

99043016060000, 99043016060000

registration of a forced mortgage

Heruntergeladen am 06.06.2025

<https://fimportal.de/xzufi-services/121341090/L100002>

Modul	Sachverhalt
Leistungsschlüssel	99043016060000, 99043016060000
Leistungsbezeichnung I	registration of a forced mortgage
Leistungsbezeichnung II	registration of a forced mortgage
Typisierung	2/3 - Bund: Regelung (2 oder 3), Land/Kommune: Vollzug
Quellredaktion	Nordrhein-Westfalen
Freigabestatus Katalog	fachlich freigegeben (gold)
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	

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Ansprechpartner	Nein
Fachlich freigegeben am	16.11.2020
Fachlich freigegeben durch	Ministry of Justice Mecklenburg-Western Pomerania
Handlungsgrundlage	https://www.gesetze-im-internet.de/zpo/_867.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/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 monetary claim from a judgment or other enforceable title, you can also enforce against the debtor's or the debtor's property (e.g. real estate).
Volltext	If you have a monetary claim from a judgment or another enforceable title, you can also enforce against the property (e.g. land) of the debtor. To do this, you must first apply for the registration of a forced sale mortgage. If a compulsory auction takes place, this will secure a ranking for your claim against other entitled parties.
Erforderliche Unterlagen	**Written application** Your application must contain the following information: • Property designation (land register or location designation) • personal details (name, address or company and registered office, date of birth) • In the case of several creditors, the joint relationship

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(e.g. in fractions of 1/2 or joint and several creditors in accordance with § 428 of the German Civil Code).

- Details of the debtor (name, address or company name and registered office)

****Enforcement order****

Attach to the application

- the original enforceable copy or writ of execution
- a simple or certified copy of the title is not sufficient

The documents will be returned to you after registration.

****List of claims****

Please draw up a list of all the claims you wish to assert. The list must also include payments already made by the debtor. For any interest, you must indicate the amount of interest and the start date of interest. You do not have to calculate the interest. If you are claiming enforcement costs, you must submit supporting documents.

Voraussetzungen

****Application****

The forced security mortgage is only registered upon application.

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

over EUR 750.09.

The enforcement can arise from several enforcement titles, e.g. from a judgment and a cost determination order. Enforcement costs incurred to date can be added.

****Pre-registration****

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The debtor must be entered in the land register as owner or co-owner.

****Enforcement order****

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

****Enforcement clause****

The enforcement clause is a legally prescribed text on the enforcement order and reads, for example: "The foregoing copy is granted to the plaintiff for the purpose of enforcement." As a general rule, only the body that issued the writ of execution may affix this text, which in most cases is the court (known as an executory writ). Enforcement orders do not require such a clause.

****Service****

The enforcement order must be served on the debtor before enforcement begins.
Note: Many judgments and orders must be served by the court without an application. The enforcement order therefore also certifies service. You must arrange for the service of other enforcement orders yourself. To do this, contact the distribution office for bailiff orders of the competent local court at the debtor's place of residence.

****Due date****

In individual cases (e.g. in the case of cost assessment orders and notarial deeds) you may not commence enforcement until two weeks have passed since service on the debtor.

****No further obstacles to enforcement****

For example, there must be no entry in the land register regarding the opening of insolvency

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	proceedings.
Kosten	Full fee from the right to be registered, i.e. the total claim asserted. The amount of the fee results from § 34 GNotKG (Table B) and the corresponding Annex 2.
Verfahrensablauf	The entry is made as part of the enforcement proceedings and thus - also - against the will of the debtor.
Bearbeitungsdauer	
Frist	
weiterführende Informationen	
Hinweise	
Rechtsbehelf	
Kurztext	registration of a forced mortgage
Ansprechpunkt	
Zuständige Stelle	Land registry office of the local court where the land register for the debtor's property is kept
Formulare	
Ursprungsportal	registration of a forced mortgage, Eintragen einer Zwangshypothek