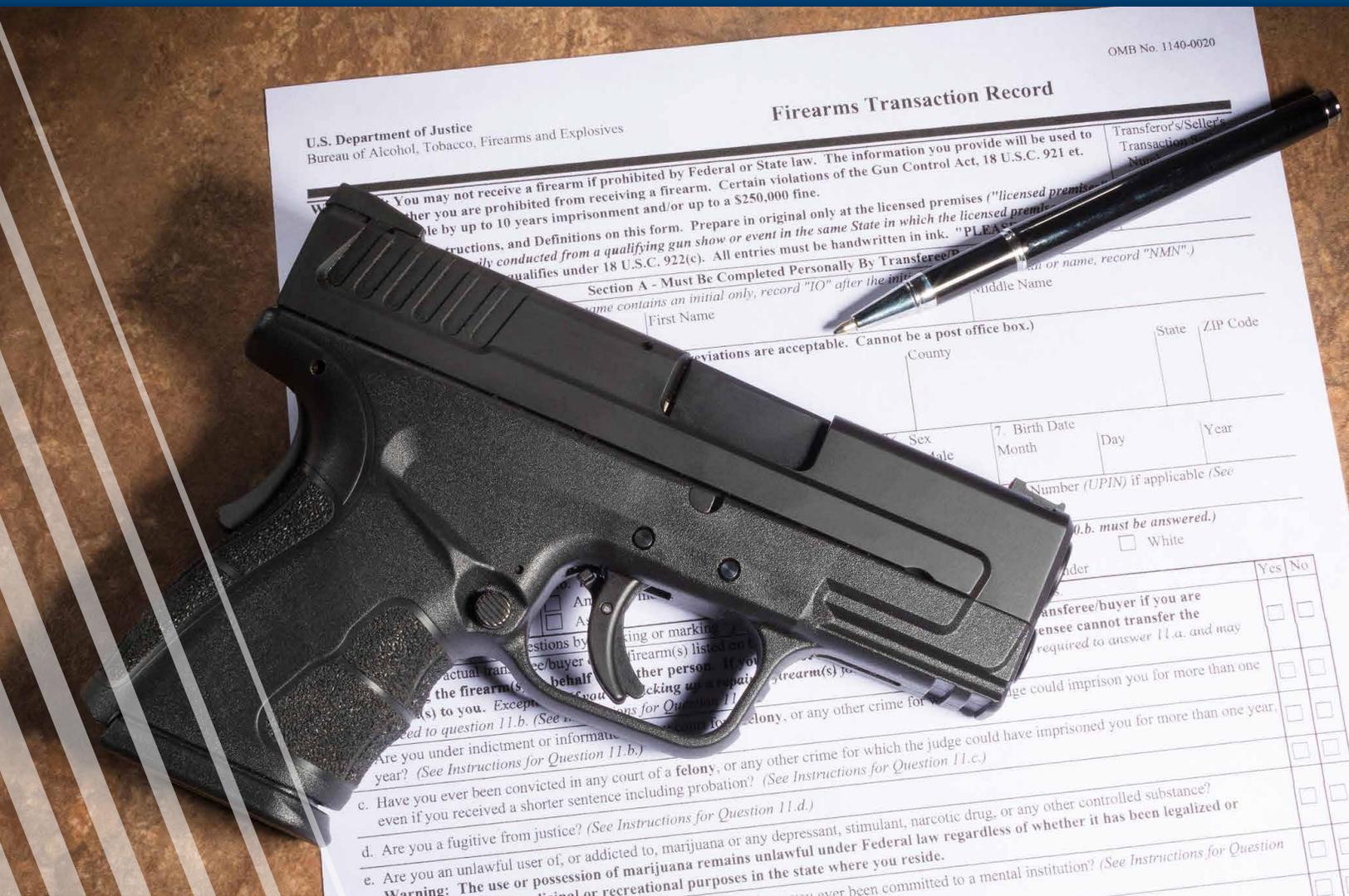




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STICK TO YOUR GUNS

How to Handle Firearms in an Estate



RESOURCE GUIDE

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A firearm has been recognized as part of the estate that you are responsible for administering. The problem is you've never handled any type of firearm before. Or, maybe you have, but you're just not sure where to start. This checklist will give you an overview of what to expect and consider when dealing with firearms.

