

## PAWLING VINTAGE ARMS AND COLLECTABLES

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NY State Dealer #44380 FFL # 6-14-027-01-6E-01680

### Re: Preserving The Value of Firearms Held by Your Clients' Estates

Attorneys handling estates and trusts may find themselves with clients in possession of firearms that they are unable to lawfully possess, or which they may wish to liquidate or transfer to another for value. As a federally and state licensed firearms dealer, Pawling Vintage Arms and Collectables is able to assist you with the safe storage and lawful disposition of firearms which may come into the possession of your clients or their estates.

New York State law requires that an executor, administrator, or any other lawful possessor of certain types of firearms belonging to a decedent lawfully dispose of them within fifteen days. An example of such lawful disposal would include the sale or transfer to a licensed firearms dealer. Firearms not lawfully disposed within fifteen days have to be delivered to the police, where they could be declared "nuisance" firearms and destroyed if not claimed within one year. [PL § 265.20 (1)(a)(f)]. It is therefore crucial that estate attorneys be prepared to advise their clients on the lawful transfer of decedents' firearms in a timely manner, or else risk the loss of the property altogether. Since a court is unlikely to appoint an administrator or executor within fifteen days of the death of a decedent, transferring the firearms to a dealer such as Pawling Vintage Arms and Collectables for secure storage is an excellent way to protect your clients' property.

While the transfer of a decedents' firearm to another person, such as an immediate family member, can in some cases be accomplished directly (such as where a handgun is co-registered by a spouse who holds a pistol license), other transfers require the services of a licensed dealer. For example, ordinary rifles and shotguns may no longer be transferred without a dealer-conducted background check, except between "immediate family" members. [General Business Law § 898]. For another example, firearms classified under state law as "assault weapons" that have been registered by their owners may not be transferred to another owner in New York upon the death of the original owner. Such firearms may only be transferred to a licensed dealer, or to an out-of-state party through a licensed dealer. [PL § 265.00 (22)(h).] The alternative is seizure and destruction by law enforcement, depriving your clients of the value of the decedent's firearms.

There are many other situations which may arise under New York's complex gun control laws which may result in executors, administrators and surviving family members unwittingly possessing firearms illegally, resulting in the seizure and destruction of valuable firearms and also potentially criminal charges. When handling an estate that includes firearms, it is best to consult a knowledgeable and reputable licensed dealer, such as Pawling Vintage Arms and Collectables, at the earliest possible opportunity for sales, transfers and secure storage of your clients' valuable firearms.

Please contact us to find out more about how we can be of service to you and your clients.

Sincerely,