

99043003062000, 99043003062000

Registering heritable building rights to several properties or heritable building rights

Heruntergeladen am 08.06.2025

<https://fimportal.de/xzufi-services/109438917/L100041>

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	Brandenburg
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	Kauf, Miete und Pacht (2050100), Hausbau und Immobilienerwerb (1050100)
Einheitlicher Ansprechpartner	Nein
Fachlich freigegeben am	23.11.2020
Fachlich freigegeben durch	Ministry of Justice Mecklenburg-Western Pomerania
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
Teaser	The hereditary building right is the right, usually against payment of a so-called ground rent, to erect a building on a plot of land that belongs to someone else.
Volltext	<p>The heritable building right is the right to erect a building on a plot of land that belongs to someone else, usually against payment of a so-called ground rent. For this purpose, a ground lease contract is concluded in which an individual ground rent is fixed for a limited term (usually a maximum of 99 years). 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 mortgaged. The ground lease can be granted by municipalities, churches, foundations or private individuals.</p> <p>A hereditary building right can also be granted to several properties or several hereditary building rights (overall hereditary building right). When a heritable building right is created for one or more heritable</p>

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building rights (so-called sub-heritable building right or also total sub-heritable building right), the owner of the heritable building right passes on his authority to build on the land. In principle, for the registration of these joint hereditary building rights the properties concerned must be

- in the same land registry district and
- in the same cadastral office district and must
- be directly adjacent to each other.

In the interest of economically sensible arrangements, this requirement may be deviated from in exceptional cases if

- the properties to be encumbered are close to each other and
- the subject of the heritable building right is a uniform building or a building with associated ancillary installations on the plots of land to be encumbered or
- the heritable building right is to be divided into apartment or partial heritable building rights.

Entry in the land register is effected by creation of the hereditary building land register and entry of the hereditary building right in the land registers or encumbrance of the existing hereditary building right by entry of the sub-hereditary building right by the competent land registry.

Erforderliche Unterlagen

- Application by the owner(s) of the land or by the holder(s) of the right of superficies in publicly certified form, if the application also includes the registration authorisation contains ****or**** written application by the heritable building right holder(s) in the case of the creation of an overall heritable building right to several properties or several heritable building rights or by the sub-heritable building right holder(s) in the case of the creation of a heritable building right to one heritable building right and ******, in addition, ****** the registration consent of the

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property owner(s) or the senior heritable building right holder(s) in publicly certified form

- clearance certificate from the tax office (more detailed information on this can be obtained from the notary working in your case)
- Proof of the agreement between the property owner and the hereditary building right holder or the superior hereditary building right holder and the subordinate hereditary building right holder in publicly certified form
- If applicable, a certified map from the land registry office as proof that the plots of land are close to each other.
- If applicable, credible evidence of the fact of the (completed or intended) erection of a uniform building or a building with associated ancillary facilities on the plots of land or the fact of the intended division of the heritable building right into residential or partial heritable building rights (more detailed information on this can be obtained from the notary working in your case).
- If necessary, further proofs and approvals

Voraussetzungen

The heritable building right is created by agreement of the beneficiary with the owner(s) of the land or the heritable building beneficiary(ies) and entry of a corresponding note to this effect in Section II of the land register of the encumbered land. In addition, a heritable building land register is created.

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

For the registration of the joint or sub-heritable building right, an application for registration must be made by you or the certifying notary.

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The registration of the hereditary building right in the land register or in the hereditary building land register and the creation of the hereditary building land register take place when all the required documents have been submitted in the correct form and there are no obstacles to registration.

For further information on this subject, 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):

For the new registration of a heritable building right, a full fee is charged on the part of the land registry. Even in the case of an overall 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 for the plots of land is kept at the same land registry. The specific amount of the fee depends on the value of the transaction. In order to determine the business value, the amount of the ground rent capitalised in accordance with § 52 of the German Law on Court and Notarial Costs (Gerichts- und Notarkostengesetz - GNotKG) is compared with the value of the developed plot of land in the amount of 80 per cent. The higher value is decisive.

With regard to the specific court costs to be expected in your case, you should ask the notary working in your case.

In addition to the costs for the work of the land registry, costs are also incurred for the work of the notary in accordance with the GNotKG. Please enquire about the amount of the notary's fees with the notary working in your case. You can also find information and examples of notarial costs on the website of the Federal Chamber of Notaries (link see further information).

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Verfahrensablauf

You must apply for registration at the land registry. As a rule, the notary who has certified or notarised the documents required for registration will arrange for the registration.

- The documents required for registration are checked by the responsible legal officer at the land registry.
- If documents are not complete or in the correct form, the competent Rechtspfleger will inform the notary or you of this in writing and request that the missing documents or the documents in the correct form (to be certified or notarised) be submitted.
- If all the necessary documents have been submitted, the responsible Rechtspfleger (legal officer) will make the necessary entries, if necessary by creating a hereditary building land register.
- The notary submitting the application and you will be notified of the entry made with the notification of entry.
- 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 office as well as the point in time when all required documents are submitted to the land registry office in due 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>

Hinweise

Rechtsbehelf

Kurztext

- Registration of a heritable building right to one heritable building right (sub-heritable building right) or to several land plots or to several heritable building rights in the land register (so-called joint heritable building right)
- The land registry creates the hereditary building land register (for the joint hereditary building right or the sub-hereditary building right) and makes the entry

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in the land registers or the hereditary building land 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 area of jurisdiction the property is located and in which the land register is kept.

Ansprechpunkt

Zuständige Stelle

The land registry of the district court in whose jurisdiction the property is located is responsible.
<https://ordentliche-gerichtsbarkeit.brandenburg.de/ogb/de/>
<https://ordentliche-gerichtsbarkeit.brandenburg.de/ogb/de/>

Formulare

Ursprungsportal

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