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Form **990-PF**

Return of Private Foundation
or Section 4947(a)(1) Nonexempt Charitable Trust
Treated as a Private Foundation

OMB No 1545-0052

2008Department of the Treasury
Internal Revenue Service

Note The foundation may be able to use a copy of this return to satisfy state reporting requirements

For calendar year 2008, or tax year beginning **11/01/08**, and ending **10/31/09**

G Check all that apply ☐ Initial return ☐ Final return ☐ Amended return ☐ Address change ☐ Name change

Use the IRS
label.
Otherwise,
print
or type.
See Specific
Instructions.

Name of foundation

The Stephen Muss Foundation Inc

Number and street (or P O box number if mail is not delivered to street address)

1691 Michigan Avenue

Room/suite

250

City or town, state, and ZIP code

Miami Beach**FL 33139**

A Employer identification number

23-7424763

B Telephone number (see page 10 of the instructions)

305-531-4848C If exemption application is pending, check here ☐D 1. Foreign organizations, check here ☐

2. Foreign organizations meeting the

85% test, check here and attach computation ☐E If private foundation status was terminated
under section 507(b)(1)(A), check here ☐F If the foundation is in a 60-month termination
under section 507(b)(1)(B), check here ☐H Check type of organization ☒ Section 501(c)(3) exempt private foundation☐ Section 4947(a)(1) nonexempt charitable trust ☐ Other taxable private foundationI Fair market value of all assets at end
of year (from Part II, col (c),
line 16) **\$ 16,304,842**J Accounting method ☒ Cash ☐ Accrual☐ Other (specify)

(Part I, column (d) must be on cash basis)

Part I Analysis of Revenue and Expenses (The
total of amounts in columns (b), (c), and (d) may not necessarily
equal the amounts in column (a) (see pg 11 of the instructions))

(a) Revenue and
expenses per
books(b) Net investment
income(c) Adjusted net
income(d) Disbursements
for charitable
purposes
(cash basis only)

Revenue

- 1 Contributions, gifts, grants, etc., received (attach schedule)
- 2 Check ☒ if the foundation is **not** required to attach Sch B
- 3 Interest on savings and temporary cash investments **8,030**
- 4 Dividends and interest from securities **251,953**
- 5a Gross rents
- b Net rental income or (loss)
- 6a Net gain or (loss) from sale of assets not on line 10 **-1,408,477**
- b Gross sales price for all assets on line 6a **5,033,949**
- 7 Capital gain net income (from Part IV, line 2)
- 8 Net short-term capital gain
- 9 Income modifications
- 10a Gross sales less returns & allowances
- b Less Cost of goods sold
- c Gross profit or (loss) (attach schedule)
- 11 Other income (attach schedule) **Stmt 1** **-18,699**
- 12 **Total.** Add lines 1 through 11 **-1,167,193**

Operating and Administrative Expenses

- 13 Compensation of officers, directors, trustees, etc
- 14 Other employee salaries and wages
- 15 Pension plans, employee benefits
- 16a Legal fees (attach schedule)
- b Accounting fees (attach schedule)
- c Other professional fees (attach schedule) **Stmt 2** **46,885**
- 17 Interest **765**
- 18 Taxes (attach schedule) (see page 14 of the instructions) **Stmt 3** **9,467**
- 19 Depreciation (attach schedule) and depletion
- 20 Occupancy
- 21 Travel, conferences, and meetings
- 22 Printing and publications
- 23 Other expenses (att sch) **Stmt 4** **1,245**
- 24 **Total operating and administrative expenses.**
Add lines 13 through 23 **58,362**
- 25 Contributions, gifts, grants paid **1,376,816**
- 26 **Total expenses and disbursements.** Add lines 24 and 25 **1,435,178**
- 27 Subtract line 26 from line 12
- a **Excess of revenue over expenses & disbursements** **-2,602,371**
- b **Net investment income** (if negative, enter -0-) **189,382**
- c **Adjusted net income** (if negative, enter -0-) **0**

For Privacy Act and Paperwork Reduction Act Notice, see page 30 of the instructions.

Form 990-PF (2008)

914
1/28 21

Part II Balance Sheets		Attached schedules and amounts in the description column should be for end-of-year amounts only (See instructions)		Beginning of year	End of year	
		(a) Book Value	(b) Book Value	(c) Fair Market Value		
Assets	1 Cash—non-interest-bearing					
	2 Savings and temporary cash investments					
	3 Accounts receivable ▶ Less allowance for doubtful accounts ▶					
	4 Pledges receivable ▶ Less allowance for doubtful accounts ▶					
	5 Grants receivable					
	6 Receivables due from officers, directors, trustees, and other disqualified persons (attach schedule) (see page 15 of the instructions)					
	7 Other notes and loans receivable (att schedule) ▶ Less allowance for doubtful accounts ▶					
	8 Inventories for sale or use					
	9 Prepaid expenses and deferred charges	42,299	45,839	45,839		
	10a Investments—U S and state government obligations (attach schedule) Stmt 5	228,616	1,133,658	1,133,658		
	b Investments—corporate stock (attach schedule) See Stmt 6	16,434,908	12,881,938	15,025,345		
	c Investments—corporate bonds (attach schedule)					
	11 Investments—land, buildings, and equipment basis ▶ Less accumulated depreciation (attach sch) ▶					
	12 Investments—mortgage loans					
	13 Investments—other (attach schedule) See Statement 7	100,000	100,000	100,000		
	14 Land, buildings, and equipment basis ▶ Less accumulated depreciation (attach sch) ▶					
15 Other assets (describe ▶)						
16 Total assets (to be completed by all filers—see the instructions Also, see page 1, item I)	16,805,823	14,161,435	16,304,842			
Liabilities	17 Accounts payable and accrued expenses					
	18 Grants payable					
	19 Deferred revenue See Statement 8	12,419				
	20 Loans from officers, directors, trustees, and other disqualified persons					
	21 Mortgages and other notes payable (attach schedule)					
	22 Other liabilities (describe ▶ See Statement 9)	30,548	950			
	23 Total liabilities (add lines 17 through 22)	42,967	950			
Net Assets or Fund Balances	Foundations that follow SFAS 117, check here ▶ <input type="checkbox"/> and complete lines 24 through 26 and lines 30 and 31.					
	24 Unrestricted					
	25 Temporarily restricted					
	26 Permanently restricted					
	Foundations that do not follow SFAS 117, check here ▶ <input checked="" type="checkbox"/> and complete lines 27 through 31.					
	27 Capital stock, trust principal, or current funds					
	28 Paid-in or capital surplus, or land, bldg, and equipment fund					
	29 Retained earnings, accumulated income, endowment, or other funds	16,762,856	14,160,485			
	30 Total net assets or fund balances (see page 17 of the instructions)	16,762,856	14,160,485			
31 Total liabilities and net assets/fund balances (see page 17 of the instructions)	16,805,823	14,161,435				

Part III Analysis of Changes in Net Assets or Fund Balances

1 Total net assets or fund balances at beginning of year—Part II, column (a), line 30 (must agree with end-of-year figure reported on prior year's return)	1	16,762,856
2 Enter amount from Part I, line 27a	2	-2,602,371
3 Other increases not included in line 2 (itemize) ▶ See Statement 10	3	
4 Add lines 1, 2, and 3	4	14,160,485
5 Decreases not included in line 2 (itemize) ▶ See Statement 11	5	
6 Total net assets or fund balances at end of year (line 4 minus line 5)—Part II, column (b), line 30	6	14,160,485

Part IV Capital Gains and Losses for Tax on Investment Income

(a) List and describe the kind(s) of property sold (e.g., real estate, 2-story brick warehouse, or common stock, 200 shs MLC Co)		(b) How acquired P—Purchase D—Donation	(c) Date acquired (mo., day, yr.)	(d) Date sold (mo., day, yr.)
1a	Short Term (sch Attac)	P	Various	Various
b	Long Term (sch Attac)	P	Various	Various
c	Capital Gain Distributions	P		
d	Section 1250 Gain	P		
e				

(e) Gross sales price	(f) Depreciation allowed (or allowable)	(g) Cost or other basis plus expense of sale	(h) Gain or (loss) (e) plus (f) minus (g)
a 3,362,367		3,740,183	-377,816
b 1,658,180		2,702,243	-1,044,063
c 12,893			12,893
d 509			509
e			

Complete only for assets showing gain in column (h) and owned by the foundation on 12/31/69

(i) FMV as of 12/31/69	(j) Adjusted basis as of 12/31/69	(k) Excess of col (i) over col (j), if any	(l) Gains (Col (h) gain minus col (k), but not less than -0-) or Losses (from col (h))
a			-377,816
b			-1,044,063
c			12,893
d			509
e			

2 Capital gain net income or (net capital loss)	<div style="border: 1px solid black; padding: 2px;"> If gain, also enter in Part I, line 7 If (loss), enter -0- in Part I, line 7 </div>	2	-1,408,477
3 Net short-term capital gain or (loss) as defined in sections 1222(5) and (6) If gain, also enter in Part I, line 8, column (c) (see pages 13 and 17 of the instructions) If (loss), enter -0- in Part I, line 8		3	

Part V Qualification Under Section 4940(e) for Reduced Tax on Net Investment Income

(For optional use by domestic private foundations subject to the section 4940(a) tax on net investment income.)

If section 4940(d)(2) applies, leave this part blank

Was the foundation liable for the section 4942 tax on the distributable amount of any year in the base period? ☐ Yes ☒ No

If "Yes," the foundation does not qualify under section 4940(e). Do not complete this part.

