

The Austrian Land Book („Grundbuch“)

1. The austrian Land Book is kept by the District Courts („Bezirksgerichte“) and consists of 4 parts:

- Main Book („Hauptbuch“), no longer bound in leather, but stored in a data base (combined with all of the data of the cadastre which is kept by the surveying offices, not by the justice system). In the Main Book all entries about real rights are stored.
- Collection of documents („Urkundensammlung“), so long only in paper, bound per year, sorted by the file (docket) number, stored at the District Court where the documents were handled. Included are all documents which give the basis for an entry in the Main Book.
- File of application („Grundbuchsakt“): The application for an entry is filed getting a file (docket) number; the file gives evidence about the decision of the court (but is needed afterwards very seldom only in cases of argued errors), stored at the District Court where the file was handled. A journal („Tagebuch“) is used to keep track of the files and file numbers using a data base system.
- Cadastral Map („Grundbuchsmappe“): a copy of the print outs of the cadastral maps, stored at the District Court for additional public inspection, now digitalised to be inspected on the screen.

2. The Main Book consists of entities (in Austria: „Einlage“; in Germany: „Blatt“) representing the real property. Their unique key is built by the name/number of the cadastral area and the real property number (in Austria: „Einlagezahl“, abbr. "EZ"; in Germany: „Blattnummer“). In each real property different objects (parcels or lots, sometimes other objects like wine cellars or super aedificates), subjects (owner, mortgagee etc) and real rights are linked together. The real property is organised in 1

header and 3 parts or sections (in Austria:“Blatt“; in Germany: „Abteilung“). In accordance to that an excerpt has the following structure:

- **Header**

Name and Code of cadastral area (shortened “Grundbuch”)

Entity Number (real property Number)

Name of Court

Date of query

Last docket number: This number shows the docket number of the last change affecting the registered data. If a case is pending the next line would read "Sealing docket number" (in Austria: "offene Plombe")

Some additional description of the object, e.g. “Wohnungseigentum” in case of condominium of flats, or a name e.g. in the case of a wine yard

- **Section A:** Property identification

Subsection **A1**, per object of land register

ID Number (number of lot/parcel)

Type and/or use of object

Size of object in m2

Address of object

Subsection **A2**:

Public/governmental restrictions, control entries about addition/deletion of parcels (file number), links to encumbrances in other entities which enrighten a parcel of this real property, etc (see examples)

- **Section B:** Ownership, per owner

ID Number of share

Share of ownership (in fractions, if there are more than one owner)

Name of owner

Date of birth (only natural persons)

Some additional data about legal restrictions (e.g. minority)

Address of owner which might be different from property address

File number, type and date of all documents (deeds) on which the above entries are based

Category of real right (e.g. ownership = „Eigentumsrecht“)

▪ **Section C: Encumbrances and Obligations, per real right**

ID Number of real right

Description of real right, that may be in case of:

- Mortgage: file number, type and date of contract/deed (document/agreement which constituted the obligation), name of bank etc, amount, interest, some additional legal facts
- Servitude: file number, type and date of contract/deed (document/agreement which constituted the obligation), enrightened parcel or person, complete description of right or shortened description plus link to respective section of contract

▪ Differently to Germany in Austria there exists no **Section D** („Grundschild“).

- If you need to know more you have to consult the documents referred to in the entry where you will find plans in case of condominium („Wohnungseigentum“), plans of the parcels in case of splitting/sectioning, full text of the contracts including the contracted price, details of servitudes and more.

3. Main Book, Collection of Documents and Cadastral Map are open to public inspection without any restriction (different to Germany!). But you have to know name/number of the cadastral area and the number of the real property (or the number of a parcel incorporated in that real property) to get an excerpt out of the data base. If you don't there are three possibilities for search:

- Address of a parcel
- GIS-like using the Cadastral Map for visualising the location of a parcel and finding the number of the parcel

- Name of owner

The last search is restricted due to legislation on privacy. You have to „explain“ your legal interest (needs) to the court; it is a court decision to allow such a search. Additionally a notary public (and as from 1.1.2003 solicitors) are allowed to search per name of the owner in two cases:

- Inheritance: search for real property of the person passed away;
- Own data: search for real property of the person asking for.

