

99043016060000

compulsory mortgage registration

Heruntergeladen am 06.06.2025

<https://fimportal.de/xzufi-services/S1000020010000013327/S100002>

Modul	Sachverhalt
Leistungsschlüssel	99043016060000
Leistungsbezeichnung I	compulsory mortgage registration
Leistungsbezeichnung II	Registration of a compulsory mortgage
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">Enforce in property</div>, <div lang="en-x-mtfrom-de">auctioning the property</div>, <div lang="en-x-mtfrom-de">Get back the claim from the property</div>
Leistungstyp	
Leistungsgruppierung	
Verrichtungskennung	
SDG-Informationsbereich	
Lagen Portalverbund	

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Einheitlicher Ansprechpartner	Nein
Fachlich freigegeben am	28.11.2024
Fachlich freigegeben durch	
Handlungsgrundlage	<p>Code of Civil Procedure (ZPO)</p> <p>[§ 867 paragraph 1 ZPO](https://www.gesetze-im-internet.de/zpo/__867.html)</p> <p>[§ 720a ZPO](https://www.gesetze-im-internet.de/zpo/__720a.html)</p> <p>[§ 724 ZPO](https://www.gesetze-im-internet.de/zpo/__724.html)</p> <p>[§ 725 ZPO](https://www.gesetze-im-internet.de/zpo/__725.html)</p> <p>[§ 750 ZPO](https://www.gesetze-im-internet.de/zpo/__750.html)</p> <p>[§ 751 ZPO](https://www.gesetze-im-internet.de/zpo/__751.html)</p> <p>[§ 765 ZPO](https://www.gesetze-im-internet.de/zpo/__765.html)</p> <p>[§ 866 ZPO](https://www.gesetze-im-internet.de/zpo/__866.html)</p> <p>Land Register Act (GBO)</p> <p>[§ 39 GBO](https://www.gesetze-im-internet.de/gbo/__39.html)</p> <p>[§ 47 GBO](https://www.gesetze-im-internet.de/gbo/__47.html)</p> <p>[§ 13 GBO](https://www.gesetze-im-internet.de/gbo/__13.html)</p> <p>Court and Notary Fees Act (GNotKG)</p>

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	<p>[§ 34 GNotKG](https://www.gesetze-im-internet.de/gnotkg/___34.html)</p> <p>[Annex 1 to the GNotKG](https://www.gesetze-im-internet.de/gnotkg/annlage_1.html)</p> <p>[Annex 2 to the GNotKG](https://www.gesetze-im-internet.de/gnotkg/annlage_2.html)</p> <p>[§ 428 German Civil Code (BGB)](https://www.gesetze-im-internet.de/bgb/___428.html)</p>
Teaser	If someone owes you money and you have already taken and won a court case or have another enforceable title, you can also enforce against the debtor's property.
Volltext	<p>If someone owes you money and you have already taken legal action and won (judgment) or have another enforceable title (for example, an enforcement order from a court order procedure), you can also enforce the debtor's property to get your money back.</p> <p>To do this, you must first apply for the registration of a compulsory security mortgage on the debtor's property.</p> <p>If a foreclosure occurs, you will secure a good ranking for your claim against other creditors.</p> <p>The amount of money for which the property is auctioned is distributed in the order of creditor rank. A good rank of your foreclosure on the property increases the chance of receiving money from the auction.</p>
Erforderliche Unterlagen	<p>**Written application**</p> <p>Your application must contain the following information:</p> <ul style="list-style-type: none"> • property name (land register or location designation) • Information about you (name, address or company and registered office, date of birth) • in the case of several creditors, the joint relationship (for example in fractions of 1/2 or joint creditorship)

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according to § 428 BGB)

- Information about the debtor (name, address or company name and registered office)
- Information on the enforcement claim, interest, and possible ancillary services

****enforcement title****

Please attach the following to your application:

- The enforceable copy or the enforcement order in the original.
- A simple or certified copy of the title is not sufficient!
- You will receive the documents back after registration.

****statement of claims****

- Please make a list of all the claims you wish to make.
- The list must also include payments already made by the debtor.
- For any interest, you must specify the interest rate and the start date.
- The interest cannot be calculated.
- If you claim enforcement costs, you must submit supporting documents.

