

YOUR BRONZE GUN TRUST GUIDE

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Your Bronze Edition Gun Trust is designed and intended to possess NFA FIREARMS ONLY. You may create a Trust in the state in which you reside, limited to Washington, Oregon, Idaho or Alaska states where we provide legal services. An attorney listing for attorney colleagues creating gun trusts in other states can be found at the FIND AN ATTORNEY tab on the www.gunlawcommunity.com website.

This User Guide is intended to help you to understand certain legal concepts, but it is not intended as “legal advice” upon which you should act or refrain from acting. If you have any questions about administering your trust or concerning gun law, you should consult an attorney before allowing any other person to have actual or direct possession of a firearm or even mere access to one, which is treated like actual possession.

Your trust is designed to possess and administer NFA Firearms permitted in your state of residence. It is intentionally designed to allow you some ability to share with others during your life when they are in your presence as the current Trustee; you must comply with both federal and state law so make sure you understand what is, and is not, permissible.

Our current Bronze Edition allows you to name Successor Trustees should you become disabled or die by using an attached Exhibit. This also makes it easy to update. NOTE: Successor Trustees have no right of current possession; their authority is activated only if you are disabled or at death. Another Exhibit allows you to name and update Remainder Beneficiaries to receive an outright distribution of trust property after complying with NFA transfer requirements.

Contact us if you are interested in having more options and planning choices.

Creating Your Trust

Keep the trust name short and to the point; you may want to make an NFA Firearm at some point, and a long name becomes a problem. There is no requirement to include “gun” or “firearm/firearms” in the name unless you want to. We recommend that the name end with the word “Trust.”. This keeps your gun trust name simple and easy to recall. This Trust guide was reviewed with the NFA Branch of the BATFE to help speed their review.

Funding Your Trust with NFA Firearms

Funding a trust means transferring an asset into the name of the Trust so that your Trust owns it. This is how your Trustee gains legal authority to administer benefits using assets belonging to the Trust. Your Bronze Trust uses the Schedule A to account for NFA firearms as Trust property. Remember, the BATFE must approve your application, register the NFA firearm to the Trust, and issue your Trust a tax stamp to make it the legal owner. Until then, your dealer owes your Trust the money you paid for the firearm if the deal falls through.

Certain states may have additional requirements, for example that transfer of a firearm (with few exceptions) between persons must be conducted through a Federal Firearms Licensee with a background check. You must refer to the requirements of local law and understand applicable definitions of “person”, “transfer”, and “possession” when transferring any firearm for any length of time. These may vary depending on the state or federal law that applies to a particular person (individual or entity) or firearm (conventional or NFA.)

Filing an ATF Form 4 to Transfer an NFA Firearm to Trust

- If you have a new Trust make sure you signed it in front of a Notary. While not required, you may want to enter information about your pending purchase on Schedule A as a “best practice.” However, there is no requirement to list a pending NFA firearm so you can leave Schedule A until after you receive your tax stamp. If this is a restated Trust, you will need to provide a current Schedule A listing NFA firearms registered to the trust.
- Make a copy of your completed Trust and Schedule A (per ATF, use both sides of the page, i.e. a two-sided copy) and take them to your firearms dealer (FFL) to process your application. **RETAIN YOUR ORIGINAL TRUST AND SCHEDULE!**
- Your dealer will help you complete your ATF Form 4 in duplicate and collect all required documentation. You must provide payment and a full copy of your Trust copied on both sides, to the BATFE for processing. Also, *each “Responsible Person” must submit an ATF Form 23* with fingerprints and photograph with your application.
- An NFA application will require several months depending on NFA backlog and processing. Once approved, you will receive your Form 4 with an actual tax stamp attached to it. Update your Schedule A. Write in the tax stamp number/date approved on the line where you listed your NFA firearm.
- Keep a photocopy of your Form 4 with your NFA firearm at ALL TIMES. It is like having a driver's license... a Trustee must always be in possession with a copy of the tax stamp available for inspection by law enforcement. .

WHEN you decide to apply for another NFA firearm:

- **CREATE A NEW SCHEDULE A.**
 - o Always list your current NFA firearms.
 - o We recommend that you list your pending NFA firearm leaving the tax stamp info blank.
- **SIGN THE NEW SCHEDULE A**
 - o Then, go to your FFL (Dealer) like before.
 - o Enter the make, model, serial number on new Schedule A, if not already done.
 - o Provide a copy of your current trust and new Schedule A, and a check to BATFE
 - o Complete the new Forms 4 and 23
 - o Give your paperwork to FFL AND...

Wait for a number of months... and eventually you should receive your tax stamp and approved Form 4

ATF Return of an Application

ATF (NFA Branch) returns an application from time to time for a variety of reasons. This is

called an NFA “kick-back,” but don’t worry! It is an administrative issue and one generally very easy to resolve.

