

**New Lawyer's Subcommittee  
Trust & Estates Section of the CBA**

**Minutes for February 18, 2016**

CBA Offices – 9<sup>th</sup> Floor – Terrace Room

A. Welcome & Introductions

- Attendance:

Gina Trevey  
Sherry Purdy  
Mark Masters  
Annette Bybee  
Lauren da Cunha  
Justin Bertron  
Jason Cooper  
Marianne Luu-chen  
Sara Bastani  
Angela Hopkins  
John Estes  
Katy Brim  
Sarah Pheral  
Kim Raemdonck  
Sal Quintana  
Rachel Sheikh  
Sara Dietz

B. Review and Approve Minutes from January 21, 2016 Meeting

- Motion was seconded and passed unanimously

C. Presentation by Justin Bertron on the subject of gun trusts. Justin received his LL.M. in Taxation with a Certificate in Estate Planning from Georgetown University. He currently practices estate planning and wealth preservation as an associate attorney at Davis Schilken, P.C.

- See Handout, “Gun Trusts: how to own, share, and transfer firearms responsibly”
- Licensed firearm dealer in CO can’t sell out of state
- NFA
  - non transferrable and license must be specific to firearm and the individual who owns it
  - violation results in prison and fines (up to 10 years and \$250k)
  - some states prohibit these, Colorado permits them
- Ownership--own as individual or entity

- Gun Trust
  - Special purpose revocable living trust designed to own firearms and accessories
  - More flexible than the other alternatives for personal use
  - Helps reduce risk of both “accidental felony” and probate
  - Benefits of a gun trust – informing people how to make transfers and how to transfer legally
    - Incapacity
    - Death
    - Accidental felony
    - Co-owners and authorized users – appoint special trustee (permission slip) for limited time/purpose
    - No fingerprints or photographs are required for a trust(ee) – will change 7/13/16
    - No CLEO signature required – will change 7/13/16
    - Privacy
    - Firearms and accessories grandfathered in under the Trust (trust dynasty)
- ATF Rule 41F
  - Effective 7/13/16
  - Targeted at entities, not individuals
  - Does not affect conventional firearms, only NFA items
  - Universal background checks
  - “Responsible person” has to submit photograph, fingerprints and subject to background check
  - Loophole - No requirement to update ATF when a responsible person is added to trust
    - Remove trustees from trust, submit paperwork to ATF, then once approved, add trustees back
  - Chief Law Enforcement Office Notice
    - Notice requirement to sheriff in county you live in – includes all names of trustees and successor trustees; and provide change of address form if/when move
    - Average gun trust has 7-8 individuals named – so this will result in increased workload to ATF
  - New “Accidental Felony” – failure to document an RP will expose owners to an unlawful transfer
- Rev Trust
  - Include gun ownership on questionnaire
  - Include language that this is not intended to create a gun trust
  - Give trustee discretion
    - If beneficiary is prohibited person, give to someone else who is not prohibited or sell it and give the beneficiary the money;

- Beneficiary cannot be prohibited person – get beneficiary to sign perjury statement

D. Upcoming CLE

- Decanting & Otherwise Fixing Broken Trusts Tue, February 23, 2016
  - 1 General Credit
- Estate Planning Basic Skills 2016 Fri, February 26, 2016
  - 14 General Credits, including 1 Ethics Credit
- Baker v. Wood Ris & Hames: Privity Prevails Tue, March 1, 2016
  - 1 General Credit
- Winning Presentation Skills Wed, March 30, 2016
  - 3 General Credits

E. Metro Volunteer Lawyers: Power of Attorney Clinic

- RSVP by email to [mrjoeyscott@gmail.com](mailto:mrjoeyscott@gmail.com)
  - Emerson Gardens Thurs, February 25  
1:00 and 2:00 p.m. appointments
  - Olin Hotel Apartments Friday, February 26  
1:00, 2:00 and 3:00 p.m. appointments

F. Study Group (1<sup>st</sup> Thursday of each month from 12-1 PM)

G. Client Conundrums

- What to do if you cannot locate a trust beneficiary—no current address or phone
  - Since there is no procedure under probate to use Secretary of State, just get a court order to terminate trust.

H. Adjourn