

99043015254000, 99043015254000

Have a partial ownership land register created

Heruntergeladen am 08.07.2025

<https://fimportal.de/xzufi-services/109438949/L100041>

Modul	Sachverhalt
Leistungsschlüssel	99043015254000, 99043015254000
Leistungsbezeichnung I	Have a partial ownership land register created
Leistungsbezeichnung II	Have a partial ownership land register created
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	Anlegung (254)
SDG-Informationsbereich	Vorübergehender oder dauerhafter Umzug in einen anderen Mitgliedstaat
Lagen Portalverbund	Kauf, Miete und Pacht (2050100), Hausbau und Immobilienerwerb (1050100)

Modul	Sachverhalt
Einheitlicher Ansprechpartner	Nein
Fachlich freigegeben am	19.11.2020
Fachlich freigegeben durch	Ministry of Justice Mecklenburg-Western Pomerania
Handlungsgrundlage	https://www.gesetze-im-internet.de/woeigg/_1.html https://www.gesetze-im-internet.de/woeigg/_3.html https://www.gesetze-im-internet.de/woeigg/_4.html https://www.gesetze-im-internet.de/woeigg/_8.html https://www.gesetze-im-internet.de/woeigg/_7.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/gnotkg/anlage_1.html
Teaser	Partial ownership is the ownership of non-residential rooms in a building in connection with the co-ownership share in the common property.
Volltext	<p>Partial ownership is the ownership (separate ownership; also called room ownership) of rooms in a building that are not used for residential purposes in connection with the co-ownership share in the common property (land as well as the building, insofar as they are not separate ownership or owned by a third party). Rooms not used for residential purposes are, for example, shops, doctors' surgeries or cafés. If you want to establish part ownership, it must be entered in the land register. Partial ownership land registers are created for this purpose. Before this can take place, however, you must first create the conditions for part ownership. This can be done in two ways:</p> <ul style="list-style-type: none"> • If you are a co-owner of a property, a notarised partition agreement of all co-owners is required for this in accordance with § 3 WEG. In doing so, you agree with all co-owners and grant each other partial ownership through division. Each of you then receives ownership (part ownership, special ownership; also called room ownership) of rooms not used for residential purposes in a building already erected or

Modul

Sachverhalt

still to be erected on the property.

- You can carry out a division in accordance with § 8 WEG by means of a notarised declaration if you are the sole owner of a property. With the declaration, which you submit to the land registry, you divide the ownership of the property (so-called declaration of division). In doing so, you link each share with the ownership (separate ownership; also called room ownership) of existing or future rooms that are not used for residential purposes. In addition, you also assign to each share a co-ownership share in the property determined as a fraction.

- The entry in the land register is made by creating the partial ownership land registers by the responsible land registry office. This means that a separate, special land register page is created for each space unit. This means that a part-ownership unit can be sold, encumbered with mortgages or other rights, or inherited just like any other property. The previous land register page for the property is closed.

Erforderliche Unterlagen

- written application for registration
- Registration approval
- Partition plan (construction drawing signed and sealed or stamped by the building authority showing the division of the building as well as the location and size of the parts of the building owned individually and in common)
- Completeness certificate (certificate of the responsible building authority that the rooms in which condominium ownership is to be established are self-contained)
- Possibly the clearance certificate from the tax office (you can obtain more information on this from the notary working in your case)
- Notarised declaration of partition or notarised contract on the agreement of all co-owners.

Voraussetzungen

For the establishment of partial ownership, an application for registration must be made by you or the certifying notary. The partial ownership land registers are created when all the required documents have been submitted in the correct form and there are no obstacles to registration..

Modul

Sachverhalt

Kosten

(as of November 2020)

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

A full fee is charged by the land registry for the registration of the contractual granting of ownership of rooms not used for residential purposes (Sections 3, 7 WEG) or for the creation of part-ownership land registers in the case of Section 8 WEG. The specific amount of the fee depends on the business value. The business value is the value of the developed property. This also applies in the case of a building that has yet to be erected.

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 German Law on Court and Notarial Costs (Gerichts- und Notarkostengesetz, 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 (for link see further information).

Verfahrensablauf

You must apply for registration at the land registry. As a rule, the notary who notarised or certified the partition agreement or the declaration of partition 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 not in the correct form, the responsible Rechtspfleger will inform the notary or you in writing and submit the documents to the Land Registry. you in writing and request you to submit the documents that are still missing or the documents that are in the correct form (to be certified or notarised).
- Once all the necessary documents have been submitted, the responsible legal officer will create the partial ownership land registers. The following will be entered in these special land register pages - the fraction of the co-ownership share of the property - the property belonging to the co-ownership share (special

Modul	Sachverhalt
	<p>property)</p> <ul style="list-style-type: none"> • The notary submitting the application and you will be notified of the registration that has taken place 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 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	<ul style="list-style-type: none"> • Partial ownership land register creation • Creation is carried out by the land registry • 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 at the local court in whose area of jurisdiction the property is located.
Ansprechpunkt	
Zuständige Stelle	<p>The land registry of the district court in whose jurisdiction the property is located is responsible.</p> <p>https://ordentliche-gerichtsbarkeit.brandenburg.de/ogb/de/</p> <p>https://ordentliche-gerichtsbarkeit.brandenburg.de/ogb/de/</p>
Formulare	
Ursprungsportal	Teileigentumsgrundbuch anlegen lassen, Have a partial ownership land register created