1 Enter the appropriate amount in each column for each year, see page 18 of the instructions before making any entries

(a) Base period years Calendar year (or tax year beginning in)	(b) Adjusted qualifying distributions	(c) Net value of noncharitable-use assets	(d) Distribution ratio (col (b) divided by col (c))
2007	933,184	19,294,348	0.048366
2006	882,500	21,075,085	0.041874
2005	820,667	18,090,093	0.045366
2004	582,690	1,763,280	0.330458
2003	446,900	1,744,280	0.256209

2 Total of line 1, column (d)	2	0.722273
3 Average distribution ratio for the 5-year base period—divide the total on line 2 by 5, or by the number of years the foundation has been in existence if less than 5 years	3	0.144455
4 Enter the net value of noncharitable-use assets for 2008 from Part X, line 5	4	14,603,604
5 Multiply line 4 by line 3	5	2,109,564
6 Enter 1% of net investment income (1% of Part I, line 27b)	6	1,894
7 Add lines 5 and 6	7	2,111,458
8 Enter qualifying distributions from Part XII, line 4 If line 8 is equal to or greater than line 7, check the box in Part VI, line 1b, and complete that part using a 1% tax rate. See the Part VI instructions on page 18	8	1,376,816

Part VI Excise Tax Based on Investment Income (Section 4940(a), 4940(b), 4940(e), or 4948—see page 18 of the instructions)

1a	Exempt operating foundations described in section 4940(d)(2), check here <input type="checkbox"/> and enter "N/A" on line 1 Date of ruling letter (attach copy of ruling letter if necessary—see instructions)		
b	Domestic foundations that meet the section 4940(e) requirements in Part V, check here <input type="checkbox"/> and enter 1% of Part I, line 27b	1	3,788
c	All other domestic foundations enter 2% of line 27b. Exempt foreign organizations enter 4% of Part I, line 12, col (b)		
2	Tax under section 511 (domestic section 4947(a)(1) trusts and taxable foundations only. Others enter -0-)	2	0
3	Add lines 1 and 2	3	3,788
4	Subtitle A (income) tax (domestic section 4947(a)(1) trusts and taxable foundations only. Others enter -0-)	4	0
5	Tax based on investment income. Subtract line 4 from line 3. If zero or less, enter -0-	5	3,788
6	Credits/Payments		
a	2008 estimated tax payments and 2007 overpayment credited to 2008	6a	45,839
b	Exempt foreign organizations—tax withheld at source	6b	
c	Tax paid with application for extension of time to file (Form 8868)	6c	
d	Backup withholding erroneously withheld	6d	
7	Total credits and payments. Add lines 6a through 6d	7	45,839
8	Enter any penalty for underpayment of estimated tax. Check here <input type="checkbox"/> if Form 2220 is attached	8	
9	Tax due. If the total of lines 5 and 8 is more than line 7, enter amount owed	9	
10	Overpayment. If line 7 is more than the total of lines 5 and 8, enter the amount overpaid	10	42,051
11	Enter the amount of line 10 to be Credited to 2009 estimated tax 42,051 Refunded	11	

Part VII-A Statements Regarding Activities

	Yes	No
1a During the tax year, did the foundation attempt to influence any national, state, or local legislation or did it participate or intervene in any political campaign?		X
b Did it spend more than \$100 during the year (either directly or indirectly) for political purposes (see page 19 of the instructions for definition)? If the answer is "Yes" to 1a or 1b , attach a detailed description of the activities and copies of any materials published or distributed by the foundation in connection with the activities		X
c Did the foundation file Form 1120-POL for this year?		X
d Enter the amount (if any) of tax on political expenditures (section 4955) imposed during the year: (1) On the foundation \$ _____ (2) On foundation managers \$ _____		
e Enter the reimbursement (if any) paid by the foundation during the year for political expenditure tax imposed on foundation managers \$ _____		
2 Has the foundation engaged in any activities that have not previously been reported to the IRS? If "Yes," attach a detailed description of the activities		X
3 Has the foundation made any changes, not previously reported to the IRS, in its governing instrument, articles of incorporation, or bylaws, or other similar instruments? If "Yes," attach a conformed copy of the changes		X
4a Did the foundation have unrelated business gross income of \$1,000 or more during the year?		X
b If "Yes," has it filed a tax return on Form 990-T for this year?		
5 Was there a liquidation, termination, dissolution, or substantial contraction during the year? If "Yes," attach the statement required by General Instruction T		X
6 Are the requirements of section 508(e) (relating to sections 4941 through 4945) satisfied either: • By language in the governing instrument, or • By state legislation that effectively amends the governing instrument so that no mandatory directions that conflict with the state law remain in the governing instrument?	X	
7 Did the foundation have at least \$5,000 in assets at any time during the year? If "Yes," complete Part II, col (c), and Part XV	X	
8a Enter the states to which the foundation reports or with which it is registered (see page 19 of the instructions) DE		
b If the answer is "Yes" to line 7, has the foundation furnished a copy of Form 990-PF to the Attorney General (or designate) of each state as required by General Instruction G? If "No," attach explanation	X	
9 Is the foundation claiming status as a private operating foundation within the meaning of section 4942(j)(3) or 4942(j)(5) for calendar year 2008 or the taxable year beginning in 2008 (see instructions for Part XIV on page 27)? If "Yes," complete Part XIV		X
10 Did any persons become substantial contributors during the tax year? If "Yes," attach a schedule listing their names and addresses		X

N/A

Part VII-A Statements Regarding Activities (continued)

11	At any time during the year, did the foundation, directly or indirectly, own a controlled entity within the meaning of section 512(b)(13)? If "Yes," attach schedule (see page 20 of the instructions)	11		X
12	Did the foundation acquire a direct or indirect interest in any applicable insurance contract before August 17, 2008?	12		X
13	Did the foundation comply with the public inspection requirements for its annual returns and exemption application? Website address ► None	13	X	
14	The books are in care of ► Jeff Frantzman 1691 Michigan Ave Suite 250 Located at ► Miami Beach, FL	Telephone no ► 305-531-4848 ZIP+4 ► 33139		
15	Section 4947(a)(1) nonexempt charitable trusts filing Form 990-PF in lieu of Form 1041—Check here and enter the amount of tax-exempt interest received or accrued during the year	► 15 ► <input type="checkbox"/>		

Part VII-B Statements Regarding Activities for Which Form 4720 May Be Required

File Form 4720 if any item is checked in the "Yes" column, unless an exception applies.		Yes	No
1a	During the year did the foundation (either directly or indirectly)		
(1)	Engage in the sale or exchange, or leasing of property with a disqualified person? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No		
(2)	Borrow money from, lend money to, or otherwise extend credit to (or accept it from) a disqualified person? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No		
(3)	Furnish goods, services, or facilities to (or accept them from) a disqualified person? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No		
(4)	Pay compensation to, or pay or reimburse the expenses of, a disqualified person? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No		
(5)	Transfer any income or assets to a disqualified person (or make any of either available for the benefit or use of a disqualified person)? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No		
(6)	Agree to pay money or property to a government official? (Exception. Check "No" if the foundation agreed to make a grant to or to employ the official for a period after termination of government service, if terminating within 90 days) <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No		
b	If any answer is "Yes" to 1a(1)-(6), did any of the acts fail to qualify under the exceptions described in Regulations section 53.4941(d)-3 or in a current notice regarding disaster assistance (see page 20 of the instructions)? Organizations relying on a current notice regarding disaster assistance check here N/A <input type="checkbox"/>	1b	
c	Did the foundation engage in a prior year in any of the acts described in 1a, other than excepted acts, that were not corrected before the first day of the tax year beginning in 2008? N/A	1c	
2	Taxes on failure to distribute income (section 4942) (does not apply for years the foundation was a private operating foundation defined in section 4942(j)(3) or 4942(j)(5))		
a	At the end of tax year 2008, did the foundation have any undistributed income (lines 6d and 6e, Part XIII) for tax year(s) beginning before 2008? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No If "Yes," list the years ► 20 , 20 , 20 , 20		
b	Are there any years listed in 2a for which the foundation is not applying the provisions of section 4942(a)(2) (relating to incorrect valuation of assets) to the year's undistributed income? (If applying section 4942(a)(2) to all years listed, answer "No" and attach statement—see page 20 of the instructions) N/A	2b	
c	If the provisions of section 4942(a)(2) are being applied to any of the years listed in 2a, list the years here ► 20 , 20 , 20 , 20		
3a	Did the foundation hold more than a 2% direct or indirect interest in any business enterprise at any time during the year? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No		
b	If "Yes," did it have excess business holdings in 2008 as a result of (1) any purchase by the foundation or disqualified persons after May 26, 1969, (2) the lapse of the 5-year period (or longer period approved by the Commissioner under section 4943(c)(7)) to dispose of holdings acquired by gift or bequest, or (3) the lapse of the 10-, 15-, or 20-year first phase holding period? (Use Schedule C, Form 4720, to determine if the foundation had excess business holdings in 2008) N/A	3b	
4a	Did the foundation invest during the year any amount in a manner that would jeopardize its charitable purposes?	4a	X
b	Did the foundation make any investment in a prior year (but after December 31, 1969) that could jeopardize its charitable purpose that had not been removed from jeopardy before the first day of the tax year beginning in 2008?	4b	X

Part VII-B Statements Regarding Activities for Which Form 4720 May Be Required (continued)

5a During the year did the foundation pay or incur any amount to

(1) Carry on propaganda, or otherwise attempt to influence legislation (section 4945(e))? ☐ Yes ☒ No

(2) Influence the outcome of any specific public election (see section 4955), or to carry on, directly or indirectly, any voter registration drive? ☐ Yes ☒ No

(3) Provide a grant to an individual for travel, study, or other similar purposes? ☐ Yes ☒ No

(4) Provide a grant to an organization other than a charitable, etc., organization described in section 509(a)(1), (2), or (3), or section 4940(d)(2)? (see page 22 of the instructions) ☐ Yes ☒ No

(5) Provide for any purpose other than religious, charitable, scientific, literary, or educational purposes, or for the prevention of cruelty to children or animals? ☐ Yes ☒ No

b If any answer is "Yes" to 5a(1)-(5), did any of the transactions fail to qualify under the exceptions described in Regulations section 53.4945 or in a current notice regarding disaster assistance (see page 22 of the instructions)? ☐ Yes ☒ No **N/A** **5b**

Organizations relying on a current notice regarding disaster assistance check here ☐

c If the answer is "Yes" to question 5a(4), does the foundation claim exemption from the tax because it maintained expenditure responsibility for the grant? **N/A** ☐ Yes ☐ No

If "Yes," attach the statement required by Regulations section 53.4945-5(d)

6a Did the foundation, during the year, receive any funds, directly or indirectly, to pay premiums on a personal benefit contract? ☐ Yes ☒ No

b Did the foundation, during the year, pay premiums, directly or indirectly, on a personal benefit contract? **6b** **X**

If you answered "Yes" to 6b, also file Form 8870

7a At any time during the tax year, was the foundation a party to a prohibited tax shelter transaction? ☐ Yes ☒ No

b If yes, did the foundation receive any proceeds or have any net income attributable to the transaction? **N/A** **7b**

Part VIII Information About Officers, Directors, Trustees, Foundation Managers, Highly Paid Employees, and Contractors**1 List all officers, directors, trustees, foundation managers and their compensation (see page 22 of the instructions).**

(a) Name and address	(b) Title, and average hours per week devoted to position	(c) Compensation (If not paid, enter -0-)	(d) Contributions to employee benefit plans and deferred compensation	(e) Expense account, other allowances
see attached		0	0	0

2 Compensation of five highest-paid employees (other than those included on line 1—see page 23 of the instructions).

If none, enter "NONE."

