

Firearms and Probate in Missouri:

A Practical Guide for Families and Estate Professionals in Missouri



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Managing firearms in probate estates is a challenge that combines family dynamics, state inheritance law, and federal firearm regulations. This guide is written for executors, heirs, attorneys, fiduciaries, and estate professionals who may encounter firearms during probate.

Important Note: This material is for educational purposes only and should not be considered legal advice. Families facing complex probate situations should consult both a qualified probate attorney and a federally licensed firearms dealer (FFL).

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A Practical Guide to Inheriting Firearms in Missouri

Firearms are among the most regulated assets in any estate. Unlike jewelry, antiques, or vehicles, guns carry a separate layer of compliance under state probate law, Missouri inheritance rules, and federal firearms regulations under the Gun Control Act and the National Firearms Act.

Common questions families ask include:

- Who legally inherits firearms if there is no will?
- How can firearms be transferred across state lines?
- What happens if the heir is legally prohibited from owning a gun?
- How do families handle rare or NFA-regulated items (like suppressors or short-barreled rifles)?

Firearms and Probate Basics

Introduction to Probate

Probate is the court-supervised process of settling a deceased person's estate. In Missouri, this process applies whether the individual died **testate** (with a valid will) or **intestate** (without one). The court appoints a **personal representative**:

- If there is a will: the named **Executor**.
- If there is no will: a court-appointed **Administrator**.

Both roles have the same responsibilities: collecting assets, paying debts, and distributing property. When firearms are involved, these responsibilities extend further: ensuring legal transfers, preventing unlawful possession, and documenting values through professional appraisals.

Firearms, like any other personal property, are subject to probate unless they were specifically excluded through estate planning mechanisms such as trusts, joint ownership, or beneficiary designations. In Missouri, the probate court not only ensures that property is distributed properly, but also that the transfer of firearms complies with both state and federal law.

Missouri does not require firearm registration, nor does it restrict most private transfers between state residents. However, firearms add unique layers of oversight. An executor or administrator cannot simply hand out a rifle or handgun from the decedent's collection. They must confirm:

- The intended heir is legally eligible to own firearms.
- Any interstate transfer complies with federal law and, if applicable, the laws of the recipient's state.

- If the firearm is classified under the National Firearms Act (NFA) (such as a short-barreled rifle, suppressor, or machine gun), additional federal transfer procedures are followed.
- The estate documents the transaction for liability protection and proper recordkeeping.

These requirements mean that firearms in probate estates often demand greater care, planning, and professional guidance than other types of personal property.

Executor and Administrator Responsibilities

When firearms are part of an estate, the responsibilities of an executor or administrator go beyond ordinary asset distribution. Unlike furniture, jewelry, or vehicles, firearms are tightly regulated under both federal and state law. Mishandling them can expose the estate to liability, delay probate proceedings, or even create criminal exposure for the personal representative.

Executors and administrators must document, secure, and transfer firearms with particular care. The process begins as soon as the estate is opened. Key responsibilities include:

- **Inventory and secure all firearms immediately.** Guns should be removed from open access in the home and placed in a locked safe or transferred to a licensed dealer until probate concludes. This prevents theft, misuse, or unlawful possession.
- **Determine whether any firearms are NFA-regulated.** Items such as suppressors, short-barreled rifles (SBRs), short-barreled shotguns (SBSs), or machine guns are subject to the National Firearms Act (NFA). These items must remain properly registered and require special handling during probate.
- **Consult the decedent's will or court orders.** The will may specify who should inherit firearms, but even then, distribution must be conditioned on compliance with state and federal law.
- **Use a licensed dealer for interstate transfers.** Any heir who resides outside Missouri cannot lawfully receive a firearm directly from the estate. Federal law requires shipment through a licensed Federal Firearms Licensee (FFL).
- **Keep detailed records for probate filings.** Every firearm transfer should be documented with serial numbers, dates, and recipient information. These records support probate filings, reduce disputes, and create a clear paper trail for liability protection.

