

99043014254000

# Housing Land Register Creation

Heruntergeladen am 09.06.2025

<https://fimportal.de/xzufi-services/S1000020010000013324/S100002>

Modul	Sachverhalt
Leistungsschlüssel	99043014254000
Leistungsbezeichnung I	Housing Land Register Creation
Leistungsbezeichnung II	Have a housing land register created
Typisierung	2/3 - Bund: Regelung (2 oder 3), Land/Kommune: Vollzug
Quellredaktion	Hamburg
Freigabestatus Katalog	unbestimmter Freigabestatus
Freigabestatus Bibliothek	unbestimmter Freigabestatus
Begriffe im Kontext	<div lang="en-x-mtfrom-de">apartment in the land register</div>, <div lang="en-x-mtfrom-de">start a home</div>, <div lang="en-x-mtfrom-de">Divide the house into apartments</div>
Leistungstyp	
Leistungsgruppierung	
Verrichtungskennung	
SDG-Informationsbereich	
Lagen Portalverbund	

Modul	Sachverhalt
Einheitlicher Ansprechpartner	Nein
Fachlich freigegeben am	03.12.2024
Fachlich freigegen durch	
Handlungsgrundlage	<p>Condominium Act (WEG)</p> <ul style="list-style-type: none"> <li>• [§ 3 Contractual granting of special property](https://www.gesetze-im-internet.de/woeigg/_3.html)</li> <li>• [§ 4 Formal requirements](https://www.gesetze-im-internet.de/woeigg/_4.html)</li> <li>• [§ 5 Object and content of the special property](https://www.gesetze-im-internet.de/woeigg/_5.html)</li> <li>• [§ 6 Dependence of special property](https://www.gesetze-im-internet.de/woeigg/_6.html)</li> <li>• [§ 7 Land Register Regulations](https://www.gesetze-im-internet.de/woeigg/_7.html)</li> <li>• [§ 8 Division by the owner](https://www.gesetze-im-internet.de/woeigg/_8.html)</li> </ul> <p>Land Register Act (GBO)</p> <ul style="list-style-type: none"> <li>• [§ 13 Application](https://www.gesetze-im-internet.de/gbo/_13.html)</li> <li>• [§ 19 Approval Principle](https://www.gesetze-im-internet.de/gbo/_19.html)</li> <li>• [§ 20 Principle of Agreement](https://www.gesetze-im-internet.de/gbo/_20.html)</li> <li>• [§ 29 Form of proof](https://www.gesetze-im-internet.de/gbo/_29.html)</li> <li>• [§ 71 ff. Complaint](https://www.gesetze-im-internet.de/gbo/_71.html#:~:text=(1)\%20Gegen%20die%20Entscheidung%20des,einzutragen%20oder%20eine%20L%C3%B</li> </ul>

Modul	Sachverhalt
	<p>6schung%20vorzunehmen.)</p> <p>Court and Notary Fees Act (GNotKG)</p> <ul style="list-style-type: none"> <li>• [§ 34 Fee Structure](https://www.gesetze-im-internet.de/gnotkg/_34.html)</li> <li>• [§ 42 Apartment and Partial Ownership](https://www.gesetze-im-internet.de/gnotkg/_42.html#:~:text=%C2%A7%2042%20Wohnungs%20%20und%20Teileigentum,der%20Wert%20des%20bebaute%20Grundst%C3%BCcks.)</li> <li>• [List of costs (Annex 1 to the GNotKG)](https://www.gesetze-im-internet.de/gnotkg/annlage_1.html) numbers 21200 or 21100; number 14112</li> </ul>
Teaser	If you are a property owner, you can have your property divided into apartments.
Volltext	<p>If you want to divide a building on a plot of land into individual apartments, this must be entered in the land register. This is called establishing condominium ownership.</p> <p>Condominium ownership is the sole ownership of an apartment or of the rooms that are to be used as a residence.</p> <p>Each sole owner also includes a fraction (co-ownership share) of the common property, in particular the land.</p> <p>To do this, you as the owner must</p> <ul style="list-style-type: none"> <li>• submit a declaration of division to the land registry office or</li> <li>• conclude a partition agreement.</li> </ul> <p>The declaration of division must be notarized and the division contract must be notarized.</p> <p>The condominium can then</p> <ul style="list-style-type: none"> <li>• be sold</li> <li>• be encumbered with mortgages or other rights</li> <li>• be inherited</li> </ul> <p><b>**Note:**</b> The regulations for land registry entries and the associated formalities are complex. You should</p>