(a) Name and address of each employee paid more than \$50,000	(b) Title, and average hours per week devoted to position	(c) Compensation	(d) Contributions to employee benefit plans and deferred compensation	(e) Expense account, other allowances
NONE				

Total number of other employees paid over \$50,000 **16/28**

Part VIII Information About Officers, Directors, Trustees, Foundation Managers, Highly Paid Employees, and Contractors (continued)**3 Five highest-paid independent contractors for professional services (see page 23 of the instructions). If none, enter "NONE."**

(a) Name and address of each person paid more than \$50,000	(b) Type of service	(c) Compensation
NONE		

Total number of others receiving over \$50,000 for professional services ▶**Part IX-A Summary of Direct Charitable Activities**

List the foundation's four largest direct charitable activities during the tax year. Include relevant statistical information such as the number of organizations and other beneficiaries served, conferences convened, research papers produced, etc.

	Expenses
1 N/A	
2	
3	
4	

Part IX-B Summary of Program-Related Investments (see page 23 of the instructions)

Describe the two largest program-related investments made by the foundation during the tax year on lines 1 and 2

	Amount
1 N/A	
2	
All other program-related investments. See page 24 of the instructions	
3	
Total. Add lines 1 through 3 ▶	

Part X Minimum Investment Return (All domestic foundations must complete this part. Foreign foundations, see page 24 of the instructions.)

1	Fair market value of assets not used (or held for use) directly in carrying out charitable, etc., purposes:		
a	Average monthly fair market value of securities	1a	14,783,446
b	Average of monthly cash balances	1b	42
c	Fair market value of all other assets (see page 24 of the instructions)	1c	42,506
d	Total (add lines 1a, b, and c)	1d	14,825,994
e	Reduction claimed for blockage or other factors reported on lines 1a and 1c (attach detailed explanation)	1e	0
2	Acquisition indebtedness applicable to line 1 assets	2	0
3	Subtract line 2 from line 1d	3	14,825,994
4	Cash deemed held for charitable activities. Enter 1½ % of line 3 (for greater amount, see page 25 of the instructions)	4	222,390
5	Net value of noncharitable-use assets. Subtract line 4 from line 3. Enter here and on Part V, line 4	5	14,603,604
6	Minimum investment return. Enter 5% of line 5	6	730,180

Part XI Distributable Amount (see page 25 of the instructions) (Section 4942(j)(3) and (j)(5) private operating foundations and certain foreign organizations check here ☐ and do not complete this part.)

1	Minimum investment return from Part X, line 6	1	730,180
2a	Tax on investment income for 2008 from Part VI, line 5	2a	3,788
b	Income tax for 2008 (This does not include the tax from Part VI.)	2b	
c	Add lines 2a and 2b	2c	3,788
3	Distributable amount before adjustments. Subtract line 2c from line 1	3	726,392
4	Recoveries of amounts treated as qualifying distributions	4	
5	Add lines 3 and 4	5	726,392
6	Deduction from distributable amount (see page 25 of the instructions)	6	
7	Distributable amount as adjusted. Subtract line 6 from line 5. Enter here and on Part XIII, line 1	7	726,392

Part XII Qualifying Distributions (see page 25 of the instructions)

1	Amounts paid (including administrative expenses) to accomplish charitable, etc., purposes:		
a	Expenses, contributions, gifts, etc.—total from Part I, column (d), line 26	1a	1,376,816
b	Program-related investments—total from Part IX-B	1b	
2	Amounts paid to acquire assets used (or held for use) directly in carrying out charitable, etc., purposes	2	
3	Amounts set aside for specific charitable projects that satisfy the:		
a	Suitability test (prior IRS approval required)	3a	
b	Cash distribution test (attach the required schedule)	3b	
4	Qualifying distributions. Add lines 1a through 3b. Enter here and on Part V, line 8, and Part XIII, line 4	4	1,376,816
5	Foundations that qualify under section 4940(e) for the reduced rate of tax on net investment income. Enter 1% of Part I, line 27b (see page 26 of the instructions)	5	0
6	Adjusted qualifying distributions. Subtract line 5 from line 4	6	1,376,816

Note. The amount on line 6 will be used in Part V, column (b), in subsequent years when calculating whether the foundation qualifies for the section 4940(e) reduction of tax in those years.

Part XIII Undistributed Income (see page 26 of the instructions)

	(a) Corpus	(b) Years prior to 2007	(c) 2007	(d) 2008
1 Distributable amount for 2008 from Part XI, line 7				726,392
2 Undistributed income, if any, as of the end of 2007				
a Enter amount for 2007 only				
b Total for prior years 20____, 20____, 20____				
3 Excess distributions carryover, if any, to 2008				
a From 2003	359,830			
b From 2004	495,546			
c From 2005				
d From 2006				
e From 2007				
f Total of lines 3a through e	855,376			
4 Qualifying distributions for 2008 from Part XII, line 4 ▶ \$ 1,376,816				
a Applied to 2007, but not more than line 2a				
b Applied to undistributed income of prior years (Election required—see page 26 of the instructions)				
c Treated as distributions out of corpus (Election required—see page 26 of the instructions)				
d Applied to 2008 distributable amount				726,392
e Remaining amount distributed out of corpus	650,424			
5 Excess distributions carryover applied to 2008 (If an amount appears in column (d), the same amount must be shown in column (a))				
6 Enter the net total of each column as indicated below:				
a Corpus Add lines 3f, 4c, and 4e Subtract line 5	1,505,800			
b Prior years' undistributed income Subtract line 4b from line 2b				
c Enter the amount of prior years' undistributed income for which a notice of deficiency has been issued, or on which the section 4942(a) tax has been previously assessed				
d Subtract line 6c from line 6b Taxable amount—see page 27 of the instructions				
e Undistributed income for 2007 Subtract line 4a from line 2a Taxable amount—see page 27 of the instructions				
f Undistributed income for 2008 Subtract lines 4d and 5 from line 1 This amount must be distributed in 2009				0
7 Amounts treated as distributions out of corpus to satisfy requirements imposed by section 170(b)(1)(F) or 4942(g)(3) (see page 27 of the instructions)				
8 Excess distributions carryover from 2003 not applied on line 5 or line 7 (see page 27 of the instructions)	359,830			
9 Excess distributions carryover to 2009. Subtract lines 7 and 8 from line 6a	1,145,970			
10 Analysis of line 9				
a Excess from 2004	495,546			
b Excess from 2005				
c Excess from 2006				
d Excess from 2007				
e Excess from 2008	650,424			

Part XV Supplementary Information (continued)**3 Grants and Contributions Paid During the Year or Approved for Future Payment**

Recipient	If recipient is an individual, show any relationship to any foundation manager or substantial contributor	Foundation status of recipient	Purpose of grant or contribution	Amount
Name and address (home or business)				
a Paid during the year schedule attached				1,376,816
Total			3a	1,376,816
b Approved for future payment N/A				
Total			3b	

Page 13

26/28

Federal Statements**Statement 12 - Form 990-PF, Part XV, Line 1a - Managers Who Contributed Over 2% or \$5,000**

<u>Name of Manager</u>	<u>Amount</u>
Stephen Muss 1998	\$ 1,000,000
Stephen Muss 1999	2,000,000
Stephen Muss 2000	2,000,000
Stephen Muss 2004	650,000
Stephen Muss 2005	18,100,000
Total	\$ <u>23,750,000</u>

THE STEPHEN MUSS FOUNDATION

ATTACHMENT TO 2008 FORM 990PF, PART VIII, LINES 1A - 1E

- 1) LISTS ALL OFFICERS, DIRECTORS, TRUSTEES, FOUNDATION MANAGERS AND THEIR COMPENSATION.

NAME & ADDRESS	TITLE AND AVG. HRS/WEEK DEVOTED TO POSITION	COMPENSATION	CONTRIBUTION TO AN EMPLOYEE BENEFIT PLAN & DEFERRED COMP	EXPENSE ACCOUNT, OTHER ALLOWANCES
STEPHEN MUSS 1691 MICHIGAN AVENUE MIAMI BEACH, FLA 33140	PRESIDENT AS NEEDED	0	0	0
BRIAN BILZIN 2500 FIRST UNION FIN.CENTER MIAMI, FL 33131	TREASURER AS NEEDED	0	0	0
SANDRA MUSS 1691 MICHIGAN AVENUE MIAMI BEACH, FLA 33140	VP & SECRETARY AS NEEDED	0	0	0

Federal Statements

6/9/2010 3:00 PM

Statement 1 - Form 990-PF, Part I, Line 11 - Other Income

Description	Revenue per Books	Net Investment Income	Adjusted Net Income
Miscellaneous Income	\$ -18,699	\$ -18,699	\$
Total	\$ -18,699	\$ -18,699	\$ 0

Statement 2 - Form 990-PF, Part I, Line 16c - Other Professional Fees

Description	Total	Net Investment	Adjusted Net	Charitable Purpose
Investment Management Fees	\$ 46,885	\$ 46,885	\$	\$
Total	\$ 46,885	\$ 46,885	\$ 0	\$ 0

Statement 3 - Form 990-PF, Part I, Line 18 - Taxes

Description	Total	Net Investment	Adjusted Net	Charitable Purpose
Licenses	\$ 190	\$ 190	\$	\$
Foreign Taxes	2,817	2,817		
Income Taxes	6,460			
Total	\$ 9,467	\$ 3,007	\$ 0	\$ 0

