

# Land registry - cancellation of rights in the land register

Rights registered in the second and third sections of the land register shall be cancelled only upon request.

## Competent Department

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

## Basic information

The deletion is made in the land register in such a way that in the column "Deletions" the serial number of the right, in the third section additionally the amount of the right, as well as the note: "Deleted on ..." is written. The right itself is crossed out in red or underlined.

## Requirements

To cancel a right, an application is always required from a person entitled to file an application (usually the property owner) and an authorization from the entitled person(s) or creditor(s).

In exceptional cases, it is sufficient to submit a death certificate of the entitled person(s).

## What documents do I need?

- Request deletion

A written request is sufficient for the cancellation of a right in the Second Department (no notarial signature certification is required). An e-mail does not comply with the written form requirement.

You can use the form under "Forms".

As a rule, a property owner submits the application. It would also be conceivable for the person entitled to the right to file the application him/herself.

For the cancellation of a right in the Third Division, the application of all land owners affected by the right must be submitted at least with signature certification.

For this purpose, please consult a notary of your choice!

- Cancellation permit

The cancellation authorization of the beneficiary of a right in the Second Division or the creditor of a right in the Third Division must always be submitted in a public or publicly certified document.

Entitled persons or creditors must contact a notary of their choice for this purpose.

Credit institutions as creditors of a right in the Third Division will provide you with corresponding deletion authorizations in the required form.

- Death certificate

In certain cases, a right that is limited to the lifetime of a beneficiary can be cancelled by presenting a death certificate.

This must then be presented in the original or as a certified copy.

## Procedure

Upon receipt of the application for cancellation of a right, the competent judicial officer shall check whether the application and the other required documents are complete and in the required form.

Both the person(s) filing the request and the beneficiaries or creditors of the cancelled right will be notified of the cancellation.

## Legal bases

- [Grundbuchordnung](#)

## More information

Encumbrances and restrictions are entered in the second section of the land register.

These include, for example, easements or so-called limited personal easements (usufruct, residential rights, etc.), as well as priority notices, notes on succession orders or execution of wills.

Mortgages, land charges and annuity debts are entered in the third section of the land register.

If a right is limited to the lifetime of a beneficiary, the submission of a death certificate may be sufficient for deletion.

## Information on the 2022 Real Estate Tax Reform

On the part of the land registry, only an extract from the land register will be sent to owners, as this contains all the information that the land registry can supply 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, as this information does not result from the land register!

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

A right limited to the lifetime of an entitled person(s) may be extinguished only after the expiration of one year after his/her death, if it is possible (even theoretically) that the land owner(s) is/are in arrears with payments to the entitled person(s).

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

25,00 EUR A fixed fee of 25 euros is charged for the cancellation of a right in the Second Section of the Land Register.

For the deletion of a right in the Third Section of the land register, a 0.5 fee is charged according to the fee table B of the GNotKG based on the value of the right to be deleted.

Examples:

Land charge in the amount of 100,000 euros - fee: 136.50 euros

Land charge in the amount of 200,000 euros - fee: 217.50 euros

## **Frequently asked Questions**

- **When is a death certificate sufficient for a right to be extinguished ?**

Only if the right is limited to the lifetime of the beneficiary(ies) according to its content or the agreements made and is not inheritable.

If the entry in the land register states "Cancellable on proof of death", the cancellation of the right can be requested if a death certificate is submitted.

- **I do not want to wait for the waiting period of one year - how can the right still be deleted ?**

The claim to the benefits in arrears shall pass to the heirs.

If a right for which (even theoretically) arrears of benefits are possible is to be cancelled before the expiry of one year after the death of the beneficiary(ies), the heirs must approve the cancellation. In doing so, proof of inheritance must also be

submitted. For this purpose, reference is made to the service description for "Succession in the Land Register".

The heirs must contact a notary public to have their signature on the deletion authorization notarized.