4. At each district court (except some courts responsible only for criminal or business cases) you will find a unit where everybody can apply for an excerpt resulting in a print out of the real property. Last year (2001) the courts produced about 650.000 excerpts for public inspection.

The fee for one excerpt (up to 12 pages DIN A4) is 8 Euro.

5. Additionally inspection is implemented in the internet. The justice system outsourced the collection of fees: so 7 payment service providers („Verrechnungsstellen“) are routing enquiries from clients to our data base, returning from the data base the excerpt, calculating on the fly the fees which are collected from the clients and paid to the justice system. This way last year about 5 million enquiries/excerpts were done resulting in fees of about 180 millions ATS. A 8th provider (Federal Computer Centre Limited) is used to serve governmental offices.

The fees are about 3 Euro per excerpt in average plus some percent costs of the provider (about 15% to 18%) plus VAT (20%).

The cadastral map is digitalised and part of this inquiry system (see an example at the end).

So far you have to open an account with one of the providers because of lack of a smart card solution.

- Inspection of Collection of Documents and Files can be done only at the respective court.
- Search for owners is cancelled in the internet (because there is no possibility for an automated court decision); except for notaries public and sollicitors in both cases mentioned above and – of course – for some governmental authorities like police and social security agencies.
- Here you find our providers and their URLs:

Company	Datakom Austria GmbH
Home page	http://dataweb.datakom.at http://www.rdb.at http://www.netway.ag http://www.ausschreibung.at http://www.jet2web.net
Hotline	0800 501 550
E-mail	kunden.service@datakom.at

Company	EDV-Technik Dipl.-Ing. Went Ges.m.b.H.
Home page	http://www.bundesdienste.at
Hotline	(0316) 48 21 48
E-mail	edv-technik@went.at

Company	Hendrich & Futter Datenverarbeitungs GmbH
Home page	http://www.firmenbuchgrundbuch.at
Hotline	(01) 981 16 200
E-mail	service@firmenbuchgrundbuch.at

Company	IMD GmbH
Home page	http://www.imd.at
Hotline	(01) 585 66 22
E-mail	office@imd.at

Company	JUSLINE Österreich GmbH
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Home page	http://www.jusline.at
Hotline	(01) 610 77
E-mail	support@jusline.com
Company	ÖGIZIN - Österreichische Gesellschaft für Information und Zusammenarbeit im Notariat GmbH
Home page	http://www.verrechnungsstelle.at
Hotline	(01) 402 45 09
E-mail	kammer@notar.or.at

6. Since 1992 all of the data of the Main Book is stored in a central data base governed by the Federal Computer Centre (today privatised as Ltd). All courts are connected to this centre using a governmental wide area network. The whole work (inspection, control, update) is done at terminals (PC with IBM 3270-emulation, now changing to Web-technology). The court writs (decree) normally are produced in a very simple way: on duplicates of the application a stamp is used to add „ok and entered“ (That is a simplified description and shall explain the principle!).

7. The law giving provisions for our Land Book can be found using internet in the Austrian Law Information System („RIS“), german only, some explanation in english. Use the URL:

`www.ris.bka.gv.at`

Click there „Rechtsinformationssystem“, in the next mask „Bundesrecht“. Then you will see a search mask where you have to enter the name of the law you wish to read into the field „Kurztitel/Abkürzung“. As search arguments use:

Grundbuchslegungsgesetz, Grundbuchsgesetz, Grundbuchsumstellungsgesetz

8. Examples:

8.1: Typical excerpt (in german):

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GRUNDBUCH 63108 Andritz                      EINLAGEZAHL 1295
BEZIRKSGERICHT Hietzing                      SEITE      1
***** ABFRAGEDATUM 1999-06-17
LETZTE TAGEBUCHZAHL 10052/1994
PLOMBE 8736/1999
***** A1 *****
  GST-NR      WIDMUNG      FLÄCHE GST-ADRESSE
  651/1      Garten      921
  .1034      Baufläche    142  Schöckelbachweg 1
  GESAMTFLÄCHE      1063
***** A2 *****
***** B *****
  3 ANTEIL:  1/1
  Ennemoser Andreas Dipl.-Ing.
  GEBURTSDATUM: 1964-07-10 ADRESSE: Schöckelbachweg 1 8045
  d 16318/1991 Kaufvertrag 1991-05-08 Eigentumsrecht
***** C *****
  1 a 10052/1994 Schuldschein und Pfandvertrag 1994-05-08
      PFANDRECHT 1,013,070.--
      12 % Z, 17 % VZ, 13 % ZZ, NGS 202,600.-- für
      Girozentrale und Bank der österreichischen
      Sparkassen Aktiengesellschaft
***** ENDE *****
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8.2: Typical excerpt (in english translation):