Statement 4 - Form 990-PF, Part I, Line 23 - Other Expenses

Description	Total	Net Investment	Adjusted Net	Charitable Purpose
Expenses	\$	\$	\$	\$
Other Expenses	45	45		
Dues	1,200	1,200		
Total	\$ 1,245	\$ 1,245	\$ 0	\$ 0

23-7424763

Federal Statements

FYE: 10/31/2009

Statement 5 - Form 990-PF, Part II, Line 10a - US and State Government Investments

<u>Description</u>	<u>Beginning of Year</u>	<u>End of Year</u>	<u>Basis of Valuation</u>	<u>Fair Market Value</u>
City National Bank-Repo	\$ 228,616	\$ 128,658	Cost	\$ 128,658
City National Bank-CD		1,005,000	Cost	1,005,000
Total	\$ 228,616	\$ 1,133,658		\$ 1,133,658

Statement 6 - Form 990-PF, Part II, Line 10b - Corporate Stock Investments

<u>Description</u>	<u>Beginning of Year</u>	<u>End of Year</u>	<u>Basis of Valuation</u>	<u>Fair Market Value</u>
BHK Regular	\$ 6,304,061	\$ 5,652,717	Cost	\$ 6,242,113
Suncoast	2,647,323	2,431,215	Cost	2,503,583
Lakeshore	2,129,240	2,096,754	Cost	1,953,727
Insight	934,240	701,252	Cost	727,461
Madoff	500,000		Cost	
UBS Master	44,107		Cost	
Horizon	1,875,937		Cost	
Harbinger	2,000,000	2,000,000	Cost	3,598,461
Total	\$ 16,434,908	\$ 12,881,938		\$ 15,025,345

Statement 7 - Form 990-PF, Part II, Line 13 - Other Investments

<u>Description</u>	<u>Beginning of Year</u>	<u>End of Year</u>	<u>Basis of Valuation</u>	<u>Fair Market Value</u>
Isreal Bonds	\$ 100,000	\$ 100,000	Cost	\$ 100,000
Total	\$ 100,000	\$ 100,000		\$ 100,000

23-7424763

Federal Statements

FYE: 10/31/2009

Statement 8 - Form 990-PF, Part II, Line 19 - Deferred Revenue

<u>Description</u>	<u>Beginning of Year</u>	<u>End of Year</u>
Unrealized gain & loss on k-1	\$ 12,419	\$ 0
Total	<u>\$ 12,419</u>	<u>\$ 0</u>

Statement 9 - Form 990-PF, Part II, Line 22 - Other Liabilities

<u>Description</u>	<u>Beginning of Year</u>	<u>End of Year</u>
Cash Overdraft	\$ 30,548	\$ 950
Total	<u>\$ 30,548</u>	<u>\$ 950</u>

Stephen Muss Foundation
23-7424763
Short Term Gains & Losses
10/31/2009

Quantity	Name	Date Purchase	Date Sold	Proceeds	Cost	Gain (Loss)
1,886 00	AAI - AIRTRAN HLDGS INC	5/4/2009	5/21/2009	11,157 47	14,464 30	-3,306 83
316 AAN	- AARONS INC CLASS B	4/28/2009	7/22/2009	8,691 44	10,514 77	-1,823 33
285 AAUK	- ANGLO AMERICAN PLC ADR	8/12/2008	11/4/2008	3,658 70	7,281 09	-3,622 39
993 AAUK	- ANGLO AMERICAN PLC ADR	10/22/2008	11/4/2008	12,747 72	10,239 32	2,508 40
615 ADY	- AMERICAN DAIRY INC	5/20/2009	7/13/2009	13,118 23	20,281 22	-7,162 99
225 AFAM	- ALMOST FAMILY INC	7/24/2008	11/3/2008	11,122 45	7,618 48	3,503 97
143 AFAM	- ALMOST FAMILY INC	7/24/2008	2/25/2009	3,790 27	4,841 96	-1,051 69
382 AFAM	- ALMOST FAMILY INC	8/12/2008	2/25/2009	10,125 08	15,272 89	-5,147 81
322 AFAM	- ALMOST FAMILY INC	12/29/2008	2/25/2009	8,534.76	13,591 91	-5,057 15
470 AIPC	- AMERICAN ITALIAN PASTA	12/12/2008	5/12/2009	12,562 72	11,234 93	1,327 79
31 AIPC	- AMERICAN ITALIAN PASTA	12/12/2008	5/18/2009	809 35	741 02	68 33
471 AIPC	- AMERICAN ITALIAN PASTA	12/30/2008	5/18/2009	12,297 03	10,887 82	1,409 21
321 ALGT	- ALLEGiant TRAVEL CO	11/4/2008	5/20/2009	13,118 45	13,104 70	13 75
212 ALGT	- ALLEGiant TRAVEL CO	5/4/2009	5/20/2009	8,663 90	11,340 62	-2,676 72
485 ALK	- ALASKA AIR GROUP INC	11/11/2008	3/5/2009	7,470 41	12,263 18	-4,792 77
550 ALXN	- ALEXION PHARMACEUTICALS	7/29/2008	3/11/2009	17,466 95	24,003 60	-6,536 65
131 ALXN	- ALEXION PHARMACEUTICALS	8/4/2008	3/11/2009	4,160 32	5,997 61	-1,837 29
259 ALXN	- ALEXION PHARMACEUTICALS	8/4/2008	5/14/2009	8,544 52	11,857 86	-3,313 34
360 ALXN	- ALEXION PHARMACEUTICALS	8/19/2008	5/14/2009	11,876 56	16,380 00	-4,503 44
213 AMED	- AMEDISYS INC	7/18/2008	2/25/2009	8,950 35	13,162 07	-4,211 72
94 AMED	- AMEDISYS INC	7/18/2008	2/27/2009	3,049 64	5,808 60	-2,758 96
252 AMED	- AMEDISYS INC	7/29/2008	2/27/2009	8,175 64	16,377 51	-8,201 87
536 AMSC	- AMERN SUPERCONDUCTOR	7/30/2009	9/22/2009	16,800 53	18,768 90	-1,968 37
2,076 00	APAC - APAC CUSTOMER SERVICES	5/6/2009	8/5/2009	12,040 28	11,528 86	511 42
317 APEI	- AMERICAN PUBLIC EDU INC	10/10/2008	4/13/2009	12,425 83	13,365 73	-939 90
302 ARO	- AEROPOSTALE INC	5/4/2009	8/10/2009	10,918 37	10,498 82	419 55
108 ARO	- AEROPOSTALE INC	5/4/2009	10/9/2009	4,519 15	3,754 54	764 61
302 ARO	- AEROPOSTALE INC	5/7/2009	10/9/2009	12,636 89	10,671 47	1,965 42
565 ASCA	- AMERISTAR CASINOS INC	4/29/2009	6/18/2009	9,616 50	10,323 91	-707 41
185 ASEI	- AMER SCIENCE & ENGINEERI	11/11/2008	3/19/2009	9,961 27	12,782 59	-2,821 32
419 ASH	- ASHLAND INC	9/8/2009	10/28/2009	14,577 59	15,549 38	-971 79
286 ASH	- ASHLAND INC	9/29/2009	10/28/2009	9,950 34	12,562 24	-2,611 90
603 ASIA	- ASIAINFO HOLDINGS	4/7/2009	6/1/2009	12,695 53	10,548 34	2,147 19
4 ASIA	- ASIAINFO HOLDINGS	4/7/2009	8/11/2009	67 69	69 97	-2 28
670 ASIA	- ASIAINFO HOLDINGS	4/14/2009	8/11/2009	11,338 85	11,378 81	-39 96
51 AXSYS	- TECHNOLOGIES INC	7/23/2008	2/2/2009	2,096 48	3,512 77	-1,416 29
221 AXSYS	- TECHNOLOGIES INC	7/23/2008	2/4/2009	9,102 26	15,221 99	-6,119 73
2 AXSYS	- TECHNOLOGIES INC	7/28/2008	2/4/2009	82 38	138 51	-56 13
213 AXSYS	- TECHNOLOGIES INC	7/28/2008	2/12/2009	8,106 17	14,751 01	-6,644 84
194 AXSYS	- TECHNOLOGIES INC	8/26/2008	2/12/2009	7,383 10	13,235 94	-5,852 84
343 BEN	- FRANKLIN RESOURCES	4/30/2008	11/4/2008	24,070 74	33,100 53	-9,029 79
95 BHP	- BHP BILLITON LTD	7/30/2008	11/4/2008	3,920 68	7,183 78	-3,263 10
790 BIG	- BIG LOTS INC	6/12/2008	11/6/2008	15,303 79	26,167 41	-10,863 62
600 BKE	- BUCKLE INC	9/4/2008	11/10/2008	12,359 57	22,713 96	-10,354 39
396 BKE	- BUCKLE INC	4/9/2009	7/6/2009	11,732 97	14,293 30	-2,560 33
460 BNI	- BURLINGTON NORTHN SANTA	6/4/2008	11/4/2008	41,103 06	51,397 09	-10,294 03
1,604 00	BRCD - BROCADE COMMUNICATIONS	5/22/2009	7/30/2009	13,018 37	11,809 45	1,208 92
672 BRCD	- BROCADE COMMUNICATIONS	5/22/2009	8/19/2009	5,346 43	4,947 60	398 83
500 BRCD	- BROCADE COMMUNICATIONS	6/11/2009	8/19/2009	3,978 00	3,812 41	165 59
1,172 00	BRCD - BROCADE COMMUNICATIONS	6/11/2009	8/20/2009	9,339 77	8,936 26	403 51
768 CAL	- CONTINENTAL AIRLS CL B	1/8/2009	1/30/2009	10,301 74	15,937 08	-5,635 34
507 CBST	- CUBIST PHARMACEUTICALS	10/24/2008	1/12/2009	11,113 83	10,953 94	159 89
78 CBST	- CUBIST PHARMACEUTICALS	10/24/2008	2/10/2009	1,463 41	1,685 22	-221 81
458 CBST	- CUBIST PHARMACEUTICALS	10/28/2008	2/10/2009	8,592 91	10,059 83	-1,466 92
1,078 00	CCL - CARNIVAL CORP	9/3/2008	11/4/2008	26,864 60	42,099 57	-15,234 97
396 CECO	- CAREER EDUCATION CORP	2/24/2009	4/9/2009	8,016 02	10,021 93	-2,005 91
179 CECO	- CAREER EDUCATION CORP	2/24/2009	4/21/2009	3,684 44	4,530 11	-845 67
516 CECO	- CAREER EDUCATION CORP	2/26/2009	4/21/2009	10,621 07	12,409 95	-1,788 88
2,045 00	CHLN - CHINA HOUSING & LAND DEV	7/2/2009	9/2/2009	6,995 56	11,241 77	-4,246 21
2,008 00	CKSW - CLICKSOFTWARE TECH	7/22/2009	10/21/2009	12,411 53	15,628 87	-3,217 34