Voraussetzungen

****Application****

The compulsory security mortgage is only registered upon application.

****minimum amount of the claim****

The total claim must exceed EUR 750. Interest is not taken into account if it is claimed as a secondary claim.

Enforcement can result from several enforcement titles, for example from a judgment and a cost assessment order. Enforcement costs incurred to date can be added.

****Inadmissibility of a Compulsory Mortgage****

If the debtor has several properties and you want to register the compulsory mortgage on several properties, you must explicitly state which partial claim should be on which property. The partial claims must

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also be over 750 euros.

****pre-registration****

The debtor must be registered as owner or co-owner in the land register. If the owner is not registered, although he or she should be, you can use the enforceable title to apply for the correction of the land register.

****enforcement title****

So-called titles are court decisions (for example, judgments, resolutions, enforcement orders) or a declaration that has an enforceable content (for example, settlements and notarial deeds).

****enforcement clause****

The enforcement clause is a legally prescribed text on the enforcement title and reads, for example: "The above copy is issued to the plaintiff for the purpose of compulsory enforcement." As a rule, this text may only be added by the body that issued the enforcement title, which in most cases is the court (so-called enforceable copy). The enforcement clause indicates that the title may be enforced. Enforcement orders do not require such a clause.

****delivery****

The enforcement title must be served on the debtor before the start of the enforcement proceedings. The enforcement clause therefore also certifies the delivery. You must arrange for the delivery of other enforcement titles yourself.

****maturity****

Your claim must be due. This means that if it is not due until the end of a certain day, you must wait until that day.

****security deposit****

In the case of a judgment that is provisionally enforceable against the provision of security, the compulsory mortgage can only be registered if the debtor has not averted enforcement by paying the security (found in the judgment).

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	<p>**No further obstacles to enforcement** For example, no note about the opening of insolvency proceedings may be entered in the land register.</p>
Kosten	<p>Full fee from the right to be registered, i.e. the total claim asserted. The amount of the fee is determined from Section 34 GNotKG (Table B) and the associated appendix.</p>
Verfahrensablauf	<ul style="list-style-type: none"> • Submit an application for the entry of a compulsory security mortgage in your debtor's land register to the responsible land registry office. This is the land registry office for the debtor's property. • Please attach all required documents to your application. • The land registry office will check your documents and request additional documents if anything is missing. • If all documents and requirements are met, the land registry office enters the compulsory security mortgage in the land register. • The entry is made as part of the enforcement proceedings and thus - also - against the will of the debtor. • You and your debtor will be informed of the entry.
Bearbeitungsdauer	<p>The processing time depends on the individual case and the workload of the respective land registry office.</p>
Frist	<p>**waiting period** In individual cases (for example, in the case of cost assessment orders, precautionary enforcement and notarial deeds), you may only begin enforcement if two weeks have passed since the judgment and the enforcement clause were served on the debtor.</p>
weiterführende Informationen	<p>https://www.hamburg.de/politik-und-verwaltung/behoerden/sozialbehoerde/einrichtungen/oera https://www.hamburg.de/politik-und-verwaltung/behoerden/sozialbehoerde/einrichtungen/oera</p>
Hinweise	<p>**Legal advice is not available at the district court. Please contact the persons authorized to provide legal advice. These are lawyers or notaries. The Public Legal Advice Service (ÖRA) offers low-cost legal advice for people with low incomes.**</p>

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Rechtsbehelf	land registry complaint
Kurztext	<ul style="list-style-type: none"> • Apply for a compulsory security mortgage on the debtor's property in order to recover money owed. • You need a judgment or other enforceable title (for example, an enforcement order from a court order procedure) • If a foreclosure occurs, you will secure a good ranking for your claim against other creditors. • The amount of money for which the property was auctioned is distributed in the order of creditor rank. • A good ranking of your foreclosure on the property increases the chance of receiving money from the auction.
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/13327)
Zuständige Stelle	Hamburg District Court
Formulare	
Ursprungsportal	Hamburg Service, Hamburg Service (Currently this link is only available in german)