Checklist for Executors Handling Firearms

To make the responsibilities outlined above actionable, this checklist lays them in concrete steps an executor can follow. This step-by-step format helps ensure the firearm portion of probate is managed legally, safely, and defensibly:

- ☐ **Confirm your legal authority.** Ensure you have been formally appointed by the court as executor (testate) or administrator (intestate).
- ☐ **Secure firearms immediately.** Lock them in a safe, transfer to a licensed dealer, or otherwise restrict access.
- ☐ **Create a detailed inventory.** Record make, model, caliber, and serial number for each firearm. Include condition notes or photographs for insurance and appraisal purposes.
- ☐ **Identify lawful heirs and residency.** Confirm who is entitled to inherit firearms and whether they live in Missouri or another state.
- ☐ **Check eligibility of heirs.** Verify that no heir is a prohibited person under federal law (e.g., convicted felon, domestic violence conviction, unlawful drug user).
- ☐ **Arrange lawful transfers.** For out-of-state heirs, use an FFL to complete the transfer. For in-state heirs, complete probate distribution but retain records.
- ☐ **Handle NFA items separately.** If the estate includes suppressors, SBRs, or other NFA firearms, file **ATF Form 5** for tax-free transfer to lawful heirs.
- ☐ **Maintain documentation.** File copies of all transfer paperwork with the probate court and keep estate records in case of audit or dispute.

A Common Scenario: The Death of a Husband

Imagine a husband passes away in Missouri, leaving behind a spouse and two adult children living in different states. His estate includes several hunting rifles, a handgun, and a registered suppressor. The widow, as executor, must make decisions about how to lawfully transfer or dispose of these firearms.

This guide explores how various outcomes could play out depending on the location of the heirs, the type of firearm, and the applicable laws.

When There Is a Valid Will

If the deceased left a valid will, firearms are distributed according to its terms. For example, a will might state that the gun collection goes to the surviving spouse, or that specific firearms go to named children. The Executor is responsible for ensuring the transfer is carried out legally. This means verifying the heir is not a prohibited person under federal law (such as someone convicted of a felony or subject to a restraining order). Even with a will, complications arise. A firearm gifted to an heir living in another state cannot simply be shipped by the executor

If a will leaves a firearm to an heir who lives in another state, federal law does recognize an inheritance exception. The personal representative (executor or administrator) may deliver or ship the firearm directly to that heir when the firearm is received by bequest or intestate succession. In that specific scenario, a transfer through an FFL is not required by federal law.

That said, all the following still apply:

- The heir must not be a prohibited person, and the transfer must comply with the laws of both states.
- Shipping rules and carrier policies still control how the gun can be sent (for example, USPS does not allow non-licensees to mail handguns, and many private carriers limit firearm shipments to or from FFLs).
- NFA items (suppressors, SBRs, etc.) require ATF Form 5 approval before any transfer.
- If the firearm is being sold or given to someone who is not an heir, an interstate transfer must go through an FFL in the recipient's state.

Executors who ignore this step expose both themselves and the estate to legal risk.

When There Is No Will (Intestacy)

If the deceased died without a will, Missouri's intestacy laws determine who inherits firearms. Generally, if there is a surviving spouse and no children, the spouse inherits the estate outright. If there are children, the spouse inherits a portion, and the remainder is divided among the children. This means that firearms may need to be split between heirs or appraised so that their value can be offset by other estate property. This can be

especially challenging with firearms, because they are not always easily divisible. Unlike cash, you cannot split a rifle between two heirs. Executors often need to arrange an appraisal to determine fair market value, so that firearms can either be sold with proceeds divided or allocated fairly among heirs. Appraisals also serve as a safeguard in probate court, ensuring transparency and minimizing disputes.

Surviving Spouse Scenarios

Many families assume that a surviving spouse automatically inherits all firearms. While this is often true in Missouri, the answer depends on whether there are children and how the estate is structured. If the couple had no children, the spouse generally receives the entire estate, including firearms. If there are children, especially from prior marriages, the firearms may need to be shared or equitably distributed. For example, if a husband dies without a will, leaving behind a wife and two children, Missouri law entitles the wife to a share, but the children also receive a portion. This may require the firearms to be appraised and either divided or sold. Courts tend to prioritize fairness and compliance, not convenience. Spouses who assume “the guns are mine” may find themselves in conflict with children who are also lawful heirs.

