- If documents are not complete or not in the correct form, the responsible Rechtspfleger will inform the notary or you in writing and submit the documents to the Land Registry.

you in writing and request you to submit the documents that are still missing or the documents that are in the correct form (to be certified or notarised).

- Once all the necessary documents have been submitted, the responsible legal officer will create the partial ownership land registers. The following will be entered in these special land register pages

\- the fraction of the co-ownership share of the property

\- the property belonging to the co-ownership share

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	<p>(special property)</p> <ul style="list-style-type: none"> <li>• The notary submitting the application and you will be notified of the registration that has taken place with the registration notification.</li> <li>• The invoice from the land registry will be sent to you for payment of the costs.</li> </ul>
Bearbeitungsdauer	individually, depending on the encumbrance situation of the responsible land registry office as well as the point in time when all required documents are submitted to the land registry office in due form
Frist	
weiterführende Informationen	<a href="https://www.justizadressen.nrw.de/og.php">https://www.justizadressen.nrw.de/og.php</a> <a href="https://www.gesetze-im-internet.de/aktuell.html">https://www.gesetze-im-internet.de/aktuell.html</a> <a href="https://www.notar.de/themen/notarkosten">https://www.notar.de/themen/notarkosten</a>
Hinweise	
Rechtsbehelf	
Kurztext	<ul style="list-style-type: none"> <li>• Apartment land register creation</li> <li>• Creation is carried out by the land registry</li> <li>• All requirements must be met</li> <li>• all required documents must be submitted to the land registry in the correct form</li> <li>• There must be no obstacles to registration</li> <li>• Responsible: Land registry at the local court in whose area of jurisdiction the property is located.</li> </ul>
Ansprechpunkt	The land registry of the local court in whose jurisdiction the property is located is responsible. You can find the responsible land registry office in the address database of the Germany-wide location and court search on the North Rhine-Westphalia justice portal (for link see further information).
Zuständige Stelle	The land registry of the local court in whose jurisdiction the property is located is responsible. You can find the responsible land registry office in the address database of the Germany-wide location and court search on the North Rhine-Westphalia justice portal (for link see

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	further information).
Formulare	
Ursprungsportal	Wohnungsgrundbuch anlegen lassen, Have apartment land register created