Stephen Muss Foundation
23-7424763
Short Term Gains & Losses
10/31/2009

Quantity	Name	Date Purchase	Date Sold	Proceeds	Cost	Gain (Loss)
	339 CMTL - COMTECH TELECOMMUN NEW	11/5/2008	1/28/2009	13,595 24	16,549 57	-2,954 33
	853 COCO - CORINTHIAN COLLEGES INC	1/14/2009	4/9/2009	13,727 05	12,482 46	1,244 59
	201 COCO - CORINTHIAN COLLEGES INC	1/14/2009	4/21/2009	3,252 85	2,941 35	311 50
	668 COCO - CORINTHIAN COLLEGES INC	3/4/2009	4/21/2009	10,810 50	12,063 41	-1,252 91
	385 CPA - COPA HOLDINGS SA CL A	1/14/2009	3/6/2009	8,081 72	11,696 95	-3,615 23
	306 CRMT - AMERICA'S CAR-MART INC	9/8/2008	11/4/2008	4,348 20	6,815 14	-2,466 94
	307 CRMT - AMERICA'S CAR-MART INC	9/8/2008	11/6/2008	3,735 82	6,837 41	-3,101 59
	412 CSTR - COINSTAR INC	5/6/2009	6/22/2009	10,539 55	14,798 59	-4,259 04
	441 CTRN - CITI TRENDS INC	5/5/2009	6/19/2009	10,351 85	11,003 44	-651 59
1,225 00	DIS - DISNEY WALT COMPANY	8/1/2008	7/8/2009	27,195 14	36,760 09	-9,564 95
	995 DM - DOLAN MEDIA COMPANY	5/6/2009	8/5/2009	11,903 87	14,602 72	-2,698 85
	172 DV - DEVRY INC DEL	10/24/2008	1/28/2009	9,537 15	8,024 24	1,512 91
	95 DV - DEVRY INC DEL	10/24/2008	3/19/2009	4,337 92	4,431 98	-94 06
	185 DV - DEVRY INC DEL	10/28/2008	3/19/2009	8,447 53	9,424 95	-977 42
	762 EAT - BRINKER INTL INC	4/9/2009	6/4/2009	13,581 84	13,872 13	-290 29
	689 EBS - EMERGENT BIOSULTIONS INC	1/29/2009	3/19/2009	8,969 48	15,668 07	-6,698 59
	645 EJ - E-HOUSE CHINA HOLDINGS	6/19/2009	9/18/2009	14,199 18	10,297 62	3,901 56
	287 EJ - E-HOUSE CHINA HOLDINGS	6/19/2009	9/29/2009	5,813 58	4,582 04	1,231 54
	265 EJ - E-HOUSE CHINA HOLDINGS	8/12/2009	9/29/2009	5,367 94	6,157 70	-789 76
	110 ESI - ITT EDUCATIONAL SERVICES	9/24/2008	4/7/2009	11,386 87	10,260 98	1,125 89
	58 ESI - ITT EDUCATIONAL SERVICES	9/24/2008	4/9/2009	5,813 58	5,410 33	403 25
	77 ESI - ITT EDUCATIONAL SERVICES	10/23/2008	4/9/2009	7,718 04	5,784 28	1,933 76
	139 ESI - ITT EDUCATIONAL SERVICES	10/23/2008	4/21/2009	13,925 20	10,441 73	3,483 47
1,044 00	EZPW - EZCORP INC CL A NON VTG	7/23/2008	2/27/2009	10,781 11	19,164 50	-8,383 39
	342 FDO - FAMILY DOLLAR STORES INC	3/5/2009	6/4/2009	10,419 10	10,417 70	1 40
	922 FIRE - SOURCEFIRE INC	5/6/2009	9/4/2009	17,493 21	11,051 74	6,441 47
	603 FNF - FIDELITY NATL FINANCIAL	2/19/2009	4/17/2009	11,651 41	11,393 26	258 15
	162 FNF - FIDELITY NATL FINANCIAL	3/18/2009	4/17/2009	3,130 23	3,169 92	-39 69
	356 FNF - FIDELITY NATL FINANCIAL	3/18/2009	4/29/2009	6,464 29	6,966 00	-501 71
	120 FNF - FIDELITY NATL FINANCIAL	3/18/2009	5/6/2009	1,939 08	2,348 08	-409 00
	459 FNF - FIDELITY NATL FINANCIAL	3/25/2009	5/6/2009	7,417 02	9,357 86	-1,940 84
	735 FNM - FANNIE MAE	12/18/2007	11/4/2008	661 49	26,687 41	-26,025 92
	544 FUQI - FUQI INTERNATIONAL INC	8/6/2009	10/14/2009	14,376 84	15,008 31	-631 47
	67 FUQI - FUQI INTERNATIONAL INC	8/11/2009	10/14/2009	1,770 68	1,851 82	-81 14
	625 FUQI - FUQI INTERNATIONAL INC	8/11/2009	10/27/2009	13,915 27	17,274 37	-3,359 10
	0 5 GMCR - GREEN MOUNTAIN COFFEE	6/9/2009	6/9/2009	31 28	0	31 28
	466 GTIV - GENTIVA HEALTH SERVICES	8/6/2008	2/25/2009	11,111 89	12,419 98	-1,308 09
	451 GTIV - GENTIVA HEALTH SERVICES	8/6/2008	2/27/2009	8,321 40	12,020 18	-3,698 78
	438 GXDX - GENOPTIX INC	11/18/2008	5/6/2009	11,631 66	15,513 92	-3,882 26
	284 GXDX - GENOPTIX INC	12/30/2008	5/6/2009	7,541 99	9,549 41	-2,007 42
	652 HARRIS STRATEX NETWORKS	5/27/2009	6/8/2009	3,737 07	3,498 63	238 44
	606 HGG - HHGREGG INC	4/16/2009	6/2/2009	9,262 47	10,911 21	-1,648 74
	133 HITK - HI TECH PHARMACAL CO	8/6/2009	9/11/2009	2,706 30	1,992 42	713 88
	612 HITK - HI TECH PHARMACAL CO	8/7/2009	9/11/2009	12,453 09	9,178 29	3,274 80
6,000 00	HLDVF - HENDERSON LAND DEVELOPEME	9/23/2008	11/4/2008	21,719 87	30,070 20	-8,350 33
2,309 00	HMA - HEALTH MGMT ASSOC CL A	8/13/2009	10/30/2009	14,245 93	15,572 82	-1,326 89
	335 HMSY - HMS HLDGS CORP	2/20/2009	7/31/2009	12,782 20	11,447 15	1,335 05
1,744 00	IAG - IAMGOLD CORPORATION	2/27/2009	4/17/2009	13,167 91	14,132 50	-964 59
	381 ICUI - ICU MED INC	10/29/2008	6/10/2009	15,321 78	12,126 05	3,195 73
	254 ISYS - INTEGRAL SYSTEMS INC MD	7/31/2008	12/18/2008	2,361 50	5,967 88	-3,606 38
	592 ISYS - INTEGRAL SYSTEMS INC MD	8/21/2008	12/18/2008	5,503 97	13,812 04	-8,308 07
2,284 00	JBLU - JETBLUE AIRWAYS CORP	1/20/2009	2/9/2009	13,949 22	16,323 29	-2,374 07
	301 JOSB - JOS A BANK CLOTHIERS INC	4/8/2009	5/6/2009	12,268 71	10,326 26	1,942 45
	948 JRCC - JAMES RIVER COAL INC	5/6/2009	8/3/2009	17,181 29	21,907 33	-4,726 04
3,000 00	KBE - SPDR KBW BANK ETF	5/19/2009	9/4/2009	73,311 57	64,532 68	8,778 89
3,300 00	KBE - SPDR KBW BANK ETF	5/19/2009	9/4/2009	19,991 48	17,599 82	2,391 66
	900 KBE - SPDR KBW BANK ETF	5/19/2009	9/4/2009	17,772 50	15,642 72	2,129 78
	800 KBE - SPDR KBW BANK ETF	6/11/2009	9/17/2009	19,052 74	15,342 00	3,710 74
	800 KBE - SPDR KBW BANK ETF	6/11/2009	9/17/2009	40,486 15	32,601 75	7,884 40
1,700 00	KBE - SPDR KBW BANK ETF	6/11/2009	9/17/2009	2,381 57	1,917 75	463 82
	100 KBE - SPDR KBW BANK ETF	6/11/2009	9/17/2009	57,158 20	46,033 50	11,124 70