If NFA Branch rejects the Form 4 due to incomplete or missing information on your application, contact your FFL for corrective action. If it’s about the Trust, we will generally require:

- a copy of your submitted signed Trust and Schedule A
- a copy of the application (Form 4) sent to NFA Branch by your FFL
- a copy of the NFA Branch letter stating the issue.

We are here to help, and if an issue arises we can fix it

If the issue is related to your application or from changes in law or ATF interpretation, there may be a reasonable charge for services as this is beyond our control. We may also, at our discretion, waive or reduce a fee depending on the circumstances. We will discuss fees or expenses, if any, with you and you will not be charged unless we confirm an agreement for fees in writing. In our experience, these matters are usually resolved quickly.

Understanding and Living with Your Bronze Gun Docx Trust

Firearms laws change – witness Washington and Oregon background check laws, and ATF Rule 41F (effective on July 13, 2016¹.) ATF Rule 41F requires every “responsible person” to provide fingerprints, photographs and to undergo a background check along with a Form 23 upon application to make or transfer an NFA firearm.

Both Federal and State laws are ambiguous with respect to firearms rights over firearms held in trust and it takes some effort to understand them. We are here to help².

A "gun trust" is a purpose-built Trust, serving as an estate plan for firearms. Depending on state law, it may be considered a “legal entity” and thus a “person,” or not. There are three parties to a trust: as Grantor, you create the trust and contribute certain assets (NFA firearms) to it. As Trustee and a current beneficiary, you administer the Trust in compliance with its terms and both State and Federal law for your own benefit. You are the individual who must be in possession of Trust property at all times. Remember, possession includes both actual (direct/ in your hands) or constructive (under your control) possession. A Trustee must always be in “possession” of a Trust firearm.

Bronze Edition Trusts are not designed to appoint current Co-trustees to possess trust property. These are complex issues that arise under federal and state law involving different legal standards and definitions; our Silver and Gold Edition Trusts are designed to deal with them. However, the Bronze Edition does allow you to appoint incapacity or death Successor Trustees, as well as Remainder Beneficiaries to receive trust property at death.

¹ Look for useful general memoranda on legal issues and downloads at www.gunlawcommunity.com.

² Look for useful state law memoranda on legal issues and downloads at www.nwgunlawgroup.com.

CAUTION. Any time somebody other than you has your firearm in their possession, or even access to it, a “transfer” has arguably occurred. Depending on the facts, a transfer can be lawful or unlawful, and with NFA Firearms requires proper documentation of the right to possess. If you have questions, we suggest that you ask a gun law attorney.

With or without a Trust, any transfer of a firearm must comply with the federal Gun Control Act, both Titles I and II, as well as state law. Title I disregards a Trust, so a transfer here is from you (Grantor) to some other individual. The issue is whether or not they are a Prohibited Person and if they are a resident of another state, which requires an exception to an FFL transfer requirement such as temporary sporting use.

Definitions matter, and they vary from gun law to gun law. For example, under Washington and Oregon state law a silencer is not defined as a “firearm.” But a short barreled rifle (SBR) is. In the first case, only federal possession and transfer law is the issue; in the second *both* federal and state possession and transfer law is a concern. Both Washington and Oregon require a background check or an exception (WA) or exclusion or exception (OR) to apply for a firearm transfer to be lawful, but those laws are different. Allowing any other individual to possess a trust firearm must comply with both federal and state law.

The Bronze Edition is expressly built to own one or more National Firearms Act firearms that you can own in the state where you created it. It is not designed to own other firearms or accessories nor any other types of property. The Bronze Edition is primarily designed to help you acquire NFA Firearms with a minimum of hassle, and to provide written guidance so you can possess and enjoy them safely.

Upgrading Your Trust to Add Features and Options

Clients who purchased the original Bronze Trust prior to July 2016 can restate their trust to the current Edition to get all the updated language, instructions, definitions, and the new Exhibits to name and update Successor Trustees for disability or death, and to easily name Remainder Beneficiaries to receive trust property at death. It is an inexpensive way to help yourself and others to enjoy your firearms and to avoid making possession or transfer mistakes that risk criminal liability.

Even more design features and options are available with a Silver or Gold Trust. To help you make the jump, we generally provide credit for all or part of what you paid for your Bronze if you decide to make a major upgrade. You can restate any existing trust at any time to get the features you want, and we often provide incentives for gun trust clients on other legal work too!

Email us at info@nwgungunlawgroup.com or call us at 855-486-3629 to explore what more we can do for you and to help you protect everyone and everything you care about.

PREPARED BY

NORTHWEST GUN LAW GROUP

FIREARMS, PRIVACY & ESTATE PLANNING LAW

13901 NE 175TH ST., SUITE G

WOODINVILLE, WASHINGTON 98072

Telephone: (855) 486-3629

Fax: (888) 548-8965