



BLACK WEAPONS ARMORY

NFA “Class 3” How-To Guide

Introduction:

- NFA (National Firearms Act) items, also known as “Class 3” items must be registered through the NFA Branch of the ATF.
- Items such as Pre-86 Transferable Machine Guns, Silencers (Suppressors), Short Barreled Rifles (SBR), Short Barreled Shotguns (SBS) required a \$200 Tax Stamp. Other items such as AOW (Any Other Weapon) such as a Short Barreled Shotgun with a pistol grip require a \$5 Tax Stamp. Further classification details can be found in the NFA Handbook.

<http://www.atf.gov/publications/firearms/nfa-handbook/>

- NFA Items may be registered to either a private individual or a legal entity such as a Living Trust or an LLC.
- Transfers of items (i.e. someone buys a silencer from a gun shop) require an ATF Form 4 - Application for Tax Paid Transfer and Registration of a Firearm.
- Individuals wanting to build their own items, such as Short Barreled Rifle must fill out an ATF Form 1 - Application to Make and Register a Firearm

Option 1 – Private Registration:

- An individual may register an NFA item to themselves as a private owner without having to create a legal entity. The benefit of this method is the owner does not have to go through the procedure of creating a legal entity. The main disadvantage of this method is that the process is normally longer (avg. 6 months processing time for individuals vs. 3 months for Living Trusts) in addition to the average 1 month wait time for LEO sign off.
- Private Registration Process:
 - Once Black Weapons Armory has possession of the NFA item, we fill out 3 copies of the Form 4 with the appropriate information.
 - A Certification of Compliance (ATF Form 5330.20) certifying citizenship must be completed.
 - The individual must get 2 copies of finger prints taken on the supplied FBI FD-258LE.
 - The individual will also need 3 passport sized photos taken to attach to the Form 4.
 - The individual must then acquire a CLEO (Chief Law Enforcement Officer) signature on the Form 4's. In Pima County the CLEO signature is done at the Pima County Sheriff's Office at 1750 E. Benson Highway in Tucson, AZ. Normal processing time from Pima County is 1 month.
 - Once the individual receives the CLEO signoff back from the Sheriff, they must send 2 copies of the Form 4 with passport photos attached, 2 completed finger print cards, Certification of Compliance, and a check for the appropriate amount to the NFA branch. Check information, dollar amount, and address are listed on the Form 4.
 - Processing time at the NFA branch is about 6 months on average. When the NFA branch has processed the paper work

1 copy of the Form 4 will be sent back to Black Weapons Armory with the appropriate Tax Stamp. Once we have possession of the Tax Stamp we contact the individual and transfer the NFA item.

Option 2 – Living Trust Registration:

- As mentioned above an individual may register an NFA item to a legal entity instead of themselves. We recommend forming a Living Trust in order to do this. Items may also be registered to entities such as an LLC, but for simplicity we will reference a transfer into a trust. If an individual already has a trust, creation of a new trust is not necessary. One of the benefits to this method is the processing time is normally cut in half and the NFA branch does not take as long to process the paper work. A second benefit is that registration to a trust does not require CLEO sign-off, passport photos, or finger print cards. A third benefit is that the trustee may add people such as family members to the trust and allow them to use the items without the original purchaser being present as long as they are in the trust.
- Living Trust Registration Process:
 - The individual receiving the NFA item may create a Living Trust through either a lawyer, through a website such as nolo.com, or through updated software capable of creating a Living Trust.
 - A Schedule A / Schedule of Assets must be created in the Trust. This lists what assets are to be assigned as property to the trust. The individual forming the trust must list the serial number for the NFA item in the trust before sending the Form 4 into the NFA branch.
 - Once Black Weapons Armory has possession of the NFA item, we fill out 3 copies of the Form 4 with the appropriate information. The individual will list the name of the trust on the Form 4 instead of their legal name.
 - After the trust has been formed it must be notarized. Once notarized, photo copy the entire trust. This complete photo

copy will be sent into the NFA branch with the Form 4's. Take the original copy and file it with the county recorder's office.

- A Certification of Compliance (ATF Form 5330.20) certifying citizenship must be completed.
- Once the individual has completed the trust and Form 4, they must send 2 copies of the Form 4 with a complete copy of the trust, Certification of Compliance, and a check for the appropriate amount to the NFA branch. Check information, dollar amount, and address are listed on the Form 4.
- Processing time at the NFA branch is normally faster than individual registration, but there is no guarantee to this. When the NFA branch has processed the paper work 1 copy of the Form 4 will be sent back to Black Weapons Armory with the appropriate Tax Stamp. Once we have possession of the Tax Stamp we contact the individual and transfer the NFA item.

Additional Info:

The information enclosed in this document is intended as a guide and is based on our experience in transferring NFA items in combination with feedback from customers. We do recommend creating a Living Trust in order to transfer NFA items; however it is completely up to the individual receiving the item. Black Weapons Armory assumes no legal responsibility on behalf of the transferee by providing this guide or in transferring NFA items. We recommend contacting the NFA branch of the ATF or a lawyer if there are specific questions or concerns we cannot address.

Pima County Sheriff Contact Info:

<http://www.pimasheriff.org/Page/2020/Show.aspx>

ATF Form 4

<http://www.atf.gov/forms/download/atf-f-5320-4.pdf>

ATF Certification of Compliance (5330.20)

<http://www.atf.gov/forms/download/atf-f-5330-20.pdf>

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