

99043003062000, 99043003062000

# Register heritable building rights to several plots of land or to heritable building rights

Heruntergeladen am 08.06.2025

<https://fimportal.de/xzufi-services/392079209/L100008>

Modul	Sachverhalt
Leistungsschlüssel	99043003062000, 99043003062000
Leistungsbezeichnung I	Register heritable building rights to several plots of land or to heritable building rights
Leistungsbezeichnung II	
Typisierung	2/3 - Bund: Regelung (2 oder 3), Land/Kommune: Vollzug
Quellredaktion	Sachsen-Anhalt
Freigabestatus Katalog	unbestimmter Freigabestatus
Freigabestatus Bibliothek	unbestimmter Freigabestatus
Begriffe im Kontext	
Leistungstyp	Leistungsobjekt mit Verrichtung
Leistungsgruppierung	Grundbuch (043)
Verrichtungskennung	Berichtigung (062)
SDG-Informationsbereich	Kauf und Verkauf von Immobilien, einschließlich aller

Modul	Sachverhalt
	Bedingungen und Pflichten im Zusammenhang mit der Besteuerung, dem Eigentum oder der Nutzung von Immobilien (auch als Zweitwohnsitz)
Lagen Portalverbund	Hausbau und Immobilienerwerb (1050100), Kauf, Miete und Pacht (2050100)
Einheitlicher Ansprechpartner	Nein
Fachlich freigegeben am	23.11.2020
Fachlich freigegeben durch	Ministry of Justice Mecklenburg-Vorpommern
Handlungsgrundlage	<a href="https://www.gesetze-im-internet.de/gbo/_6a.html">https://www.gesetze-im-internet.de/gbo/_6a.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/erbbauv/_1.html">https://www.gesetze-im-internet.de/erbbauv/_1.html</a> <a href="https://www.gesetze-im-internet.de/gnotkg/_43.html">https://www.gesetze-im-internet.de/gnotkg/_43.html</a> <a href="https://www.gesetze-im-internet.de/gnotkg/_49.html">https://www.gesetze-im-internet.de/gnotkg/_49.html</a> <a href="https://www.gesetze-im-internet.de/gnotkg/_52.html">https://www.gesetze-im-internet.de/gnotkg/_52.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> <a href="https://www.gesetze-im-internet.de/gbo/_6a.html">https://www.gesetze-im-internet.de/gbo/_6a.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/erbbauv/_1.html">https://www.gesetze-im-internet.de/erbbauv/_1.html</a> <a href="https://www.gesetze-im-internet.de/gnotkg/_43.html">https://www.gesetze-im-internet.de/gnotkg/_43.html</a> <a href="https://www.gesetze-im-internet.de/gnotkg/_49.html">https://www.gesetze-im-internet.de/gnotkg/_49.html</a> <a href="https://www.gesetze-im-internet.de/gnotkg/_52.html">https://www.gesetze-im-internet.de/gnotkg/_52.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	The heritable building right is the right, usually against payment of a so-called heritable building interest, to erect a building on a property that belongs to someone else.
Volltext	The heritable building right is the right, usually against payment of a so-called heritable building interest, to erect a building on a property that belongs to someone else. For this purpose, a leasehold contract is concluded in which an individual leasehold interest is set for a limited term (usually a maximum of 99 years).

## Modul

## Sachverhalt

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 loaned. Heritable building providers can be municipalities, churches, foundations or even private individuals.

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

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

In the interests of economically reasonable arrangements, this requirement may exceptionally be derogated from if:

- the land to be encumbered is close to each other, and
- The subject matter 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 housing or partial building rights.

The entry in the land register is carried out by creating the heritable building land register and entering the heritable building right in the land registers or encumbering the existing heritable building right by registering the sub-building right by the competent land registry office.

## Erforderliche Unterlagen

- Application of the property owner or the property

## Modul

## Sachverhalt

owners or of the person entitled to build or the upper heir to the building in a publicly certified form, if the application also includes the registration permit contains **\*\*or\*\***

written application of the heritable building owner or the heritable building owner when ordering a total leasehold right on several plots of land or several heritable building rights or of the sub-heir to build or the sub-hereditary building rights when ordering a heritable building right to a heritable building right and **\*\*also\*\*** the registration permit of the property owner or the property owners or the upper heir to the building or the upper heir to the building in publicly certified form

- Clearance certificate from the tax office (further information on this can be obtained from the notary working in your case)

- Proof of agreement between the property owner and the heritable building owner or upper heir to the building and the person entitled to sub-inheritance building in a publicly certified form

- if necessary. certified map of the cadastral office as proof that the plots are close to each other

- if necessary. To substantiate the fact of the (completed or intended) construction of a uniform building or a building with associated ancillary facilities on the land or the fact of the intended division of the heritable building right into housing or partial building rights (further information on this can be obtained from the notary working in your case)

- if necessary. further evidence and approvals

## Voraussetzungen

The overall building right arises from the agreement of the entitled party with the owner(s) of the land or .dem or the heritable building owners 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 sub-inheritance building rights, it is necessary to reach an agreement between

## Modul

## Sachverhalt

those entitled to build upper and lower ground building as well as to be entered in the land register of the upper heir building right. A heritable building register is created for the sub-inheritance right.

For the registration of the whole or sub-inheritance right, an application for registration must be made by you or the 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)

at least EUR 15 – max. EUR 26,585 (with a maximum business value of EUR 60,000,000 and the levying of a fee):

For the new registration of a heritable building right, a full fee is charged by the land registry office. Even in the case of a collective right, the fee is only charged once if the registration is made on the basis of an application submitted at the same time and the land register on the land is kept at the same land registry office. The specific fee amount depends on the business value. For the determination of the business value, the amount of the ground rent capitalized in accordance with § 52 of 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 working in your case.

In addition to the costs for the activity of the land registry office, there are also costs for the activity of

## Modul

## Sachverhalt

the notary according to the GNotKG. Please ask the notary in your case for the amount of the notary's fees.dem from the notary working in your case. Information and examples of notary costs can also be found on the website of the Federal Chamber of Notaries (see link for further information).

## Verfahrensablauf

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

- The documents required for registration are checked by the competent judicial officer at the land registry office.
- If documents are not available in full or in due form, the responsible registrar will inform the notary or you in writing and request the submission of the missing documents or the formal (notarized or notarized) documents.
- If all the necessary documents are available, the responsible judicial officer will make the necessary entries, if necessary. by creating a heritable building land register.
- The registration will be made known to the notary submitting the application .dem to you with the registration notification.
- The invoice of the land registry office will be sent to you for payment of the costs.

## Bearbeitungsdauer

individually, depending on the encumbrance situation of the responsible land registry office as well as 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 (sub-inheritance building right) or to

## Modul

## Sachverhalt

several plots of land or to several heritable building rights in the land register (so-called gesamtrbbaurecht)

- Creation of the heritable building land register (for the total building right or the sub-inheritance building right) and making the entry in the land registers or the heritable building land registers is carried out by the land registry office

- all requirements must be met
- all necessary documents must be submitted to the Land Registry in due form

- Grounds for refusal must not exist
- responsible: Land registry office at the district court in whose jurisdiction the property is located and the land register is kept

## Ansprechpunkt

Contact the Land Registry.

## Zuständige Stelle

## Formulare

## Ursprungsportal

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