LAND REGISTER 63108 Andritz REAL ESTATE NUMBER 1295
DISTRICT COURT for civil law matters Graz PAGE 1
***** DATE OF QUERY 1995-09-29
LAST DOCKET NUMBER 10052/1994
***** A1 *****
LOT-NR USAGE AREA LOT-ADDRESS
651/1 Build.(Garden) 921
.1034 Building 142 Schöckelbachweg 1
TOTAL AREA 1063
***** A2 *****
***** B *****
3 SHARE: 1/3
Ennemoser Andreas Dipl.-Ing.
DATE OF BIRTH: 1964-07-10 ADDRESS: Schöckelbachweg 1 8045
d 16318/1991 certificate of inheritance 1991-03-12
purchase contract 1991-05-08 ownership
4 SHARE: 1/3
Ennemoser Helga
DATE OF BIRTH: 1938-12-11 ADDRESS: Schützenstr. 46 g 6020
a 16318/1991 certificate of inheritance 1991-03-12
ownership
5 SHARE: 1/3
name of owner
DATE OF BIRTH: *date* ADDRESS: *address*
b docket number / name of contract (title) / date of contract /
real right
***** C *****
1 a 16318/1991 borrower's note and mortgage bond 1991-05-08
MORTGAGE 1,013,070.--
12% Z, 17 % VZ, 13 % ZZ, NGS 202,600.-- for
Girozentrale und Bank der österreichischen
Sparkassen Aktiengesellschaft [creditor]
***** ENDE *****

Words in italics describe the content of a field; in an actual abstract the correct data would be printed instead of the description.

The abbreviations have the following meanings:

Z: interest

VZ: interest for delay

ZZ: compound interest

NGS: security for additional costs

8.3: In Austria the state has no prior lien with taxes; see the mortgage intabulated for fees based on a enforcement decree of the district court of Vienna:

CADASTRAL AREA 01006 Landstraße REAL ESTATE NUMBER 979
DISTRICT COURT Inner City of Vienna
***** DATE of ENQUIRY 2000-09-25
LAST DOCKET NUMBER 5402/2000
CONDOMINIUM of FLATS
***** A1 *****
LOT-# USAGE AREA ADDRESS
1435 Building (green) 804 Landstraßer Hauptstraße 163
***** B *****
.....
31 SHARE: 850/52764
Kassil Johann
.....
***** C *****
.....
14 on share # 31
a 10517/1999 deed from 1999-10-11
MORTGAGE executeable 500.000,--
fees 15.540,58, for Republic of Austria
(tax office of the 3rd district of Vienna,
DocketNr 831/3987; 64 E 5929/99p District
Court of Inner City Vienna)
.....

8.4: In section A2 you may find references to many different legal/actual facts:

CADASTRAL AREA 20103 Altenberg REAL ESTATE NUMBER 39
 DISTRICT COURT Tulln
 ***** DATE of ENQUIRY 2000-09-25
 LAST DOCKET NUMBER 2402/1997
 ***** A1 *****
 LOT-# USAGE AREA ADDRESS
 59/4 agricult. used 363
 60 Building (green) 2003 Mitterweg 8
 TOTAL AREA 2366
 ***** A2 *****
 1 a 2439/1963 **security zone military airport Langenlebar**
in respect of lot-# 59/4 60
 2 a 5364/1988 rights of way on lot-# 59/1 for lot-# 60
 ***** B *****
 8 SHARE: 3/5