Stephen Muss Foundation
23-7424763
Short Term Gains & Losses
10/31/2009

Quantity	Name	Date Purchase	Date Sold	Proceeds	Cost	Gain (Loss)
368	LANC - LANCASTER COLONY CORP	3/2/2009	6/26/2009	16,301 61	14,206 97	2,094 64
399	LHCG - LHC GROUP LLC	10/30/2008	2/25/2009	9,249 80	12,325 47	-3,075 67
289	LHCG - LHC GROUP LLC	12/12/2008	2/25/2009	6,699 74	9,689 91	-2,990 17
598	LINC - LINCOLN EDUCATIONAL	3/9/2009	5/4/2009	8,601 28	10,067 15	-1,465 87
310	LM - LEGG MASON INC	1/31/2008	11/4/2008	6,630 86	22,294 83	-15,663 97
416	163 LPHI - LIFE PARTNERS HOLDINGS	10/21/2008	5/14/2009	6,409 20	13,469 18	-7,059 98
334	93 LPHI - LIFE PARTNERS HOLDINGS	12/31/2008	5/14/2009	5,158 16	11,593 41	-6,435 25
449	906 LPHI - LIFE PARTNERS HOLDINGS	2/10/2009	5/14/2009	6,928 88	11,838 96	-4,910 08
378	LVS - LAS VEGAS SANDS CORP	8/19/2008	11/4/2008	5,336 27	17,240 73	-11,904 46
55	MA - MASTERCARD INC CL A	7/22/2008	11/4/2008	8,758 18	15,005 97	-6,247 79
183	MANT - MANTECH INTL CORP -A	7/31/2008	1/20/2009	10,466 66	10,135 42	331 24
73	MANT - MANTECH INTL CORP -A	7/31/2008	1/22/2009	4,022 74	4,043 09	-20 35
190	MANT - MANTECH INTL CORP -A	7/31/2008	3/19/2009	7,503 14	10,523 11	-3,019 97
236	MANT - MANTECH INTL CORP -A	10/10/2008	3/19/2009	9,319 71	10,949 24	-1,629 53
256	MYGN - MYRIAD GENETICS INC	11/4/2008	4/22/2009	9,915 03	9,031 84	883 19
150	MYGN - MYRIAD GENETICS INC	11/21/2008	5/5/2009	4,989 89	4,466 55	523 34
348	MYGN - MYRIAD GENETICS INC	11/4/2008	5/6/2009	11,208 26	12,277 64	-1,069 38
200	MYGN - MYRIAD GENETICS INC	11/21/2008	5/6/2009	6,441 54	5,955 42	486 12
962	MYL - MYLAN INC	4/6/2009	5/1/2009	12,463 34	13,897 15	-1,433 81
247	NFLX - NETFLIX COM INC	1/27/2009	3/20/2009	10,295 91	8,554 55	1,741 36
93	NFLX - NETFLIX COM INC	1/27/2009	4/21/2009	4,376 00	3,220 94	1,155 06
38	NFLX - NETFLIX COM INC	3/3/2009	4/21/2009	1,788 05	1,463 85	324 20
185	NFLX - NETFLIX COM INC	3/3/2009	7/27/2009	7,650 07	7,126 62	523 45
975	NOK - NOKIA CORP SPONSORED ADR	3/20/2008	12/8/2008	13,803 85	28,081 93	-14,278 08
916	NTCT - NETSCOUT SYSTEMS INC	1/7/2009	3/13/2009	6,439 62	12,082 31	-5,642 69
311	NTES - NETEASE COM INC	4/16/2009	7/17/2009	12,215 57	9,545 31	2,670 26
146	NTES - NETEASE COM INC	4/16/2009	8/13/2009	6,000 57	4,481 07	1,519 50
326	NTES - NETEASE COM INC	4/22/2009	8/13/2009	13,398 55	9,947 56	3,450 99
259	NUVA - NUVASIVE INC	7/25/2008	11/19/2008	8,172 80	14,057 72	-5,884 92
192	NUVA - NUVASIVE INC	7/25/2008	2/26/2009	6,160 26	10,421 16	-4,260 90
304	NUVA - NUVASIVE INC	7/29/2008	2/26/2009	9,753 76	16,833 88	-7,080 12
270	OCN - OCWEN FINL CORP	3/19/2009	8/6/2009	3,512 49	2,988 42	524 07
660	OCN - OCWEN FINL CORP	3/19/2009	8/7/2009	8,770 31	7,305 01	1,465 30
618	OCR - OMNICARE INC	10/30/2008	4/13/2009	15,681 03	16,775 92	-1,094 89
1,650	00 OMC - OMNICOM GROUP	7/23/2008	7/23/2009	57,060 21	68,647 53	-11,587 32
725	OMC - OMNICOM GROUP	8/8/2008	7/23/2009	25,071 92	31,175 84	-6,103 92
757	ORN - ORION MARINE GROUP INC	5/12/2009	10/7/2009	15,922 86	14,110 18	1,812 68
785	PAY - VERIFONE HOLDINGS INC	9/2/2009	10/8/2009	11,307 86	10,976 58	331 28
775	PAY - VERIFONE HOLDINGS INC	9/30/2009	10/8/2009	11,163 83	12,409 30	-1,245 47
396	PEGA - PEGASYSTEMS INC	4/9/2009	8/10/2009	12,537 23	7,524 00	5,013 23
1,000	00 PFF - ISHARES S&P PRD STOCK	1/5/2009	7/7/2009	119,394 27	118,509 18	885 09
3,800	00 PFF - ISHARES S&P PRD STOCK	1/5/2009	7/7/2009	3,140 78	3,118 66	22 12
100	PFF - ISHARES S&P PRD STOCK	1/5/2009	7/7/2009	3,141 28	3,118 66	22 62
423	PLCE - CHILDRENS PL RETAIL	8/21/2008	11/6/2008	11,729 08	17,374 39	-5,645 31
276	PLCE - CHILDRENS PL RETAIL	8/22/2008	11/6/2008	7,653 03	11,475 86	-3,822 83
783	PMC - PHARMERICA CORP W/I	8/12/2008	11/11/2008	14,928 04	17,848 25	-2,920 21
633	PWRD - PERFECT WORLD CO LTD ADR	6/22/2009	7/21/2009	21,028 28	18,026 95	3,001 33
90	PWRD - PERFECT WORLD CO LTD ADR	6/23/2009	7/21/2009	2,989 81	2,666 91	322 90
90	PWRD - PERFECT WORLD CO LTD ADR	6/23/2009	9/2/2009	3,386 20	2,666 91	719 29
207	PWRD - PERFECT WORLD CO LTD ADR	6/23/2009	10/26/2009	9,397 12	6,133 89	3,263 23
1,724	00 QCOR - QUESTCOR PHARMACEUTICALS	12/18/2008	1/13/2009	11,312 82	12,107 65	-794 83
278	RAH - RALCORP HLDGS INC	10/6/2008	1/2/2009	15,988 11	19,067 99	-3,079 88
2,894	00 RFMD - RF MICRO DEVICES INC	9/11/2009	10/15/2009	13,016 00	16,061 41	-3,045 41
494	RKT - ROCK-TENN CO	9/11/2008	11/19/2008	13,679 42	21,598 96	-7,919 54
476	ROVI - ROVI CORP	3/13/2009	7/28/2009	12,379 01	7,825 06	4,553 95
145	ROVI - ROVI CORP	3/13/2009	9/11/2009	4,531 13	2,383 68	2,147 45
199	ROVI - ROVI CORP	3/23/2009	9/11/2009	6,218 59	3,463 18	2,755 41
18	RTP - RIO TINTO PLC	8/1/2008	11/4/2008	3,444 65	7,156 10	-3,711 45
813	RVBD - RIVERBED TECHNOLOGY INC	4/24/2009	7/24/2009	16,762 64	14,356 52	2,406 12
532	SIRO - SIRONA DENTAL SYSTEMS	8/4/2009	9/8/2009	14,372 57	14,617 23	-244 66
1,122	00 SLW - SILVER WHEATON CORP	6/3/2009	9/28/2009	13,442 22	11,656 68	1,785 54

