

99043003062000, 99043003062000

Registering heritable building rights to several properties or heritable building rights

Heruntergeladen am 08.06.2025

<https://fimportal.de/xzufi-services/215386329/L100038>

Modul	Sachverhalt
Leistungsschlüssel	99043003062000, 99043003062000
Leistungsbezeichnung I	Registering heritable building rights to several properties or heritable building rights
Leistungsbezeichnung II	Registering heritable building rights to several properties or heritable building rights
Typisierung	2/3 - Bund: Regelung (2 oder 3), Land/Kommune: Vollzug
Quellredaktion	Thüringen
Freigabestatus Katalog	unbestimmter Freigabestatus
Freigabestatus Bibliothek	fachlich freigegeben (silber)
Begriffe im Kontext	
Leistungstyp	Leistungsobjekt mit Verrichtung
Leistungsgruppierung	Grundbuch (043)
Verrichtungskennung	Berichtigung (062)

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SDG-Informationsbereich	Vorübergehender oder dauerhafter Umzug in einen anderen Mitgliedstaat
Lagen Portalverbund	Hausbau und Immobilienerwerb (1050100), Kauf, Miete und Pacht (2050100)
Einheitlicher Ansprechpartner	Nein
Fachlich freigegeben am	20.06.2024
Fachlich freigegeben durch	Thuringian Ministry for Migration, Justice and Consumer Protection
Handlungsgrundlage	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 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
Teaser	The heritable building right is the right to erect a building on land belonging to someone else, usually in return for payment of a so-called ground rent.
Volltext	The leasehold is the right to erect a building on land belonging to someone else, usually in return for payment of a so-called ground rent. A leasehold contract is concluded for this purpose, in which an individual ground rent is set for a limited term. The ground rent, which is usually payable annually, is generally subject to free agreement between the

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parties. A leasehold can be sold, inherited or mortgaged. Leaseholders can be local authorities, churches, foundations or private individuals.

A heritable building right can also be created on several properties or several heritable building rights (total heritable building right). When a heritable building right is created on one or more heritable building rights (known as a sub-heritable building right or total sub-heritable building right), the heritable building right holder passes on his building authorization. In principle, the properties concerned must be registered in the same land registry district for the

- in the same land registry district and
- in the same cadastral district and
- directly adjoin each other.

This requirement may be waived by way of exception in the interest of economically viable arrangements if

- the properties to be encumbered are 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 plots of land to be encumbered or
- the heritable building right is to be divided into residential or partial heritable building rights.

Entry in the land register is made by creating the heritable building right land register and entering the heritable building right in the land registers or encumbering the existing heritable building right by entering the sub-heritable building right by the competent land registry.

Erforderliche Unterlagen

- Application by the landowner or landowners or the senior hereditary building rights holder or the senior hereditary building rights holders in publicly notarized form, if the application also contains the registration

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permit or
 written application by the heritable building right owner or the heritable building right owners in the case of the creation of a total heritable building right to several properties or several heritable building rights or by the lower heritable building right owner or the lower heritable building right owners in the case of the creation of a heritable building right to a heritable building right and also the registration approval of the property owner or the property owners or the upper heritable building right owners or the upper heritable building right owners in a publicly certified form

- Clearance certificate from the tax office (you can obtain more information on this from the notary working on your case)
- Proof of the agreement between the property owner and the person entitled to the hereditary building rights or the person entitled to the upper hereditary building rights and the person entitled to the lower hereditary building rights in a publicly notarized form
 - If necessary, a certified map from the land registry office as proof that the plots are close to each other
 - If applicable, credible 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 (you can obtain more detailed information on this from the notary acting in your case)
 - If necessary, further evidence and approvals

Voraussetzungen

The overall heritable building right is created by agreement between the entitled party and the owner(s) of the land or the heritable building right(s) and entry of a corresponding note in Section II of the land register of the encumbered land. A hereditary building register is also created.

The establishment of sub-heritable building rights requires agreement between the upper heritable building right holder and the lower heritable building right holder as well as entry in the land register of the upper heritable building right. A hereditary building register is created for the sub-hereditary building right.

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An application for entry must be made by you or the notary recording the leasehold or sub-leasehold.

The heritable building right is entered in the land register or in the heritable building land register and the heritable building land register is created if all the necessary documents have been submitted in the correct form and there are no obstacles to entry.

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

Kosten

The fees are based on the transaction value.

The land registry charges a full fee for the new registration of a heritable building right. The fee is only charged once, even in the case of a joint right, if the entry is made on the basis of a simultaneous application and the land register for the properties is kept at the same land registry.

To determine the transaction value, the amount of the capitalized ground rent is compared with the value of the developed property at 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.

In addition to the costs for the work of the land registry, there are also costs for the work of the notary. Please ask the notary working on your case for the amount of the notary fees. Information and examples of notary fees can also be found on the website of the Federal Chamber of Notaries.

Verfahrensablauf

You must apply for the entry at the land registry. As a rule, the notary who has notarized or authenticated the documents required for the entry will arrange for the entry.

- The documents required for registration are checked by the responsible judicial officer at the land registry.
- If the documents are not complete or not in the

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correct form, the competent judicial officer will inform the notary or you in writing and request that you submit the missing documents or the documents that are in the correct form (to be notarized or authenticated).

- If all the required documents have been submitted, the competent judicial officer will make the necessary entries.
- The notary submitting the application and you will be notified of the completed entry with the registration notification.
- The invoice from 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 and the time at which all required documents are submitted to the land registry in the correct form

Frist
weiterführende Informationen

<https://www.justizadressen.nrw.de/og.php>
<https://www.gesetze-im-internet.de/aktuell.html>
<https://www.notar.de/themen/notarkosten>
<https://www.justizadressen.nrw.de/og.php>
<https://www.gesetze-im-internet.de/aktuell.html>
<https://www.notar.de/themen/notarkosten>

Hinweise
Rechtsbehelf
Kurztext

- Registration of a heritable building right to a heritable building right (sub-heritable building right) or to several properties or to several heritable building rights in the land register (so-called total heritable building right)
 - The land registry creates the heritable building right register (for the overall heritable building right or the sub-heritable building right) and makes the entry in the land registers or the heritable building right registers
 - all requirements must be met
 - all required documents must be submitted to the land registry in the correct form
 - There must be no obstacles to registration
 - Responsible: Land registry office at the local court in whose jurisdiction the property is located and the land

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	register is kept
Ansprechpunkt	The land registry office of the local court where the land register or (if a sub-heritable building right is registered) the hereditary building register is kept is responsible. You can find the responsible land registry office in the address database of the Germany-wide location and court search on the justice portal (see link for further information).
Zuständige Stelle	The land registry office of the local court where the land register or (if a sub-heritable building right is registered) the hereditary building register is kept is responsible. You can find the responsible land registry office in the address database of the Germany-wide location and court search on the justice portal (see link for further information).
Formulare	
Ursprungsportal	Erbbaurecht an mehreren Grundstücken oder an Erbbaurechten eintragen lassen, Registering heritable building rights to several properties or heritable building rights