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	<p>therefore always seek advice from a notary.</p> <p>The entry in the land register is made by creating the apartment land registers.</p>
<b>Erforderliche Unterlagen</b>	<ul style="list-style-type: none"> <li>• written application for registration</li> <li>• declaration of division or division agreement</li> <li>• division plan</li> <li>• certificate of completion</li> <li>• If applicable, the certificate of clearance from the tax office</li> <li>• Approval of the building authority according to § 250 BauGB (Building Code) and if applicable according to §§172, 173 BauGB</li> </ul>
<b>Voraussetzungen</b>	<ul style="list-style-type: none"> <li>• The apartments must be self-contained. You must prove this to the building authority by submitting the division plans, among other things. The building authority will issue you with a certificate of self-containedness. <ul style="list-style-type: none"> <li>• The separateness of the rooms (apartments) is a mandatory requirement for the division of the property into condominium rights.</li> <li>• The owner's declaration of division must be notarized.</li> <li>• The contractual grant must be notarized.</li> </ul> </li> </ul>
<b>Kosten</b>	<p>The specific fee is calculated based on the business value.</p> <p>Goodwill is the value of the developed property or the value of the property plus the value of the building to be constructed.</p> <p>Please note that the amount of the fee always depends on the circumstances of the individual case. It is best to seek advice from a notary. In addition to the costs for the work of the land registry office, there are also costs for the work of the notary in accordance with the Court and Notary Fees Act (GNotKG). Please ask the notary's office for the amount of the notary fees.</p>
<b>Verfahrensablauf</b>	<ul style="list-style-type: none"> <li>• You must apply for registration at the land registry office. However, the registration is usually arranged by the notary who authenticated the declaration of</li> </ul>

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division or notarized the division contract.

- The documents required for registration are checked by the land registry office.
- If documents are not complete or in the correct format, the land registry office will inform the notary or you in writing and request that you submit the missing documents or the documents in the correct format.
- If all the necessary documents are available, the land registry office creates the apartment land registers, which makes the division effective.
- The apartment land registers are special land register sheets that the land registry office creates for each co-ownership share, i.e. for each apartment.
- Here it enters:
  - the fraction of the co-ownership of the property
  - the special property belonging to the co-ownership share (the apartment)
  - the limitation of co-ownership by granting special ownership rights belonging to the other co-ownership shares
- The registration will be communicated to you and the appointed notary.
- The invoice from the land registry office will be sent to you.

**Bearbeitungsdauer**

The processing time depends on the individual case and the workload of the land registry office.

**Frist**

No

**weiterführende Informationen**
**Hinweise**

**\*\*Legal advice is not available at the district court. Please contact the people authorized to provide legal advice. These are lawyers or notaries. It is best to seek advice from a notary or lawyer about the formal requirements. The Public Legal Advice Service (ÖRA) offers inexpensive legal advice for people on low incomes.\*\***

**Rechtsbehelf**

Complaint

**Kurztext**

- Division of a building on a plot of land into individual apartments must be entered in the land register.
- This is called establishing home ownership.

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	<ul style="list-style-type: none"> <li>• Condominium ownership is the sole ownership of an apartment or of the rooms that are to be used as a residence.</li> <li>• Each sole owner also includes a fraction (co-ownership share) of the common property, in particular the land.</li> <li>• Entry in the land register is made by creating the condominium land registers by the responsible land registry office.</li> <li>• The condominium can then <ul style="list-style-type: none"> <li>• be sold</li> <li>• be encumbered with mortgages or other rights</li> <li>• be inherited</li> </ul> </li> <li>• You should always seek advice from a notary.</li> </ul>
Ansprechpunkt	If you want to find out exactly who is responsible for your request, please follow the link to [Hamburg Service](https://www.hamburg.de/service/info/hasi/13324)
Zuständige Stelle	Hamburg District Court
Formulare	
Ursprungsportal	Hamburg Service, Hamburg Service (Currently this link is only available in german)