Heirs Living in Other States

One of the most common questions we hear is: “If my father in Missouri left me firearms, and I live in another state, can I just drive them home?” The answer is almost always no. Federal law prohibits direct interstate transfer of firearms between private parties. The executor cannot legally drive or ship firearms to an out-of-state heir unless the transfer is made through a licensed dealer (FFL) in the heir’s home state. The practical process works like this: the executor delivers the firearm to an in-state FFL, who then ships it to a licensed dealer in the heir’s state. The heir completes a background check before taking possession. This ensures the transfer complies with federal law, protects the executor from liability, and provides documentation for the probate file.

What About NFA or Restricted Firearms?

Some estates include firearms regulated by the National Firearms Act (NFA), such as short-barreled rifles, suppressors, or machine guns. These items cannot be transferred like ordinary firearms. They require specific ATF forms (Form 5 for tax-free inheritance transfers, or Form 4 for other transfers), and they must remain registered throughout the process. An executor who mishandles an NFA firearm exposes the estate to serious penalties. In Missouri, NFA items can be legally inherited if the heir is not prohibited, but the process requires strict compliance with ATF rules. Estates that discover such items should consult with a qualified attorney and work with an FFL experienced in NFA transfers. It is not uncommon for families to be unaware that a firearm qualifies as an NFA weapon until after death, making professional evaluation crucial.

Why Firearm Appraisals Matter in Probate

Appraisals are about far more than just placing a dollar figure on a firearm. In the probate process, they create a documented record of fair market value that courts, attorneys, and heirs can rely on. This record helps ensure firearms are handled with the same legal and financial diligence as real estate, vehicles, or other high-value assets.

Legal and Court Compliance

Probate courts often require executors to submit an inventory of the estate's assets, including firearms. Without a certified appraisal, executors may submit values based on internet searches or personal guesses. Courts are increasingly skeptical of these informal valuations, especially when firearms are collectible or unique. Professional appraisals ensure that reported values will stand up under legal scrutiny and reduce the risk of the probate filings being delayed, questioned, or rejected.

Preventing Family Disputes

Heir disputes often arise because one firearm appears more valuable than another. For example, one sibling may assume a Colt Python revolver is "just another handgun," while another knows it may fetch several thousand dollars. Similarly, a Winchester Model 12 might carry sentimental weight but relatively little monetary value. Without clear, documented values, family members can accuse one another of favoritism or inequity. A professional appraisal levels the playing field by providing impartial, standardized valuations that all parties can accept.

Meeting IRS and Tax Requirements

For taxable estates, firearms are not exempt from IRS scrutiny. The IRS requires fair market value documentation for personal property, and firearms are no exception. If values are underreported, the estate risks penalties or audits. If they are overreported, heirs may pay more than required in estate taxes. A certified appraisal satisfies IRS requirements, giving both executors and tax professionals confidence in the accuracy of reported values.

Identifying Rare, Collectible, and Regulated Firearms

Not all firearms are created equal. Some, like common hunting rifles, may only be worth a few hundred dollars, while others, such as early-production Colt Single Action Army revolvers or factory-engraved shotguns, may be worth tens of thousands. Professional appraisers can identify these rarities, trace provenance, and document condition using accepted grading systems like the **Photo Percentage Grading System (PPGS)**. Additionally, if a firearm falls under the **National Firearms Act (NFA)**, such as suppressors, short-barreled rifles, or machine guns, the appraisal process also ensures these items are flagged for proper ATF transfer procedures.

Peace of Mind for Families and Executors

Beyond legal compliance and financial accuracy, appraisals provide peace of mind. Families can make fair decisions when they know which firearms hold monetary value and which carry mostly sentimental weight.

Executors, meanwhile, demonstrate due diligence by obtaining professional documentation, protecting themselves against accusations of negligence or favoritism. Ultimately, an appraisal transforms firearms from a source of stress and conflict into properly managed assets of the estate.

