

# Land registry - succession in the land register

Upon the death of an owner, the land register becomes incorrect. The heirs or, if applicable, the executor are obliged to apply for the land register correction and to obtain all documents for the proof of succession.

## Competent Department

- [Amtsgericht Bremen -Grundbuchamt](#)
- [Amtsgericht Bremen-Blumenthal](#)
- [Amtsgericht Bremerhaven](#)

## Basic information

Upon inheritance, the land register becomes incorrect. Every heir is obliged to correct the land register immediately and to obtain the necessary evidence.

To enforce this obligation, the land registry may initiate compulsory proceedings.

## Requirements

The land register has become incorrect due to the death of a (co-)owner.

## What documents do I need?

- Request

Written, but informal possible (e.g. no notarial signature certification is required).

An e-mail does not comply with the written form.

- Proof of succession

Succession is proved by a certificate of inheritance in execution (a simple copy or a certified copy is not sufficient) if intestate succession has occurred or succession is based on a handwritten will.

A will can only suffice as proof of inheritance if it is contained in a public document. In this case, a certified copy must be submitted together with the record of the opening of the will. If the succession is not clearly regulated therein, the Land Registry can demand the submission of a certificate of inheritance.

Please apply for a certificate of inheritance at the competent probate court. Information on this can be found in the service descriptions of the probate court. Special circumstances apply if the deceased is registered as a partner under civil law or in community of property with the spouse. Please seek separate legal advice on this if necessary.

## Procedure

The sole heir or one of the co-heirs must file an (informal) application for land register correction. If execution of the will has been ordered, the executor usually makes the application.

The application is made either

- in person at the legal application office of the land registry (opening hours from 09:00 to 12:30)

or

- in writing at the land registry

It is not possible to submit an application by telephone or e-mail.

After receipt of the land register correction application, the legal officer checks the submitted documents and the content of the application for completeness and required form.

If further evidence is required, the applicant will be notified and is obliged to obtain it.

The arrangement of an execution of a will or a succession shall be entered ex officio in the land register together with the succession.

Once the new ownership structure has been entered in the land register, all heirs and, if applicable, the successors and executors will receive notification of this.

## Legal bases

- [Grundbuchordnung](#)
- [Bürgerliches Gesetzbuch \(BGB\)](#)

## More information

The succession is a so-called universal succession.

This means, for example, that

1. several heirs form a community of heirs and can only be entered as such in the land register. The respective shares in the community of heirs are not entered.
2. a "transfer" of an individual object of the estate - e.g. a plot of land - made in a will cannot be entered directly in the land register. This first requires a formal transfer from the heir or heirs to the beneficiary.

If the deceased was entered in the land register as a partner in a civil-law partnership, the new ownership relationship is governed in this respect by the content of the partnership agreement.

The employees of the land registry are not authorized to give legal advice.

#### Information on the Real Estate Tax Reform 2022

The Land Registry will only send a land register extract to the owners, as this contains all the information that the Land Registry can provide in this regard. For further questions on the subject, please refer to the homepage of the Senator of Finance. Detailed information is provided there.

Important: The living space calculation is not carried out by the land registry, since this information does not result from the land register!

### **What deadlines must be paid attention to?**

If the application for land register correction is filed with the land registry within 2 years of the death (= date of death), the land register correction is free of charge.

The same exemption from fees applies if a community of heirs separates in a notarial deed and applies for the registration of the new ownership structure at the land registry within the 2-year period. However, this only applies if the land register has not yet been corrected.

The 2-year period is a preclusive period.

It cannot be extended. The application for land register correction can be made in order to meet the deadline, even if the certificate of inheritance is not yet available.

### **What are the costs?**

After the expiry of the 2-year period, a 1.0 fee arises for the registration of the change of ownership according to fee table B of the GNotKG from the value of the inherited real estate at the time of the application (not of the inheritance).

Example:

Value of the property: 100,000 € = 273 € fee

Value of the property: 500,000 € = 935 € fee

In addition, a cadastral continuation fee is charged. This amounts to 35% of the fee for the change of ownership.

Example:

Value of the land: 100,000 € = 95.55 € (35% of 273 €)

Value of the property: 500,000 € = 327.25 € (35% of 935 €)

## Frequently asked Questions

- **The will says that I should get the house. What do I have to do now?**

Registration as the new owner cannot be made on the basis of the will. The heirs must first transfer the real estate to you in a notarial deed. To do this, contact a notary together with the heir(s).

This also applies if the deceased has stipulated that one heir should receive one house and the other heir another house (division order). In this case, too, the heirs must each transfer sole ownership of the property.

- **Someone is entered in the land register as a preliminary heir. What does this mean if this person dies?**

At the latest upon the death of the previous heir, it must be checked whether and to what extent the succession to the subsequent heirs has occurred. It may then not be necessary to prove succession according to the registered owner (=pre-heir), but rather according to the original testator. Seek legal advice on this if necessary.

- **Both parents are now deceased, but both are still listed as owners in the land register. What documents are needed and what costs are incurred?**

For each case of inheritance, the relevant evidence of succession must be submitted. With regard to the costs, each death must be considered separately in the case of several successions.

Example: Husband and wife are each entered in the land register as  $\frac{1}{2}$  partners. Husband dies in 2005 - a land register correction is not applied for. The wife dies in 2019. If the land register adjustment is not applied for until 2020 after both deaths, only the entry of the succession to the wife from 2019 is free of charge.