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GUN TRUST DESIGN INTERVIEW

Thank you for trusting Opfer | Campbell | Beck P.C. with preparing important legal documents for you. The purpose of this interview is for you to consider, decide, and notify us of important decisions related to a gun trust. We will provide general information about how to answer each section, and then once we have this information back from you, we will schedule a virtual meeting or phone call to discuss everything further. After we receive this information, our office will prepare a draft of your trust and issue it for your review. You will have opportunities to ask questions and make revisions, and then we will coordinate you signing everything into place. Please do not hesitate to reach out if you have any questions completing this form. We look forward to assisting you!

PERSONAL INFORMATION

Today's Date:	
Full Legal Name:	
Aliases (other names you've used, such as maiden name):	
Spouse Name, if applicable:	
Date of Marriage, if applicable:	
Legal Address:	
Best Phone Number:	Best Email:

CHILDREN INFORMATION **(IF APPLICABLE)**

Full Legal Name	Birthday

TRUST STRUCTURE + TRUSTEES

Single vs. Joint Trust (*If you are married or part of a couple): When you create a trust, you are able to set it up as a single-owned entity, or otherwise jointly with a partner. In a single trust, you are the sole “Grantor,” meaning that you own the trust and if you pass away, the trust becomes “irrevocable” and a separate legal entity. If you create a joint trust, then both of you are Grantors and own the trust, and it does not become irrevocable until both of you pass away. Irrevocable trusts provide important liability protections for beneficiaries / heirs, but incur taxes differently than people. The benefits of creating a single trust is that if you pass away, your beneficiaries (including your spouse/partner) have significant liability protections, but they cannot make any changes to the trust. The benefit of a joint trust is that your spouse will have total control and access to the trust even if you pass away, and they can make changes to it if needed.

If you are married / part of a couple, do you want to create a single trust or a joint trust?

☐ Single Grantor Trust

☐ Joint Grantor Trust

Initial Trustees: The Trustee of a gun trust has access to the trust property (i.e. the firearms, accessories, ammunition) and manages the entity. You will be an initial Trustee, but if you intend to give anyone else access to your firearms right now, we recommend you name them as Co-Trustee with you. *Any Co-Trustees can be removed at any time by you in the future.* Please list any additional Co-Trustees you want to name now (please provide full legal names):

ADDITIONAL CO-TRUSTEES: _____

Successor Trustees: If you become incapacitated or die, your trust must identify who will succeed you as Trustee. Any successor will have the ability to manage your trust, will have access to your trust property, and will be responsible for carrying out your instructions about any firearms and the beneficiaries who will receive them. Please identify who you want to serve as successor Trustees, in the order you wish to name them (please provide full legal names):

FIRST SUCCESSOR(S): _____

SECOND SUCCESSOR(S): _____

THIRD SUCCESSOR(S) (if applicable): _____

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DISTRIBUTIONS + BENEFICIARIES

Primary Distribution of Trust Property: For the remainder of your lifetime, your trust property belongs to you and will be held for your benefit. If you are creating a joint trust with a spouse / partner, then if one of you dies the other will continue receiving the benefit of all property. After all Grantors die, though, you need to identify who will inherit any property from you.

By default, any property would pass to your spouse upon passing away, or if you do not have a spouse at that time, then to your next-of-kin in equal shares (e.g. to any children you have; if no children, then to parents; and if no parents, then to siblings). You are in control of where your firearms and related property pass, though, so please let us know who you would first want to receive everything (e.g. *all to my spouse; to be divided among all my children, equally*). **If you want to specify specific items to specific beneficiaries, you will receive a form from our office you can complete. For this section, please identify how you generally want everything to transfer.*

Alternate / Backup Disposition of Estate: If nobody in your “Primary Distribution” can inherit, where would the remainder of all your property go? For example, if you listed your spouse as sole beneficiary, do you want the money/property to go to your children next? Commonly, people choose a list of relatives, friends, or you can even identify charities, but it is entirely up to you. If you do not designate an ultimate recipient, everything will default to your next-of-kin (closest-related family member). Please provide us your thoughts here.

Management of Minor Children’s Property: If any of your property passes to a minor child, we will direct your Trustee to hold and protect the property until they become an adult. However, if you have any special instructions or guidelines for how to manage a minor’s share, you can provide any thoughts here.

Additional Concerns / Requests: Is there anything else you specifically want to address in your trust, or guidelines that you want to prepare for your Trustee in managing or carrying it out?

TRUST PROPERTY

Documenting Firearms Transfer (into your trust): By default, our office will prepare a general “assignment” of all firearms and related property, to transfer from you into the gun trust. However, you are capable of itemizing specific firearms and other property you are moving into the trust if you choose (e.g. manufacturer, serial number). The benefit of a general assignment is that it is a private transaction and there are no records about what you own or are transferring. However, this can cause complications if you use your firearms in states with more strict regulations, such as where you need to have a record of ownership of a specific item to determine who (i.e. your Trustees) can possess or transfer them. As a result and conversely, the benefit of an itemized transfer (in a Bill of Sale) is that we have a clear record of exactly what your trust owns and what the appointed Trustees can possess and use.

With the above in mind, would you like to utilize a General Assignment or an itemized Bill of Sale to move your firearms into the trust?

☐ General Assignment

☐ Bill of Sale

NFA Firearms: The National Firearms Act created a specific group of firearms and related property (e.g. silencers) that require approval and license from the Bureau of Alcohol, Tobacco, Firearms, and Explosives (BATFE). The most effective way to go about obtaining approval from BATFE is to apply for and obtain approval to possess these firearms / components inside a gun trust. This is not only important for issues around “possession,” but also ensuring your restricted property transfers to the correct people if you become incapacitated or die.

As of today, do you own any NFA firearms?

☐ YES

☐ NO

If YES, what names are on the BATFE approvals for your NFA property? _____

If YES, please provide descriptions of the NFA property or otherwise your BATFE paperwork approving your possession (for descriptions, including the item description, manufacturer information, and serial number):

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