

99043016060000, 99043016060000

Registering a compulsory mortgage

Heruntergeladen am 06.06.2025

<https://fimportal.de/xzufi-services/369787683/L100001>

Modul	Sachverhalt
Leistungsschlüssel	99043016060000, 99043016060000
Leistungsbezeichnung I	Registering a compulsory mortgage
Leistungsbezeichnung II	
Typisierung	2/3 - Bund: Regelung (2 oder 3), Land/Kommune: Vollzug
Quellredaktion	Hessen
Freigabestatus Katalog	unbestimmter Freigabestatus
Freigabestatus Bibliothek	fachlich freigegeben (silber)
Begriffe im Kontext	
Leistungstyp	Leistungsobjekt mit Verrichtung
Leistungsgruppierung	Grundbuch (043)
Verrichtungskennung	Eintragung (060)
SDG-Informationsbereich	Vorübergehender oder dauerhafter Umzug in einen anderen Mitgliedstaat
Lagen Portalverbund	Hausbau und Immobilienerwerb (1050100), Kauf, Miete und Pacht (2050100)
Einheitlicher	

Modul	Sachverhalt
Ansprechpartner	Nein
Fachlich freigegeben am	05.01.2022
Fachlich freigegeben durch	Hessian Ministry of Justice
Handlungsgrundlage	https://www.gesetze-im-internet.de/zpo/_720a.html https://www.gesetze-im-internet.de/zpo/_724.html https://www.gesetze-im-internet.de/zpo/_725.html https://www.gesetze-im-internet.de/zpo/_750.html https://www.gesetze-im-internet.de/zpo/_751.html https://www.gesetze-im-internet.de/zpo/_765.html https://www.gesetze-im-internet.de/zpo/_866.html https://www.gesetze-im-internet.de/zpo/_867.html https://www.gesetze-im-internet.de/gbo/_39.html https://www.gesetze-im-internet.de/gbo/_47.html https://www.gesetze-im-internet.de/gbo/_13.html https://www.gesetze-im-internet.de/gnotkg/_34.html https://www.gesetze-im-internet.de/gnotkg/anlage_1.html https://www.gesetze-im-internet.de/gnotkg/anlage_2.html https://www.gesetze-im-internet.de/bgb/_428.html https://www.gesetze-im-internet.de/zpo/_720a.html https://www.gesetze-im-internet.de/zpo/_724.html https://www.gesetze-im-internet.de/zpo/_725.html https://www.gesetze-im-internet.de/zpo/_750.html https://www.gesetze-im-internet.de/zpo/_751.html https://www.gesetze-im-internet.de/zpo/_765.html https://www.gesetze-im-internet.de/zpo/_866.html https://www.gesetze-im-internet.de/zpo/_867.html https://www.gesetze-im-internet.de/gbo/_39.html https://www.gesetze-im-internet.de/gbo/_47.html https://www.gesetze-im-internet.de/gbo/_13.html https://www.gesetze-im-internet.de/gnotkg/_34.html https://www.gesetze-im-internet.de/gnotkg/anlage_1.html https://www.gesetze-im-internet.de/gnotkg/anlage_2.html https://www.gesetze-im-internet.de/bgb/_428.html
Teaser	If you have a pecuniary claim from a judgment or other enforceable title, you can also enforce the debtor's property (e.g. property).

Modul	Sachverhalt
Volltext	If you have a pecuniary claim from a judgment or other enforceable title, you can also enforce the debtor's property (e.g. property). To do this, you must first apply for registration of a compulsory security mortgage. If it comes to a foreclosure, you secure a ranking position for your claim against other entitled parties.
Erforderliche Unterlagen	**Written request** Your application must contain the following information: • Land name (land register or location designation) • Personal details (name, address or company name and registered office, date of birth) • in the case of several creditors, the joint relationship (for example, in fractions of 1/2 or joint creditors according to the Civil Code). • Details of the debtor (name, address or company name and registered office) **Executory title** Attach to the application: • the enforceable copy or the enforcement order in the original • a simple or certified copy of the title is not sufficient The documents will be returned to you after registration. **Statement of receivables** Please draw up a list of all claims you wish to make. The list must also include payments already made by the debtor. For any interest, you must specify the amount of interest and the start of interest. The interest cannot be calculated. If you claim enforcement costs, you must submit the supporting documents.

Modul

Sachverhalt

Voraussetzungen

****Application****

The compulsory security mortgage is registered only on application.

****Minimum amount of the claim****

over 750,00 EUR

Enforcement may result from several enforcement titles, for example from a judgment and an order on the determination of costs. Enforcement costs incurred so far can be added.

****Pre-registration****

The debtor must be registered in the land register as a (co-)owner.

****Executory title****

This refers to a court decision (e.g. judgments, orders, enforcement orders) or a declaration that has an enforceable content (for example, settlements and notarial deeds).

****Enforcement clause****

The enforcement clause is a text required by law on the enforceable title and reads, for example: "The above copy shall be given to the plaintiff for the purpose of enforcement." As a rule, this text may only be affixed by the body that issued the enforceable title, i.e. in most cases the court (so-called enforceable copy). Enforcement orders do not require such a clause.

****Delivery****

The enforceable title must be served on the debtor before enforcement begins.

Note: Many judgments and orders must be served by the court without application. The enforcement clause therefore also certifies service. You must instruct the

Modul	Sachverhalt
	service of other enforcement titles yourself. To do so, please contact the distribution office for bailiff orders of the competent local court at the debtor's place of residence. **Maturity** In individual cases (for example, in the case of decisions on the determination of costs and notarial deeds), you may not commence enforcement until two weeks have passed since service on the debtor. **No further grounds for enforcement** For example, no note about the opening of insolvency proceedings may be entered in the land register.
Kosten	Full fee from the right to be registered, i.e. the total claim asserted. The amount of the fee results from the Court and Notary Costs Act.
Verfahrensablauf	The registration takes place within the framework of the enforcement proceedings and thus - also - against the will of the debtor.
Bearbeitungsdauer	
Frist	
weiterführende Informationen	
Hinweise	
Rechtsbehelf	
Kurztext	• If you have a pecuniary claim from a judgment or other enforceable title, you can also enforce the debtor's property (e.g. property). To do this, you must first apply for registration of a compulsory security mortgage. If it comes to a foreclosure, you secure a ranking position for your claim against other entitled parties. • Jurisdiction: Land registry office of the district court where the land register for the debtor's property is kept

Modul	Sachverhalt
Ansprechpunkt	Land registry office of the district court where the land register for the debtor's property is kept
Zuständige Stelle	
Formulare	
Ursprungsportal	Eintragen einer Zwangshypothek, Registering a compulsory mortgage