

99012088261000, 99012088261000

# Building - Application for registration of a building encumbrance in the register of building encumbrances

Heruntergeladen am 21.05.2025

<https://fimportal.de/xzufi-services/354488/L100038>

| Modul                     | Sachverhalt                                                                                                |
|---------------------------|------------------------------------------------------------------------------------------------------------|
| Leistungsschlüssel        | 99012088261000, 99012088261000                                                                             |
| Leistungsbezeichnung I    | Building - Application for registration of a building encumbrance in the register of building encumbrances |
| Leistungsbezeichnung II   |                                                                                                            |
| Typisierung               | 4 - Land: Regelung                                                                                         |
| Quellredaktion            | Thüringen                                                                                                  |
| Freigabestatus Katalog    | unbestimmter Freigabestatus                                                                                |
| Freigabestatus Bibliothek | unbestimmter Freigabestatus                                                                                |
| Begriffe im Kontext       |                                                                                                            |
| Leistungstyp              | Leistungsobjekt mit Verrichtung                                                                            |
| Leistungsgruppierung      | Baurecht (012)                                                                                             |
| Verrichtungskennung       | Entgegennahme (261)                                                                                        |

| Modul                         | Sachverhalt                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                |
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| SDG-Informationsbereich       |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            |
| Lagen Portalverbund           | Hausbau und Immobilienerwerb (1050100),<br>Bauplanung (2050400)                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            |
| Einheitlicher Ansprechpartner | Nein                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       |
| Fachlich freigegeben am       | 09.08.2021                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 |
| Fachlich freigegeben durch    | Thuringian Ministry for Infrastructure and Agriculture                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     |
| Handlungsgrundlage            | <a href="https://landesrecht.thueringen.de/bsth/document/jlr-BauOTH2014pG18/format/xsl?oi=SADHh9cm9m&amp;sourceP=%7B%22source%22%3A%22TOC%22%7D&amp;docAcc=true">https://landesrecht.thueringen.de/bsth/document/jlr-BauOTH2014pG18/format/xsl?oi=SADHh9cm9m&amp;sourceP=%7B%22source%22%3A%22TOC%22%7D&amp;docAcc=true</a><br><a href="https://landesrecht.thueringen.de/bsth/document/jlr-BauOTH2014pG18/format/xsl?oi=SADHh9cm9m&amp;sourceP=%7B%22source%22%3A%22TOC%22%7D&amp;docAcc=true">https://landesrecht.thueringen.de/bsth/document/jlr-BauOTH2014pG18/format/xsl?oi=SADHh9cm9m&amp;sourceP=%7B%22source%22%3A%22TOC%22%7D&amp;docAcc=true</a>                                                                                                                                                                                 |
| Teaser                        | Construction encumbrances are declarations of obligation under public law by which the respective property owners undertake to do, tolerate or refrain from doing something on their property.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             |
| Volltext                      | <p>Construction encumbrances are declarations of obligation under public law by which the respective property owners undertake to do, tolerate or refrain from doing something on their property. The purpose of the obligation is to enable the beneficiary (developer), whose building project cannot be approved due to the given property situation, to build on or expand the use of his property by encumbering a neighboring property.</p> <p>Without prejudice to the rights of third parties, building encumbrances become effective upon entry in the register of building encumbrances and also have effect vis-à-vis legal successors.</p> <p>The building encumbrance shall cease to exist upon written waiver by the building supervisory authority. The waiver shall be declared if a public interest no longer exists.</p> |

| Modul                               | Sachverhalt                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        |
|-------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <b>Erforderliche Unterlagen</b>     | <p>\- written declaration</p> <p>\- publicly notarized signature (can also be provided at the building supervisory authority)</p> <p>\- extract from the land register</p> <p>\- [Excerpt from real estate map (cadastral map)](<a href="https://th.zfinder.de/detail?searchtext=Auszug%20aus%20der%20Liegenschaftskarte&amp;infotype=0&amp;area=Erfurt%20(990...\)&amp;areald=351527&amp;pstId=729511&amp;ags=16051000#result">https://th.zfinder.de/detail?searchtext=Auszug%20aus%20der%20Liegenschaftskarte&amp;infotype=0&amp;area=Erfurt%20(990...\)&amp;areald=351527&amp;pstId=729511&amp;ags=16051000#result</a>)</p> <p>\- site plan</p> |
| <b>Voraussetzungen</b>              | Public interest in the construction load                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           |
| <b>Kosten</b>                       | The registration of a building charge is subject to a fee from 50 to 1000 €.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       |
| <b>Verfahrensablauf</b>             |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    |
| <b>Bearbeitungsdauer</b>            |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    |
| <b>Frist</b>                        | none However, the registration of a building encumbrance is a prerequisite for the issuance of a building permit, which requires a security under public law.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      |
| <b>weiterführende Informationen</b> |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    |
| <b>Hinweise</b>                     | The construction easement does not replace any additional civil law security that may be required (e.g. right of way and pipeline as an easement).                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 |
| <b>Rechtsbehelf</b>                 | none                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               |
| <b>Kurztext</b>                     | <p>Registration of a building encumbrance,</p> <p>Building encumbrances are declarations of obligation under public law,</p> <p>resulting building encumbrance register is updated</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                             |
| <b>Ansprechpunkt</b>                | The register of building encumbrances is kept by the                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               |

| Modul             | Sachverhalt                                                                                                                                                                         |
|-------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
|                   | lower building supervisory authority (district or city with no district or large city belonging to a district).                                                                     |
| Zuständige Stelle |                                                                                                                                                                                     |
| Formulare         | Contact the lower building supervisory authority.<br><br>Some authorities provide application forms on their websites or use an online service.                                     |
| Ursprungsportal   | Building - Application for registration of a building encumbrance in the register of building encumbrances, Bauen - Antrag auf Eintragung einer Baulast in das Baulastenverzeichnis |