Stephen Muss Foundation
23-7424763
Short Term Gains & Losses
10/31/2009

Quantity	Name	Date Purchase	Date Sold	Proceeds	Cost	Gain (Loss)
997	SLW - SILVER WHEATON CORP	6/3/2009	10/26/2009	12,944 91	10,358 03	2,586 88
448	SMG - SCOTTS MIRACLE-GRO CO	2/4/2009	5/4/2009	14,954 12	15,709 61	-755 49
216	SNDA - SHANDA INTERACTIVE ENTER	4/13/2009	8/4/2009	10,888 51	10,948 39	-59 88
90	SNDA - SHANDA INTERACTIVE ENTER	4/14/2009	8/4/2009	4,536 89	4,183 78	353 11
156	SNDA - SHANDA INTERACTIVE ENTER	4/14/2009	8/7/2009	7,575 69	7,251 87	323 82
231	SNDA - SHANDA INTERACTIVE ENTER	6/4/2009	8/7/2009	11,217 86	14,641 91	-3,424 05
4	SSO - PRSHRS ULTRA S&P 500 ETF	11/12/2008	2/2/2009	110,108 39	128,290 48	-18,182 09
4,985 00	SSO - PRSHRS ULTRA S&P 500 ETF	11/12/2008	2/2/2009	331 31	386 03	-54 72
15	SSO - PRSHRS ULTRA S&P 500 ETF	11/14/2008	2/2/2009	55,219 87	66,163 42	-10,943 55
2,500 00	SSO - PRSHRS ULTRA S&P 500 ETF	11/14/2008	4/17/2009	36,940 22	42,344 58	-5,404 36
1,600 00	SSO - PRSHRS ULTRA S&P 500 ETF	11/14/2008	4/17/2009	20,778 87	23,817 06	-3,038 19
900	SSO - PRSHRS ULTRA S&P 500 ETF	1/16/2009	4/17/2009	115,438 20	116,893 50	-1,455 30
5,000 00	SSO - PRSHRS ULTRA S&P 500 ETF	2/3/2009	4/17/2009	138,525 84	130,810 40	7,715 44
6,000 00	SSO - PRSHRS ULTRA S&P 500 ETF	2/3/2009	4/17/2009	34,631 46	32,706 50	1,924 96
464	STARENT NETWORKS CORP	2/24/2009	9/3/2009	9,811 11	6,843 59	2,967 52
531	STARENT NETWORKS CORP	2/24/2009	9/29/2009	13,250 44	7,831 76	5,418 68
418	STEC - STEC INC	5/12/2009	9/9/2009	17,399 89	5,720 25	11,679 64
597	STEC - STEC INC	5/12/2009	10/12/2009	16,024 97	8,169 82	7,855 15
76	STEC - STEC INC	5/19/2009	10/12/2009	2,040 03	1,226 13	813 90
526	STEC - STEC INC	5/19/2009	10/13/2009	12,694 68	8,486 06	4,208 62
21	STEC - STEC INC	6/4/2009	10/13/2009	506 83	364 08	142 75
693	STEC - STEC INC	6/4/2009	10/23/2009	16,815 97	12,014 32	4,801 65
190	STIFEL FINANCIAL	11/12/2008	12/30/2008	8,184 44	8,167 15	17 29
85	STIFEL FINANCIAL	11/13/2008	12/30/2008	3,661 47	3,655 00	6 47
700	STJ - ST JUDE MEDICAL INC	12/9/2008	10/15/2009	23,377 44	21,160 55	2,216 89
570	STJ - ST JUDE MEDICAL INC	12/10/2008	10/15/2009	19,035 92	17,295 90	1,740 02
57	STRA - STRAYER EDUCATION INC	10/16/2008	11/26/2008	13,395 22	10,041 10	3,354 12
13	STRA - STRAYER EDUCATION INC	10/16/2008	2/12/2009	2,400 20	2,290 07	110 13
26	STRA - STRAYER EDUCATION INC	10/30/2008	2/12/2009	4,800 41	5,505 89	-705 48
58	STRA - STRAYER EDUCATION INC	10/30/2008	3/16/2009	8,586 04	12,282 37	-3,696 33
370	SY - SYBASE INC	7/24/2008	3/24/2009	11,197 02	12,722 12	-1,525 10
350	SY - SYBASE INC	7/24/2008	6/9/2009	11,737 96	12,034 43	-296 47
405	SYNA - SYNAPTICS INC	4/24/2009	7/31/2009	10,353 71	13,298 58	-2,944 87
290	SYNA - SYNAPTICS INC	5/19/2009	7/31/2009	7,413 77	10,093 45	-2,679 68
526	SYNA - SYNAPTICS INC	7/10/2009	7/31/2009	13,447 06	17,883 16	-4,436 10
565	THOR - THORATEC CORPORATION	9/10/2008	12/8/2008	16,853 62	15,659 66	1,193 96
7	THOR - THORATEC CORPORATION	9/10/2008	5/19/2009	190 69	194 01	-3 32
510	THOR - THORATEC CORPORATION	10/10/2008	5/19/2009	13,893 16	11,431 45	2,461 71
378	TNDM - NEUTRAL TANDEM INC	2/20/2009	3/27/2009	9,223 29	7,009 30	2,213 99
444	TNDM - NEUTRAL TANDEM INC	2/20/2009	8/7/2009	12,878 10	8,233 13	4,644 97
19	TNDM - NEUTRAL TANDEM INC	5/4/2009	8/7/2009	551 1	555 54	-4 44
514	TNDM - NEUTRAL TANDEM INC	5/4/2009	8/11/2009	13,876 56	15,028 69	-1,152 13
2,235 00	TQNT - TRIQUINT SEMICONDUCTOR	7/29/2009	10/22/2009	13,359 59	15,380 38	-2,020 79
435	TRLG - TRUE RELIGION APPAREL	8/7/2008	11/5/2008	6,887 79	12,371 32	-5,483 53
416	TRLG - TRUE RELIGION APPAREL	8/7/2008	11/7/2008	6,216 99	11,830 95	-5,613 96
427	TRLG - TRUE RELIGION APPAREL	8/13/2008	11/7/2008	6,381 40	11,989 14	-5,607 74
996	TRW - TRW AUTOMOTIVE HOLDINGS	8/10/2009	10/27/2009	17,101 78	18,755 78	-1,654 00
673	TSO - TESORO CORPORATION	3/19/2009	6/3/2009	10,122 86	10,386 07	-263 21
1,012 00	TSYS - TELECOMMUNICATIONS SYS	9/8/2008	5/12/2009	7,091 20	8,508 09	-1,416 89
957	TSYS - TELECOMMUNICATIONS SYS	9/8/2008	5/14/2009	6,702 07	8,045 69	-1,343 62
3,395 00	TWX - TIME WARNER INC	9/2/2008	11/4/2008	34,091 71	56,843 84	-22,752 13
430	UNP - UNION PACIFIC CORP	6/10/2008	11/4/2008	28,848 53	33,916 16	-5,067 63
214	UTHR - UNITED THERAPEUTICS CORP	8/1/2008	11/17/2008	12,538 89	24,616 42	-12,077 53
122	UTHR - UNITED THERAPEUTICS CORP	9/24/2008	11/17/2008	7,148 34	13,209 75	-6,061 41
140	UTHR - UNITED THERAPEUTICS CORP	10/10/2008	11/17/2008	8,203 02	11,946 47	-3,743 45
1,500 00	UYG - ULTRA FINANCIAL PROSETF	3/18/2009	4/17/2009	86,373 77	66,025 44	20,348 33
24,000 00	UYG - ULTRA FINANCIAL PROSETF	3/18/2009	4/17/2009	3,607 30	2,751 06	856 24
197	V - VISA INC CLASS A	7/21/2008	11/4/2008	10,939 97	14,354 48	-3,414 51
262	VISTAPRINT LTD	3/25/2009	5/4/2009	9,771 92	7,370 35	2,401 57
111	VPRT - VISTAPRINT NV	3/25/2009	9/21/2009	5,423 93	3,122 55	2,301 38
119	VPRT - VISTAPRINT NV	4/2/2009	9/21/2009	5,814 85	3,478 44	2,336 41

Stephen Muss Foundation
23-7424763
Short Term Gains & Losses
10/31/2009

Quantity	Name	Date Purchase	Date Sold	Proceeds	Cost	Gain (Loss)
251	VPRT - VISTAPRINT NV	4/2/2009	10/8/2009	12,127 27	7,336 85	4,790 42
830	VR - VALIDUS HOLDINGS LTD	2/13/2009	5/20/2009	18,709 62	20,193 65	-1,484 03
264	WLT - WALTER ENERGY INC	8/18/2009	10/22/2009	16,772 43	14,577 13	2,195 30
36	WLT - WALTER ENERGY INC	8/20/2009	10/22/2009	2,287 16	2,049 27	237 89
415	WMS - WMS INDS INC DEL	5/6/2009	8/10/2009	17,246 04	14,625 47	2,620 57
728	WNR - WESTERN REFINING INC	3/10/2009	6/3/2009	7,455 54	9,826 69	-2,371 15
686	WNR - WESTERN REFINING INC	5/14/2009	6/3/2009	7,025 42	9,798 82	-2,773 40
1,476 00	YGE - YINGLI GREEN ENERGY ADR	6/4/2009	7/14/2009	15,171 41	21,941 48	-6,770 07
651	ZYXI - ZYNEX INC	8/14/2008	11/10/2008	1,962 10	3,308 58	-1,346 48
1,008 00	ZYXI - ZYNEX INC	8/15/2008	11/10/2008	3,038 09	6,007 78	-2,969 69
1,387 00	ZYXI - ZYNEX INC	8/18/2008	11/10/2008	4,180 39	7,935 72	-3,755 33
144	ZYXI - ZYNEX INC	10/9/2008	11/10/2008	434 02	719 86	-285 84
766	ZYXI - ZYNEX INC	10/9/2008	11/14/2008	2,413 11	3,829 23	-1,416 12
965	ZYXI - ZYNEX INC	10/10/2008	11/14/2008	3,040 02	4,554 03	-1,514 01
						0 00
				3,362,367 09	3,740,183 13	-377,816 04

