

99043003062000, 99043003062000

# Registering heritable building rights to several properties or heritable building rights

Heruntergeladen am 08.06.2025

<https://fimportal.de/xzufi-services/233486583/L100039>

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	Rheinland-Pfalz
Freigabestatus Katalog	fachlich freigegeben (gold)
Freigabestatus Bibliothek	fachlich freigegeben (silber)
Begriffe im Kontext	
Leistungstyp	Leistungsobjekt mit Verrichtung
Leistungsgruppierung	Grundbuch (043)
Verrichtungskennung	Berichtigung (062)

Modul	Sachverhalt
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	23.11.2020
Fachlich freigegeben durch	Ministry of Justice Mecklenburg-Western Pomerania
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 to erect a building on land belonging to someone else, usually in return for payment of a so-called ground rent.
Volltext	A 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. A leasehold contract is concluded for this purpose, in which an individual ground rent is set for a limited term (usually a maximum of 99 years). The ground rent, which is usually payable annually, is generally subject to free agreement between the parties. A leasehold can be

## Modul

## Sachverhalt

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 properties 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 by the senior landowner or senior landowners in officially certified form, if the application also contains the registration permit **\*\*or\*\***

## Modul

## Sachverhalt

written application by the person entitled to leasehold or the hereditary building right holders in the case of the creation of a total hereditary building right to several properties or several hereditary building rights or the lower hereditary building right holder or the lower hereditary building right holders in the case of the creation of a hereditary building right to a hereditary building right and **\*\*also\*\*** the registration approval of the property owner or property owners or the upper hereditary building right holder or the upper hereditary building right holders in publicly notarized 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 publicly notarized form
- If applicable, a certified map from the land registry office as proof that the properties 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 working on 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

## Modul

## Sachverhalt

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.

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

(as of November 2020)

min. EUR 15 - max. EUR 26,585 (with a maximum transaction value of EUR 60,000,000 and the charging of one fee):

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 office. The specific amount of the fee depends on the value of the transaction. To determine the transaction value, the amount of the capitalized ground rent in accordance with Section 52 of the German Court and Notary Fees Act (GNotKG) 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 ask the notary working on your case.

In addition to the costs for the work of the land registry, there are also costs for the work of the notary in accordance with the GNotKG. Please ask the notary

Modul	Sachverhalt
	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 (link see further information).
Verfahrensablauf	<p>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.</p> <ul style="list-style-type: none"> <li>• The documents required for registration are checked by the responsible judicial officer at the land registry.</li> <li>• If the documents are not complete or in the correct form, the competent judicial officer will inform the notary or you in writing and request the submission of the missing documents or the documents in the correct form (to be notarized or authenticated).</li> <li>• Once all the necessary documents have been submitted, the responsible judicial officer will make the necessary entries, if necessary by creating a land register.</li> <li>• The notary submitting the application and you will be notified of the completed entry 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 and the time at which all required documents are submitted to the land registry in the correct form
Frist	
weiterführende Informationen	
Hinweise	
Rechtsbehelf	
Kurztext	<ul style="list-style-type: none"> <li>• 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)</li> </ul>

## Modul

## Sachverhalt

- 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 register is kept

## Ansprechpunkt

## Zuständige Stelle

## Formulare

## Ursprungsportal

Erbbaurecht an mehreren Grundstücken oder an Erbbaurechten eintragen lassen, Registering heritable building rights to several properties or heritable building rights