Pro Tip: *As soon as you recognize there is one or more firearms in a trust or estate, don't panic. Ask yourself, "Am I able to calmly and safely handle this or these firearms?" If the answer is no or I don't know, find someone who can assist.*



THE FIREARM “4 STEPS”

1. **Locate the Firearms** – Yes, this one is as simple as it sounds. Locate and identify the firearms you’ll be dealing with. If you find evidence of firearms, such as boxes of ammunition, but are unable to locate an actual firearm, you can submit the Bureau of Firearms Form 53 – Automated Firearms Request Form. If you submit this to the Bureau, they will send you a list of all firearms owned by the decedent.
2. **Secure and Clear** – While second nature to firearm owners, securing a firearm may not be to others. Firearms should be stored unloaded and locked in a California Department of Justice–approved safe. Understanding and learning how to clear a gun is not something that can be learned on YouTube. It is a very important process that needs to be done by someone who has handled and worked with firearms before. If you are not familiar with common firearm actions, you should be accompanied by someone who is.
3. **Catalog** – You’ve located the firearms involved with the estate and secured and cleared them. Now, it’s important to catalog them. You should photograph them and write down the serial number and names, which will be located on the firearm. This way, you will have a list in case anything happens or they disappear. Yes, you read that right; it is not uncommon for firearms to disappear in an estate. Do not leave them in a house or property, even if they are in a gun safe, unless you change the combination or locks. Or, if needed, move them to another location.

Note: *Be sure to recognize the places that do not allow for the storage of firearms. In many cases, storage units and facilities do not allow for storage.*

A Note on Value. While there are valuable guns, those are typically few and far between. It will be rare to find a rifle, for example, that’s worth a large sum of money. Used guns are typically worth less than a new gun. So, if there is any value surrounding firearms being passed down, it is most likely sentimental value you are dealing with.

4. **Distribute** – Depending on the decedent’s instructions, the next thing you are going to do is distribute the firearms to beneficiaries or get rid of them. The following forms will be your friends in this process:
 - **Bureau of Firearms Form 53** – Automated Firearms Request Form – This form we mentioned above will give access to a list of all guns owned by the decedent.
 - **Bureau of Firearms Form 4546** – Notice of No Longer in Possession – If you cannot locate any of the firearms or do not have them anymore, then you will want to submit this form. This is also a great anti-liability form getting you and your estate out from under any kind of problem or issue that may arise.

If a transfer occurs between immediate family, parent and child, grandparent and grandchild, or spouse, you really only need to ensure that the member has a right to own them. This process includes:

1. The completion of Bureau of Firearms Form 116 – Personal Firearms Eligibility Form – This initiates a background check to clear the inheritor to take possession.
2. A Firearm Safety Certificate must be obtained by the beneficiary before taking possession of any firearm.
3. The completion of Bureau of Firearms Form 4544A – Interfamilial Transfer Form – This form confirms the transfer between family members.

If the inheritor is a resident of another state or someone who is not an immediate family member, a typical transfer of gun ownership is managed by a Federal Firearms Licensed (FFL) dealer. The process includes:

- **A mandatory 10-day waiting period**
- **The completion of a Dealer’s Record of Sale**
- **A background check with the Department of Justice in the state where the beneficiary lives**
- **A Firearm Safety Certificate must be held before taking possession of any firearm in California**

When it comes to firearms and inheritance, things can get complicated pretty quickly. Laws and procedures for transferring ownership and possession differ greatly depending on the type of firearms involved and the state. In California, you are required to register the transfer of ownership, or it may be necessary to dispose of it. The rules regarding a transfer also depend on your relationship with the testator, as well. Bottom line, it is your responsibility to ensure the transfer is handled legally – within the scope of state and federal laws.

**Do you need help incorporating firearms into your estate plan?
We’re here to help. Call us at 925.943.2740 or email us at
info@AbsoluteTrustCounsel.com to get started.**



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