Stephen Muss Foundation
23-7424763
Long Term Gains & Losses
10/31/2009

Quantity	Name	Date Purchase	Date Sold	Proceeds	Cost	Gain (Loss)
938 AYE - ALLEGHENY ENERGY INC		10/8/2007	11/4/2008	27,849 06	51,880 78	-24,031 72
2,684 00 BAM - BROOKFIELD ASSET MANGMNT		10/8/2007	11/4/2008	51,181 23	108,809 09	-57,627 86
30,000 00 BJCHF - BEIJING CAP INTL AIRPOR		10/10/2007	11/4/2008	19,049 89	62,070 00	-43,020 11
14 BRKZB - BERKSHIRE HATHAWAY CL B		10/8/2007	11/4/2008	54,333 69	56,672 00	-2,338 31
200 BTO - JH BANK & THRFT OPPTY FD		9/18/2002	7/20/2009	2,456 79	6,344 20	-3,887 41
100 BTO - JH BANK & THRFT OPPTY FD		10/4/2002	7/20/2009	1,228 39	3,727 24	-2,498 85
100 BTO - JH BANK & THRFT OPPTY FD		3/14/2005	7/20/2009	1,228 39	3,727 24	-2,498 85
100 BTO - JH BANK & THRFT OPPTY FD		8/4/2005	7/20/2009	1,228 39	3,727 24	-2,498 85
500 BTO - JH BANK & THRFT OPPTY FD		3/1/2006	7/20/2009	6,141 97	18,636 21	-12,494 24
212 5 BTO - JH BANK & THRFT OPPTY FD		3/14/2006	7/20/2009	2,610 34	7,920 39	-5,310 05
175 BTO - JH BANK & THRFT OPPTY FD		3/31/2006	7/20/2009	2,149 69	6,522 67	-4,372 98
625 BTO - JH BANK & THRFT OPPTY FD		9/14/2007	7/20/2009	7,677 47	20,351 50	-12,674 03
750 BTO - JH BANK & THRFT OPPTY FD		9/26/2007	7/20/2009	9,212 97	24,596 50	-15,383 53
162 5 BTO - JH BANK & THRFT OPPTY FD		10/17/2007	7/20/2009	1,996 14	5,187 44	-3,191 30
375 BTO - JH BANK & THRFT OPPTY FD		11/1/2007	7/20/2009	4,606 50	11,351 35	-6,744 85
422 CEO - CNOOC LTD-ADR		10/8/2007	11/4/2008	34,467 07	65,719 84	-31,252 77
4 COHEN & STEERS R 0% TU		7/31/2007	1/21/2009	100,000 00	100,000 00	0 00
1,650 00 DIS - DISNEY WALT COMPANY		5/8/2008	7/8/2009	36,630 17	56,953 81	-20,323 64
874 ECA - ENCANA CORP		10/8/2007	11/4/2008	45,067 03	54,382 99	-9,315 96
100 EEM - ISHARES TR MSCI EMERGING		6/1/2006	8/26/2009	36,084 14	31,810 00	4,274 14
1,000 00 EEM - ISHARES TR MSCI EMERGING		7/9/2008	8/26/2009	108,252 44	130,949 20	-22,696 76
965 EMR - EMERSON ELECTRIC CO		5/21/2007	4/7/2009	30,257 99	44,555 21	-14,297 22
285 EMR - EMERSON ELECTRIC CO		5/21/2007	5/6/2009	10,317 92	13,158 79	-2,840 87
275 EMR - EMERSON ELECTRIC CO		8/7/2007	5/6/2009	9,955 89	13,122 00	-3,166 11
800 EMR - EMERSON ELECTRIC CO		8/15/2007	5/6/2009	28,962 60	37,478 98	-8,516 38
600 EMR - EMERSON ELECTRIC CO		11/15/2007	5/6/2009	21,721 95	33,300 34	-11,578 39
1,692 00 EP - EL PASO CORPORATION		10/8/2007	11/4/2008	16,316 87	28,831 68	-12,514 81
450 GWW - GRAINGER W W INC		9/28/2006	12/9/2008	32,127 70	30,809 25	1,318 45
235 GWW - GRAINGER W W INC		10/16/2006	12/9/2008	16,777 81	16,920 00	-142 19
640 GWW - GRAINGER W W INC		10/16/2006	4/13/2009	48,891 30	46,080 00	2,811 30
35 GWW - GRAINGER W W INC		7/27/2007	4/13/2009	2,673 75	3,100 16	-426 41
2,000 00 HKXCF - HONG KONG EXCH & CLEARNG		10/10/2007	11/4/2008	19,499 89	65,381 20	-45,881 31
1,238 00 HNP - HUANENG PWR INTL INC ADR		10/8/2007	11/4/2008	24,662 33	61,852 86	-37,190 53
402 IBN - ICICI BANK LTD SPON		10/8/2007	11/4/2008	7,750 91	21,033 28	-13,282 37
1,243 00 IMO - IMPERIAL OIL LTD NEW		10/8/2007	11/4/2008	44,266 35	60,221 64	-15,955 29
450 ITW - ILL TOOL WORKS INC		9/28/2006	1/6/2009	16,673 78	20,524 50	-3,850 72
900 ITW - ILL TOOL WORKS INC		10/18/2006	1/6/2009	33,347 57	43,164 00	-9,816 43
650 ITW - ILL TOOL WORKS INC		10/31/2006	1/6/2009	24,084 35	31,140 46	-7,056 11
425 ITW - ILL TOOL WORKS INC		7/25/2007	1/6/2009	15,747 46	24,162 25	-8,414 79
575 ITW - ILL TOOL WORKS INC		10/1/2007	1/6/2009	21,305 41	33,687 00	-12,381 59
2,300 00 LDNFX - LONDON STOCK EXCHANGE		10/10/2007	11/4/2008	22,424 87	81,165 62	-58,740 75
451 LM - LEGG MASON INC		10/8/2007	11/4/2008	9,646 83	38,718 53	-29,071 70
895 LUK - LEUCADIA NATL CORP		10/8/2007	11/4/2008	25,210 93	45,924 56	-20,713 63
523 LVS - LAS VEGAS SANDS CORP		10/8/2007	11/4/2008	7,383 25	66,965 39	-59,582 14
1,540 00 NDAQ - NASDAQ OMX GROUP		10/8/2007	11/4/2008	49,633 92	63,955 63	-14,321 71
1,875 00 NOK - NOKIA CORP SPONSORED ADR		2/27/2007	11/25/2008	26,703 94	41,999 06	-15,295 12
1,000 00 NOK - NOKIA CORP SPONSORED ADR		4/27/2007	11/25/2008	14,242 11	25,559 49	-11,317 38
275 NOK - NOKIA CORP SPONSORED ADR		4/27/2007	12/8/2008	3,893 38	7,028 85	-3,135 47
675 NOK - NOKIA CORP SPONSORED ADR		8/6/2007	12/8/2008	9,556 50	20,182 00	-10,625 50
975 NOK - NOKIA CORP SPONSORED ADR		10/4/2007	12/8/2008	13,803 83	35,253 25	-21,449 42
2,400 00 NUV MS INC & GRW FD F		7/27/2007	9/21/2009	25,000 00	25,000 00	0 00
NUV MS INC & GRW FD F8		7/27/2007	1/5/2009	25,000 00	25,000 00	0 00
1,745 00 NYX - NYSE EURONEXT		10/8/2007	11/4/2008	52,428 92	145,332 51	-92,903 59
879 OGZPY - GAZPROM O A O		10/8/2007	11/4/2008	19,513 69	41,225 10	-21,711 41
725 PDCO - PATTERSON COMPANIES INC		9/28/2006	5/21/2009	15,167 06	24,369 35	-9,202 29
1,400 00 PDCO - PATTERSON COMPANIES INC		10/6/2006	5/21/2009	29,288 13	47,164 88	-17,876 75
1 PIMCO FLTG RATE STRAT M7		8/6/2007	1/20/2009	100,000 00	100,000 00	0 00
3 PIMCO FLTG RATE STRAT M8		8/6/2007	12/9/2008	75,000 00	75,000 00	0 00
1 PIMCO FLTG RATE STRAT M8		8/6/2007	12/16/2008	25,000 00	25,000 00	0 00
3,337 00 RRI - RELIANT ENERGY INC		10/8/2007	11/4/2008	17,652 63	88,129 97	-70,477 34

Stephen Muss Foundation
23-7424763
Long Term Gains & Losses
10/31/2009

Quantity	Name	Date Purchase	Date Sold	Proceeds	Cost	Gain (Loss)
7,067 00	SIERRA PACIFIC RESOURCES	10/8/2007	11/4/2008	64,196 16	113,354 68	-49,158 52
1,140 00	STJ - ST JUDE MEDICAL INC	7/29/2008	10/15/2009	38,071 83	53,224 60	-15,152 77
277	STU - STUDENT LOAN CORP	10/8/2007	11/4/2008	10,568 03	52,826 64	-42,258 61
				1,658,179 60	2,702,243 40	-1,044,063 80

Application for Extension of Time To File an Exempt Organization Return

OMB No. 1545-1709

► File a separate application for each return.

- If you are filing for an **Automatic 3-Month Extension**, complete only **Part I** and check this box ☐
- If you are filing for an **Additional (Not Automatic) 3-Month Extension**, complete only **Part II** (on page 2 of this form).
Do not complete Part II unless you have already been granted an automatic 3-month extension on a previously filed Form 8868.

Part I Automatic 3-Month Extension of Time. Only submit original (no copies needed).

A corporation required to file Form 990-T and requesting an automatic 6-month extension—check this box and complete Part I only ☐

All other corporations (including 1120-C filers), partnerships, REMICs, and trusts must use Form 7004 to request an extension of time to file income tax returns.

Electronic Filing (e-file). Generally, you can electronically file Form 8868 if you want a 3-month automatic extension of time to file one of the returns noted below (6 months for a corporation required to file Form 990-T). However, you cannot file Form 8868 electronically if (1) you want the additional (not automatic) 3-month extension or (2) you file Forms 990-BL, 6069, or 8870, group returns, or a composite or consolidated Form 990-T. Instead, you must submit the fully completed and signed page 2 (Part II) of Form 8868. For more details on the electronic filing of this form, visit www.irs.gov/efile and click on *e-file for Charities & Nonprofits*.

Type or print File by the due date for filing your return. See Instructions	Name of Exempt Organization STEPHEN MUSS FOUNDATION, INC.	Employer identification number 23-7424763
	Number, street, and room or suite no. If a P.O. box, see Instructions. C/O GERSON PRESTON ROBINSON & COMPANY PA, 666-SEVENTY-FIRST STREET	
	City, town or post office, state, and ZIP code. For a foreign address, see Instructions MIAMI BEACH, FLORIDA 33141	

Check type of return to be filed (file a separate application for each return):

- | | | |
|---|---|------------------------------------|
| <input type="checkbox"/> Form 990 | <input type="checkbox"/> Form 990-T (corporation) | <input type="checkbox"/> Form 4720 |
| <input type="checkbox"/> Form 990-BL | <input type="checkbox"/> Form 990-T (sec. 401(a) or 408(a) trust) | <input type="checkbox"/> Form 5227 |
| <input type="checkbox"/> Form 990-EZ | <input type="checkbox"/> Form 990-T (trust other than above) | <input type="checkbox"/> Form 6069 |
| <input checked="" type="checkbox"/> Form 990-PF | <input type="checkbox"/> Form 1041-A | <input type="checkbox"/> Form 8870 |

- The books are in the care of ► **GERSON PRESTON ROBINSON & COMPANY, PA**

Telephone No. ► **305-868-3600**

FAX No. ► **305-864-6740**

- If the organization does not have an office or place of business in the United States, check this box ☐
- If this is for a Group Return, enter the organization's four digit Group Exemption Number (GEN) _____. If this is for the whole group, check this box ☐. If it is for part of the group, check this box ☐ and attach a list with the names and EINs of all members the extension will cover.

1 I request an automatic 3-month (6 months for a corporation required to file Form 990-T) extension of time until **JUNE 15**, 20**10**, to file the exempt organization return for the organization named above. The extension is for the organization's return for:

► ☐ calendar year 20____ or

► ☒ tax year beginning **NOVEMBER 1**, 20**08**, and ending **OCTOBER 31**, 20**09**.

2 If this tax year is for less than 12 months, check reason: ☐ Initial return ☐ Final return ☐ Change in accounting period

3a If this application is for Form 990-BL, 990-PF, 990-T, 4720, or 6069, enter the tentative tax, less any nonrefundable credits. See Instructions.	3a	\$
b If this application is for Form 990-PF or 990-T, enter any refundable credits and estimated tax payments made. Include any prior year overpayment allowed as a credit.	3b	\$
c Balance Due. Subtract line 3b from line 3a. Include your payment with this form, or, if required, deposit with FTD coupon or, if required, by using EFTPS (Electronic Federal Tax Payment System). See Instructions.	3c	\$ 0.00

Caution. If you are going to make an electronic fund withdrawal with this Form 8868, see Form 8453-EO and Form 8879-EO for payment instructions.

For Privacy Act and Paperwork Reduction Act Notice, see Instructions.

Form **8868** (Rev. 4-2009)

GERSON, PRESTON, ROBINSON & CO., P.A.
CERTIFIED PUBLIC ACCOUNTANTS
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MIAMI BEACH, FLORIDA 33141
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27/28