

99123026022000, 99123026022000

Certificate of non-affectedness according to §1026 BGB - division of the servient property

Heruntergeladen am 27.06.2025

<https://fimportal.de/xzufi-services/449707705/L100040>

Modul	Sachverhalt
Leistungsschlüssel	99123026022000, 99123026022000
Leistungsbezeichnung I	Certificate of non-affectedness according to §1026 BGB - division of the servient property
Leistungsbezeichnung II	
Typisierung	3 - Bundesaufsichtsverwaltung: Regelung
Quellredaktion	Niedersachsen
Freigabestatus Katalog	unbestimmter Freigabestatus
Freigabestatus Bibliothek	unbestimmter Freigabestatus
Begriffe im Kontext	
Leistungstyp	Leistungsobjekt mit Verrichtung
Leistungsgruppierung	Vermessung und Kataster (123)
Verrichtungskennung	Bescheinigung (022)
SDG-Informationsbereich	

Modul	Sachverhalt
Lagen Portalverbund	Hausbau und Immobilienerwerb (1050100)
Einheitlicher Ansprechpartner	Nein
Fachlich freigegeben am	01.09.2023
Fachlich freigegeben durch	Lower Saxony Ministry of the Interior and Sport, Division 44
Handlungsgrundlage	https://www.gesetze-im-internet.de/bgb/_1026.html https://voris.wolterskluwer-online.de/browse/document/cite/b99f3c51-d550-3a94-9f24-ed61e1dbe9c4 https://www.gesetze-im-internet.de/bgb/_1026.html https://voris.wolterskluwer-online.de/browse/document/cite/b99f3c51-d550-3a94-9f24-ed61e1dbe9c4
Teaser	If there is a localized right on a property (e.g. right of way) and this property is divided, it can be certified that this right only applies to certain partial areas, while other areas of the property are not encumbered.
Volltext	A property that is divided into two or more parts can be exempted from the easement under certain conditions. If the easement is only limited to a certain area according to the land register, the parts of the property that lie outside this area are not affected by the easement. The land registry office will issue a certificate for this. It is not always clear to the land registry or a notary which parts of the property are affected or not affected by easements, as the authorizations often refer to historical parcel designations. The land registry office can use its documents to determine which current parcels are affected by the easement. With a certificate (certificate of non-affectedness) issued as a result, the land registry can write off the unaffected part of the property free of encumbrances. The application of § 1026 BGB is limited exclusively to easements (i.e. rights in section II of a land register), not to rights registered in section III (no liens such as mortgages or land charges)
Erforderliche Unterlagen	• Designation of the parcel of land concerned by means

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	of the official postal address or cadastral designation with district, parcel and parcel number to which the certificate is to relate • Designation of the right in the land register to which the certificate is to refer • Current extract from the land register (if available) • Copy of the authorization document with which the easement was agreed (if available)
Voraussetzungen	Eligible applicants are: • Notaries and notaries public, • owners and purchasers, • as well as purchasers.
Kosten	The certificate of non-affectedness is subject to a fee. The fee is based on the cost regulations for official surveying(KOVerm). The amount of the costs is essentially based on the time spent(§ 4KOVerm: Billing according to time spent).
Verfahrensablauf	The aim of the procedure is to clarify which new parcels are actually affected by a land register right (section II of the land register) after a division. If a parcel of land is outside the area of the encumbrance, the deletion of the right or the unencumbered write-off can be applied for at the land registry with the certificate then issued: • The application determines the current parcel to be examined on the one hand and the affected right in the land register on the other. • The registration permit and the cadastral documents are used to determine which current parcels are affected by the right. • The applicant is informed in writing of whether or not the right is affected in a certificate from the land registry office. • If the right is not affected, the applicant can use the certificate from the land registry office to apply to the relevant land registry office for the deletion of the right on the investigated parcel of land or for unencumbered depreciation. • Otherwise, the affected parties must work towards obtaining a deletion permit or release from liability

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	from the person to whom the right is assigned.
Bearbeitungsdauer	1 - 6 Woche(n) The processing time is an approximate value. If further documents have to be requested from the land registry, the processing time may be longer.
Frist	None
weiterführende Informationen	
Hinweise	https://www.lgln.niedersachsen.de/startseite/vermessung_kataster/auskunfte_auszuge/nichtbetroffenheitsbescheinigungen_nach_1026_bgb/nichtbetroffenheitsbescheinigung-nach-1026-bgb-146639.html https://www.lgln.niedersachsen.de/startseite/vermessung_kataster/auskunfte_auszuge/nichtbetroffenheitsbescheinigungen_nach_1026_bgb/nichtbetroffenheitsbescheinigung-nach-1026-bgb-146639.html
Rechtsbehelf	No legal remedy (as no administrative act).
Kurztext	
Ansprechpunkt	
Zuständige Stelle	The extracts are provided by the cadastral offices of the State Office for Geoinformation and Land Surveying of Lower Saxony (LGLN). https://www.lgln.niedersachsen.de/startseite/wir_uber_uns_organisation/organisation_amp_kontakt/so_finden_sie_uns/zustaendigkeitsbereiche-der-katasterae-mter-50439.html https://www.lgln.niedersachsen.de/startseite/wir_uber_uns_organisation/organisation_amp_kontakt/so_finden_sie_uns/zustaendigkeitsbereiche-der-katasterae-mter-50439.html
Formulare	Forms available: No Written form required: No Informal application possible: Yes Personal appearance necessary: No

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	Online service available: Yes Online service:Apply for a certificate of non-affectedness
Ursprungsportal	Certificate of non-affectedness according to §1026 BGB - division of the servient property, Nichtbetroffenheitsbescheinigung nach §1026 BGB - Teilung des dienenden Grundstücks