✦ ***Pro Tip: At MDRF Enterprises, our appraisals are certified, USPAP-compliant, and backed by the Photo Percentage Grading System (PPGS). That means every valuation is clear, documented, and defensible in court, with photographs that eliminate ambiguity.***

Common Mistakes to Avoid

Families handling firearms in estates often make mistakes, usually out of good intentions but poor understanding of the law. These errors can create delays in probate, inflame family disputes, or result in violations of state or federal law. Below are the most common pitfalls:

Assuming a spouse automatically inherits all firearms

Missouri law does not automatically grant a surviving spouse ownership of every firearm unless the estate is structured accordingly. If the deceased died intestate (without a will), firearms may legally pass to children or other heirs depending on the probate distribution rules. When families assume “everything goes to the spouse,” they risk skipping the proper legal process, which can expose both the spouse and the estate to challenges later. Executors should confirm inheritance rights through probate court before transferring firearms.

Transporting firearms across state lines without using an FFL

One of the most common mistakes is when family members simply load firearms into a car or ship them directly to an heir in another state. Federal law requires interstate transfers to go through a licensed firearms dealer (FFL). Ignoring this requirement can create serious legal liability for both the sender and the recipient. Properly using an FFL ensures the transfer complies with both Missouri and the recipient’s state laws.

Ignoring Federal restrictions on prohibited persons

Executors may unknowingly transfer firearms to heirs who are not legally eligible to own them. Federal law prohibits possession by certain individuals, including convicted felons, domestic violence offenders, unlawful drug users, and those adjudicated mentally defective. If a prohibited heir takes possession, both the heir and the executor could face legal consequences. Part of the executor’s duty is to confirm the eligibility of each intended heir before arranging transfers.

Overlooking NFA-regulated items that require ATF paperwork

Suppressors, short-barreled rifles (SBRs), and other items regulated under the National Firearms Act (NFA) carry an additional layer of legal requirements. These firearms cannot simply be handed over or included in a general estate distribution. They require ATF approval and tax-exempt transfers (Form 5) when moving to lawful heirs. Failure to follow these steps could turn a well-intentioned executor into someone in unlawful possession of an unregistered NFA firearm — a serious federal offense.

Failing to obtain a professional appraisal

Too often, families rely on internet listings or informal guesses to value firearms in an estate. This approach can lead to undervaluation, unfair division among heirs, or challenges in probate court. Worse, insurance claims may be denied if values are not properly documented. A certified appraisal ensures the firearms are accurately valued according to professional standards, giving the estate a defensible record for legal, financial, and insurance purposes.

Treating firearms as “just another asset”

Unlike furniture, jewelry, or vehicles, firearms are heavily regulated assets that carry legal and safety risks. Treating them casually, selling them at garage sales, passing them between family members, or failing to secure them, creates serious problems. Firearms require both physical security and compliance with law. Executors who treat them as ordinary property risk not only legal issues but also family safety concerns if unsecured firearms are left accessible.

Final Thoughts

Firearms in estates present a unique challenge that blends family dynamics, legal requirements, and safety concerns. Executors and heirs should never assume the rules are straightforward. By understanding how Missouri probate law interacts with federal firearm regulations, families can avoid costly mistakes, ensure fair treatment of heirs, and honor the wishes of the deceased.

This guide is intended for educational purposes and should not be considered legal advice. Complex situations, such as estates with out-of-state heirs or NFA-regulated firearms, require consultation with both a probate attorney and a licensed Federal Firearms Licensee (FFL) experienced in estate transfers.

At MDRF Enterprises, we provide more than advice: we deliver **certified firearm appraisals, compliant transfers, and secure removal services** tailored to the needs of families, attorneys, and fiduciaries.

Handling firearms in probate requires balancing respect for family wishes with strict compliance to the law. Executors and heirs should start with education, follow documented checklists, and seek professional guidance

when necessary. MDRF Enterprises is committed to ensuring that Missouri families and estate professionals have discreet, professional, and fully compliant solutions at every step.