CADASTRAL AREA 01004 Inner City REAL ESTATE NUMBER 1490
 DISTRICT COURT Inner City of Vienna
 ***** DATE of ENQUIRY 2000-09-25
 LAST DOCKET NUMBER
 ***** A1 *****
 LOT-# USAGE AREA ADDRESS

 1899/4 Garden 229
 (resort area)
 1899/5 Garden 4
 (resort area)
 1899/14 Garden 14
 1899/15 Garden 24
 ***** A2 *****
 3 a 8938/1979 **monument of nature** (at) lot # 1899/4 1899/5
 1899/14 1899/15 (elm - ulmus pumila)

CADASTRAL AREA 01004 Inner City REAL ESTATE NUMBER 1490
 DISTRICT COURT Inner City of Vienna
 ***** DATE of ENQUIRY 2000-09-25
 LAST DOCKET NUMBER
 ***** A1 *****
 LOT-# USAGE AREA ADDRESS
 1899/6 Building 372 Friedrichstrasse 11
 ***** A2 *****
 8 a 56/2000 **preservation** of building at lot# 1899/6 benefits the public interest

8.5: In case an application is rejected you will find a notification at the place where the real right would have been entered:

CADASTRAL AREA 92106 Feldkirch REAL ESTATE NUMBER 2968
DISTRICT COURT Feldkirch
***** DATE of ENQUIRY 2000-09-25
LAST DOCKET NUMBER 4403/1999
CONDOMINIUM of FLATS
***** A1 *****
LOT-# USAGE AREA ADDRESS
1176/7 Building 884 Wiener Straße 15
***** B *****
.....
6 SHARE: 218/1028
.....
***** C *****
.....
5 on share 6
a 5993/2000 **rejection** of application on intabulation
of restraint on alienation or mortgaging
.....

In case of appeal against the rejection this fact is added too:

CADASTRAL AREA 92106 Feldkirch REAL ESTATE NUMBER 2968
DISTRICT COURT Feldkirch
***** DATE of ENQUIRY 2000-09-25
LAST DOCKET NUMBER 5993/2000
CONDOMINIUM of FLATS
***** A1 *****
LOT-# USAGE AREA ADDRESS
1176/7 Building 884 Wiener Straße 15
***** B *****
.....
6 SHARE: 218/1028
.....
***** C *****
.....
5 on share 6
a 5993/2000 rejection of application on intabulation
of restraint on alienation or mortgaging
b 7510/2000 **appeal**
.....

In case of successful appellation the notifications are deleted and the correct intabulation is inserted:

CADASTRAL AREA 92106 Feldkirch REAL ESTATE NUMBER 2968
DISTRICT COURT Feldkirch
***** DATE of ENQUIRY 2000-09-25
LAST DOCKET NUMBER 7510/1999
CONDOMINIUM of FLATS
***** A1 *****
LOT-# USAGE AREA ADDRESS
1176/7 Building 884 Wiener Straße 15
***** B *****
.....
6 SHARE: 218/1028
.....
***** C *****
.....
5 on share 6
c 8205/2000 restraint on alienation or mortgaging
.....

8.6: In case of enforcement of claims the excerpt may look like the following example:

CADASTRAL AREA 10131 Röschitz REAL ESTATE NUMBER 675
DISTRICT COURT Eggenburg
***** DATE of ENQUIRY 2000-09-25
LAST DOCKET NUMBER 677/1999
***** A1 *****
LOT-# USAGE AREA ADDRESS
2300/1 agricult used 858
***** B *****
1 SHARE: 1/1
Stagl Helga
DATE of BIRTH: ADDRESS: Platt 46 2051
a 771/1968 Buying Contract 1968-04-06 Ownership
c 677/1999 Contract obtained by Josef Weinkopf, born 1948-01-06
(1E 567/97m)
***** C *****
.....
7 a 518/1997 start of auction procedure in charge of
executable 3.000.000,-- plus 6 % interest in
3.000.000,-- as from 1997-01-01, fees 52.958,40, 21.714,44
for Savings Bank City Eggenburg, Lower Austria (1E 567/97m)
8 a 315/1999 date of auction 1999-09-02 (1E 567/97m)
.....

9. Cut out from our Digitalised Cadastral Map („DKM“), showing St. Stephen's Cathedral, the centre of the city of Vienna:

