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Return of Private Foundation

OMB No. 1545-0052

2009

Department of the Treasury
Internal Revenue Serviceor Section 4947(a)(1) Nonexempt Charitable Trust
Treated as a Private Foundation

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

For calendar year 2009, or tax year beginning, and ending

G Check all that apply. ☐ Initial return ☐ Initial return of a former public charity ☐ Final return
☐ Amended return ☐ Address change ☐ Name change

Use the IRS label. Otherwise, print or type. See Specific Instructions.	Name of foundation THE ELLEN AND GARY DAVIS FOUNDATION		A Employer identification number 06-1357318
	Number and street (or P.O. box number if mail is not delivered to street address) 45 PECKSLAND ROAD		B Telephone number 203-324-8440
	City or town, state, and ZIP code GREENWICH, CT 06831		C If exemption application is pending, check here <input type="checkbox"/>
			D 1. Foreign organizations, check here <input type="checkbox"/> 2. Foreign organizations meeting the 85% test, check here and attach computation <input type="checkbox"/>
H Check type of organization <input checked="" type="checkbox"/> Section 501(c)(3) exempt private foundation <input type="checkbox"/> Section 4947(a)(1) nonexempt charitable trust <input type="checkbox"/> Other taxable private foundation			E If private foundation status was terminated under section 507(b)(1)(A), check here <input type="checkbox"/>
I Fair market value of all assets at end of year (from Part II, col (c), line 16) \$ 5,402,757. (Part I, column (d) must be on cash basis.)		J Accounting method <input checked="" type="checkbox"/> Cash <input type="checkbox"/> Accrual <input type="checkbox"/> Other (specify) _____	F If the foundation is in a 60-month termination under section 507(b)(1)(B), check here <input type="checkbox"/>

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).)		(a) Revenue and expenses per books	(b) Net investment income	(c) Adjusted net income	(d) Disbursements for charitable purposes (cash basis only)
1 Contributions, gifts, grants, etc., received				N/A	
2 Check <input checked="" type="checkbox"/> if the foundation is not required to attach Sch. B					
3 Interest on savings and temporary cash investments		1,790.	1,790.		STATEMENT 1
4 Dividends and interest from securities		173,577.	173,577.		STATEMENT 2
5a Gross rents					
b Net rental income or (loss)					
6a Net gain or (loss) from sale of assets not on line 10		180,901.			
b Gross sales price for all assets on line 6a		3,505,444.			
7 Capital gain net income (from Part IV, line 2)			180,901.		
8 Net short-term capital gain					
9 Income modifications					
10a Gross sales less returns and allowances					
b Less Cost of goods sold					
c Gross profit or (loss)					
11 Other income		53.	53.		STATEMENT 3
12 Total. Add lines 1 through 11		356,321.	356,321.		
13 Compensation of officers, directors, trustees, etc.		0.	0.		0.
14 Other employee salaries and wages					
15 Pension plans, employee benefits					
16a Legal fees					
b Accounting fees		12,500.	10,000.		2,500.
c Other professional fees					
17 Interest					
18 Taxes		6,318.	2,818.		0.
19 Depreciation and depletion					
20 Occupancy					
21 Travel, conferences, and meetings					
22 Printing and publications					
23 Other expenses		2,569.	2,107.		0.
24 Total operating and administrative expenses. Add lines 13 through 23		21,387.	14,925.		2,500.
25 Contributions, gifts, grants paid		670,155.			670,155.
26 Total expenses and disbursements. Add lines 24 and 25		691,542.	14,925.		672,655.
27 Subtract line 26 from line 12.		-335,221.			
a Excess of revenue over expenses and disbursements					
b Net investment income (if negative, enter -0-)			341,396.		
c Adjusted net income (if negative, enter -0-)				N/A	

Part II Balance Sheets

Attached schedules and amounts in the description column should be for end-of-year amounts only

		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	613,565.	713,295.	713,295.
	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			
	7 Other notes and loans receivable ▶			
	Less: allowance for doubtful accounts ▶			
	8 Inventories for sale or use			
	9 Prepaid expenses and deferred charges			
	10a Investments - U.S. and state government obligations			
	b Investments - corporate stock STMT 7	4,620,811.	3,940,340.	4,152,765.
	c Investments - corporate bonds			
11 Investments - land, buildings, and equipment basis ▶				
Less: accumulated depreciation ▶				
12 Investments - mortgage loans				
13 Investments - other				
14 Land, buildings, and equipment basis ▶				
Less: accumulated depreciation ▶				
15 Other assets (describe ▶ STATEMENT 8)	291,177.	536,697.	536,697.	
16 Total assets (to be completed by all filers)	5,525,553.	5,190,332.	5,402,757.	
Liabilities	17 Accounts payable and accrued expenses			
	18 Grants payable			
	19 Deferred revenue			
	20 Loans from officers, directors, trustees, and other disqualified persons			
	21 Mortgages and other notes payable			
	22 Other liabilities (describe ▶)			
23 Total liabilities (add lines 17 through 22)	0.	0.		
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	0.	0.	
28 Paid-in or capital surplus, or land, bldg, and equipment fund	0.	0.		
29 Retained earnings, accumulated income, endowment, or other funds	5,525,553.	5,190,332.		
30 Total net assets or fund balances	5,525,553.	5,190,332.		
31 Total liabilities and net assets/fund balances	5,525,553.	5,190,332.		

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	5,525,553.
2 Enter amount from Part I, line 27a	2	-335,221.
3 Other increases not included in line 2 (itemize) ▶	3	0.
4 Add lines 1, 2, and 3	4	5,190,332.
5 Decreases not included in line 2 (itemize) ▶	5	0.
6 Total net assets or fund balances at end of year (line 4 minus line 5) - Part II, column (b), line 30	6	5,190,332.

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	SEE ATTACHMENT	P	VARIOUS	VARIOUS
b	SEE ATTACHMENT	P	VARIOUS	VARIOUS
c				
d				
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	2,145,159.		2,075,625.	69,534.
b	1,360,285.		1,248,918.	111,367.
c				
d				
e				

Complete only for assets showing gain in column (h) and owned by the foundation on 12/31/69			(i) Gains (Col. (h) gain minus col. (k), but not less than -0-) or Losses (from col. (h))
(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	
a			69,534.
b			111,367.
c			
d			
e			

2	Capital gain net income or (net capital loss) { If gain, also enter in Part I, line 7 If (loss), enter -0- in Part I, line 7 }	2	180,901.
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). If (loss), enter -0- in Part I, line 8	3	N/A

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 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))
2008	963,071.	6,428,376.	.149816
2007	1,157,472.	7,120,553.	.162554
2006	897,848.	6,285,843.	.142837
2005	886,494.	5,410,315.	.163853
2004	816,527.	5,163,613.	.158131

2	Total of line 1, column (d)	2	.777191
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	.155438
4	Enter the net value of noncharitable-use assets for 2009 from Part X, line 5	4	4,831,556.
5	Multiply line 4 by line 3	5	751,007.
6	Enter 1% of net investment income (1% of Part I, line 27b)	6	3,414.
7	Add lines 5 and 6	7	754,421.
8	Enter qualifying distributions from Part XII, line 4	8	672,655.

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

Part VI Excise Tax Based on Investment Income (Section 4940(a), 4940(b), 4940(e), or 4948 - see 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 or determination letter: _____ (attach copy of letter if necessary-see instructions)		1	6,828.
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			
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	6,828.
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	6,828.
6 Credits/Payments:			
a 2009 estimated tax payments and 2008 overpayment credited to 2009	6a	10,093.	
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	10,093.	
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	3,265.	
11 Enter the amount of line 10 to be credited to 2010 estimated tax <input type="checkbox"/> 3,265. Refunded <input type="checkbox"/>	11	0.	

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
1b Did it spend more than \$100 during the year (either directly or indirectly) for political purposes (see 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
1c 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 <input type="checkbox"/> \$ 0. (2) On foundation managers <input type="checkbox"/> \$ 0.		
e Enter the reimbursement (if any) paid by the foundation during the year for political expenditure tax imposed on foundation managers <input type="checkbox"/> \$ 0.		
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?	N/A	
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 instructions) <input type="checkbox"/> CT		
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 2009 or the taxable year beginning in 2009 (see instructions for Part XIV)? 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

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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 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?	13	X	

Website address ▶ N/A

14 The books are in care of ▶ GARY DAVIS Telephone no. ▶ 203-324-8440
 Located at ▶ 45 PECKSLAND RD, GREENWICH, CT ZIP+4 ▶ 06831

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 N/A

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)? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	1b	
Organizations relying on a current notice regarding disaster assistance check here ▶ <input type="checkbox"/>		
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 2009?	1c	X
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 2009, did the foundation have any undistributed income (lines 6d and 6e, Part XIII) for tax year(s) beginning before 2009? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No		
If "Yes," list the years ▶		
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 instructions) <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	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. ▶		
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 2009 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 2009.) <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	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 2009?	4b	X

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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)?

☐ 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 instructions)?

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 "Yes" to 6b, 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.

(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
GARY DAVIS 45 PECKSLAND ROAD GREENWICH, CT 06831	TRUSTEE 1.00	0.	0.	0.
ELLEN DAVIS 45 PECKSLAND ROAD GREENWICH, CT 06831	TRUSTEE 1.00	0.	0.	0.
RICHARD J. BRONSTEIN PAUL, WEISS, RIFKIND, WHARTON, AVE OF NEW YORK, NY	TRUSTEE 0.00	0.	0.	0.

2 Compensation of five highest-paid employees (other than those included on line 1). 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

0

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Part VIII Information About Officers, Directors, Trustees, Foundation Managers, Highly Paid Employees, and Contractors (continued)**3** Five highest-paid independent contractors for professional services. 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

0

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

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 instructions.	
3	
Total. Add lines 1 through 3	0.

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Part X Minimum Investment Return (All domestic foundations must complete this part. Foreign foundations, see 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	3,912,417.
b	Average of monthly cash balances	1b	874,893.
c	Fair market value of all other assets	1c	117,823.
d	Total (add lines 1a, b, and c)	1d	4,905,133.
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	4,905,133.
4	Cash deemed held for charitable activities. Enter 1 1/2% of line 3 (for greater amount, see instructions)	4	73,577.
5	Net value of noncharitable-use assets. Subtract line 4 from line 3. Enter here and on Part V, line 4	5	4,831,556.
6	Minimum investment return. Enter 5% of line 5	6	241,578.

Part XI Distributable Amount (see 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	241,578.
2a	Tax on investment income for 2009 from Part VI, line 5	2a	6,828.
b	Income tax for 2009 (This does not include the tax from Part VI.)	2b	
c	Add lines 2a and 2b	2c	6,828.
3	Distributable amount before adjustments. Subtract line 2c from line 1	3	234,750.
4	Recoveries of amounts treated as qualifying distributions	4	0.
5	Add lines 3 and 4	5	234,750.
6	Deduction from distributable amount (see instructions)	6	0.
7	Distributable amount as adjusted. Subtract line 6 from line 5. Enter here and on Part XIII, line 1	7	234,750.

Part XII Qualifying Distributions (see 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	672,655.
b	Program-related investments - total from Part IX-B	1b	0.
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	672,655.
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	5	0.
6	Adjusted qualifying distributions. Subtract line 5 from line 4	6	672,655.

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.

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Part XIII Undistributed Income (see instructions)

	(a) Corpus	(b) Years prior to 2008	(c) 2008	(d) 2009
1 Distributable amount for 2009 from Part XI, line 7				234,750.
2 Undistributed income, if any, as of the end of 2009				
a Enter amount for 2008 only			0.	
b Total for prior years		0.		
3 Excess distributions carryover, if any, to 2009				
a From 2004	564,556.			
b From 2005	634,588.			
c From 2006	591,949.			
d From 2007	817,643.			
e From 2008	651,667.			
f Total of lines 3a through e	3,260,403.			
4 Qualifying distributions for 2009 from Part XII, line 4 ▶ \$	672,655.			
a Applied to 2008, but not more than line 2a			0.	
b Applied to undistributed income of prior years (Election required - see instructions)		0.		
c Treated as distributions out of corpus (Election required - see instructions)	0.			
d Applied to 2009 distributable amount				234,750.
e Remaining amount distributed out of corpus	437,905.			
5 Excess distributions carryover applied to 2009 (If an amount appears in column (d), the same amount must be shown in column (a))	0.			0.
6 Enter the net total of each column as indicated below:				
a Corpus Add lines 3f, 4c, and 4e Subtract line 5	3,698,308.			
b Prior years' undistributed income Subtract line 4b from line 2b		0.		
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		0.		
d Subtract line 6c from line 6b Taxable amount - see instructions		0.		
e Undistributed income for 2008 Subtract line 4a from line 2a Taxable amount - see instr.			0.	
f Undistributed income for 2009 Subtract lines 4d and 5 from line 1 This amount must be distributed in 2010				0.
7 Amounts treated as distributions out of corpus to satisfy requirements imposed by section 170(b)(1)(F) or 4942(g)(3)	0.			
8 Excess distributions carryover from 2004 not applied on line 5 or line 7	564,556.			
9 Excess distributions carryover to 2010. Subtract lines 7 and 8 from line 6a	3,133,752.			
10 Analysis of line 9				
a Excess from 2005	634,588.			
b Excess from 2006	591,949.			
c Excess from 2007	817,643.			
d Excess from 2008	651,667.			
e Excess from 2009	437,905.			

Part XVI-A Analysis of Income-Producing Activities

Enter gross amounts unless otherwise indicated.

Enter gross amounts unless otherwise indicated.		Unrelated business income		Excluded by section 512, 513, or 514		(e) Related or exempt function income
	(a) Business code	(b) Amount	(c) Exclu- sion code	(d) Amount		
1 Program service revenue						
a _____						
b _____						
c _____						
d _____						
e _____						
f _____						
g Fees and contracts from government agencies						
2 Membership dues and assessments						
3 Interest on savings and temporary cash investments			14	1,790.		
4 Dividends and interest from securities			14	173,577.		
5 Net rental income or (loss) from real estate:						
a Debt-financed property						
b Not debt-financed property						
6 Net rental income or (loss) from personal property						
7 Other investment income			01	53.		
8 Gain or (loss) from sales of assets other than inventory			18	180,901.		
9 Net income or (loss) from special events						
10 Gross profit or (loss) from sales of inventory						
11 Other revenue						
a _____						
b _____						
c _____						
d _____						
e _____						
12 Subtotal. Add columns (b), (d), and (e) ...		0.		356,321.		0.
13 Total. Add line 12, columns (b), (d), and (e)						356,321.

(See worksheet in line 13 instructions to verify calculations.)

Part XVI-B Relationship of Activities to the Accomplishment of Exempt Purposes

[illegible]

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	Name of Exempt Organization	Employer identification number
	THE ELLEN AND GARY DAVIS FOUNDATION	06-1357318
	Number, street, and room or suite no. If a P.O. box, see instructions. 45 PECKSLAND ROAD	
File by the due date for filing your return. See instructions	City, town or post office, state, and ZIP code. For a foreign address, see instructions. GREENWICH, CT 06831	

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 |

GARY DAVIS

- The books are in the care of ► **45 PECKSLAND RD - GREENWICH, CT 06831**
Telephone No. ► **203-324-8440** FAX No. ► _____
- 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 **AUGUST 15, 2010**, to file the exempt organization return for the organization named above. The extension is for the organization's return for:
► ☒ calendar year **2009** or
► ☐ tax year beginning _____, and ending _____.

- 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	\$	6,709.
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	\$	10,093.
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.

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.

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

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

COPY

- If you are filing for an **Additional (Not Automatic) 3-Month Extension**, complete only **Part II** and check this box ☒ **X**
- Note.** Only complete Part II if you have already been granted an automatic 3-month extension on a previously filed Form 8868.
- If you are filing for an **Automatic 3-Month Extension**, complete only **Part I** (on page 1).

Part II		Additional (Not Automatic) 3-Month Extension of Time. Only file the original (no copies needed).	
Type or print File by the extended due date for filing the return. See instructions.	Name of Exempt Organization		Employer identification number
	THE ELLEN AND GARY DAVIS FOUNDATION		06-1357318
	Number, street, and room or suite no. If a P.O. box, see instructions.		For IRS use only
	45 PECKSLAND ROAD		
	City, town or post office, state, and ZIP code. For a foreign address, see instructions.		
	GREENWICH, CT 06831		

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

- ☐ Form 990 ☐ Form 990-EZ ☐ Form 990-T (sec. 401(a) or 408(a) trust) ☐ Form 1041-A ☐ Form 5227 ☐ Form 8870
☐ Form 990-BL ☒ Form 990-PF ☐ Form 990-T (trust other than above) ☐ Form 4720 ☐ Form 6069

STOP! Do not complete Part II if you were not already granted an automatic 3-month extension on a previously filed Form 8868.**GARY DAVIS**

- The books are in the care of **45 PECKSLAND RD - GREENWICH, CT 06831**

Telephone No. **203-324-8440**

FAX No. _____

- 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 is for.

4 I request an additional 3-month extension of time until **NOVEMBER 15, 2010.**5 For calendar year **2009**, or other tax year beginning _____, and ending _____.6 If this tax year is for less than 12 months, check reason: ☐ Initial return ☐ Final return ☐ Change in accounting period

7 State in detail why you need the extension

ADDITIONAL TIME IS REQUIRED TO COMPILE THE INFORMATION NECESSARY TO FILE A COMPLETE AND ACCURATE RETURN

8a	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.	8a	\$	6,709.
b	If this application is for Form 990-PF, 990-T, 4720, or 6069, enter any refundable credits and estimated tax payments made. Include any prior year overpayment allowed as a credit and any amount paid previously with Form 8868.	8b	\$	10,093.
c	Balance Due. Subtract line 8b from line 8a. 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.	8c	\$	0.

Signature and Verification

Under penalties of perjury, I declare that I have examined this form, including accompanying schedules and statements, and to the best of my knowledge and belief, it is true, correct, and complete, and that I am authorized to prepare this form.

Signature *Shelvia Dishner* Title *CEO*Date *08/11/2010*

Form 8868 (Rev. 4-2009)

COPY

FORM 990-PF INTEREST ON SAVINGS AND TEMPORARY CASH INVESTMENTS STATEMENT 1

<u>SOURCE</u>	<u>AMOUNT</u>
FIDELITY	1,733.
JP MORGAN	4.
KINDER MORGAN	11.
MERRILL LYNCH	5.
MORGAN STANLEY	37.
TOTAL TO FORM 990-PF, PART I, LINE 3, COLUMN A	1,790.

FORM 990-PF DIVIDENDS AND INTEREST FROM SECURITIES STATEMENT 2

<u>SOURCE</u>	<u>GROSS AMOUNT</u>	<u>CAPITAL GAINS DIVIDENDS</u>	<u>COLUMN (A) AMOUNT</u>
DKR CHESTNUT	5,956.	0.	5,956.
FIDELITY	137,503.	0.	137,503.
JP MORGAN	5,498.	0.	5,498.
KINDER MORGAN	1.	0.	1.
MERRILL LYNCH	21.	0.	21.
MORGAN STANLEY	24,598.	0.	24,598.
TOTAL TO FM 990-PF, PART I, LN 4	173,577.	0.	173,577.

FORM 990-PF OTHER INCOME STATEMENT 3

<u>DESCRIPTION</u>	<u>(A) REVENUE PER BOOKS</u>	<u>(B) NET INVEST- MENT INCOME</u>	<u>(C) ADJUSTED NET INCOME</u>
KINDER MORGAN ENERGY PARTNERS LP	53.	53.	
TOTAL TO FORM 990-PF, PART I, LINE 11	53.	53.	

FORM 990-PF	ACCOUNTING FEES			STATEMENT	4
DESCRIPTION	(A) EXPENSES PER BOOKS	(B) NET INVEST- MENT INCOME	(C) ADJUSTED NET INCOME	(D) CHARITABLE PURPOSES	
ACCOUNTING FEES	12,500.	10,000.		2,500.	
TO FORM 990-PF, PG 1, LN 16B	12,500.	10,000.		2,500.	

FORM 990-PF	TAXES			STATEMENT	5
DESCRIPTION	(A) EXPENSES PER BOOKS	(B) NET INVEST- MENT INCOME	(C) ADJUSTED NET INCOME	(D) CHARITABLE PURPOSES	
FOREIGN TAXES	2,818.	2,818.		0.	
FEDERAL TAXES	3,500.	0.		0.	
TO FORM 990-PF, PG 1, LN 18	6,318.	2,818.		0.	

FORM 990-PF	OTHER EXPENSES			STATEMENT	6
DESCRIPTION	(A) EXPENSES PER BOOKS	(B) NET INVEST- MENT INCOME	(C) ADJUSTED NET INCOME	(D) CHARITABLE PURPOSES	
FILING FEES	462.	0.		0.	
INVESTMENT FEES	2,107.	2,107.		0.	
TO FORM 990-PF, PG 1, LN 23	2,569.	2,107.		0.	

FORM 990-PF	CORPORATE STOCK		STATEMENT	7
DESCRIPTION	BOOK VALUE	FAIR MARKET VALUE		
JP MORGAN-SPDR TRUST SERIES 1'	264,780.	334,320.		
JP MORGAN - BARRICKS GOLD CORP	129,325.	137,830.		
JP MORGAN - JPM CHASE CAPITAL XXVIII	300,000.	306,360.		
DKR SOUNDSHORE OASIS	91,462.	197,611.		
FIDELITY-SEE ATTACHED	1,570,197.	1,820,042.		
IFIS LIMITED	854,667.	737,337.		

ELLEN AND GARY DAVIS FOUNDATION
FIDELITY INVESTMENTS
PORTFOLIO VALUE 12/31/2009

BOOK BASIS

Security	Shares	Quote/Price	Cost	Gain/Loss	Market
BP PLC	2,000	57.97	117,560.00	-1,620.00	115,940.00
Citigroup Inc IX TR Pfd 6%	20,000	18 27	177,266.96	188,133.04	365,400.00
Deutsche Bk Cap Trust V	12,000	18 58	300,000.00	2,280.00	302,280.00
JPM Chase Capital XXVI 8%pfd	20,000	26.86	500,000.00	37,200.00	537,200.00
Nexen Inc	2,400	23.93	59,580.00	-2,148.00	57,432.00
Royal Dutch Shell	2,300	60.11	149,688.00	-11,435.00	138,253.00
Royal Dutch Shell	2,700	60.11	135,641.99	26,655.01	162,297.00
Suncor Energy	4,000	35.31	130,460.00	10,780.00	141,240.00
TOTAL Investments			<u>1,570,196.95</u>	<u>249,845.05</u>	<u>1,820,042.00</u>

THE ELLEN AND GARY DAVIS FOUNDATION

06-1357318

MORGAN' STANLEY-ARTIO GLOBAL INVT FDS INTL EQT	657,006.	525,243.
DKR REV VAL SPECIAL PURPOSE FD LTD CL B	37,361.	40,365.
DKR CHESTNUT SPV	33,914.	51,283.
DKR REV VAL SPECIAL PURPOSE FD LTD CL A	1,628.	2,374.
TOTAL TO FORM 990-PF, PART II, LINE 10B	3,940,340.	4,152,765.

FORM 990-PF	OTHER ASSETS	STATEMENT	8
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DESCRIPTION	BEGINNING OF YR BOOK VALUE	END OF YEAR BOOK VALUE	FAIR MARKET VALUE
PROCEEDS RECEIVABLE FROM SALES OF INVESTMENTS	291,177.	536,697.	536,697.
TO FORM 990-PF, PART II, LINE 15	291,177.	536,697.	536,697.

FORM 990-PF	PART XV - LINE 1A LIST OF FOUNDATION MANAGERS	STATEMENT	9
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NAME OF MANAGER

GARY DAVIS
ELLEN DAVIS

THE ELLEN & GARY DAVIS FOUNDATION**06-1357318****Charitable Contributions****2009**

Description	Amount
Anti-Defamation League	5,000
Aperture Foundation	7,800
Boys & Girls Clubs Of Greenwich	5,000
Chabad Of Greenwich	50,000
Chai Lifeline	1,000
Columbia Law School	50,000
Cornell University	50,200
Cornell University Ski Team	5,000
DRI Foundation	2,000
Eastern Amatuer Ski Education	5,000
Greenwich Library	500
Horace Mann	135,000
Horace Mann Parents Association	500
ISMR- Institute For Sports Medicine	200
JHE Foundation	10,000
Memorial Sloan-Kettering Cancer Ctr.	42,500
Michael J. Fox Foundation	2,000
New Vision International Development Corp.	500
NRDC	10,000
Orthopedic Foundation For A Loftus	250
Reach Prep.	7,500
Ronald McDonald House Of Springfield, MA	500
Round Hill Association	100
Sierra Club	1,000
Solomon Schechter School Of Westchester	22,500
Stratton Mountain School	47,750
Stratton Mountain Volunteer Fire Company	50
Summer On The Hill	10,000
Temple Sholom	2,500
The Metropolitan Museum Of Art	7,925
The Richard E. Halperin Memorial Fund	15,000
Trustees Of The University Of Pennsylvania	80,000
UJA Federation Of Greenwich	30,360
UJA Federation Of New York	2,000
WFHA	60,000
WFUV-Fordham University	520
	<hr/> 670,155 <hr/>

ELLEN AND GARY DAVIS FOUNDATION
TAX RETURN SUPPORT
SHORT TERM CAPITAL GAINS & LOSSES 2009

Security	Shares	Bought	Sold	Proceeds	Basis	Gain/Loss	By Account	Acct
Kinder Morgan Energy Partners LP	400	6/9/09	7/27/09	21,750 52	20,664 00	1,086.52		
Bank of America Corp	10000	12/3/09	12/3/09	158,095 93	150,000 00	8,095 93		
Bank of America Corp	10000	12/3/09	12/3/09	158,095 93	150,000 00	8,095 93	17,278 38	ML
Citigroup Inc	20,000	12/16/09	12/18/09	65,998 28	63,000.00	2,998 28		
Citigroup Inc	30,000	12/16/09	12/21/09	101,997 35	94,500 00	7,497 35	10,495 63	MS
DKR Rel Val Special Purpose Fund - B	40 561	12/31/08	3/31/09	40,508 00	40,560 60	(52 60)		
DKR Rel Val Special Purpose Fund - B	60 853	12/31/08	6/30/09	63,752 00	60,852 50	2,899 50		
DKR Rel Val Special Purpose Fund - B	38 606	12/31/08	9/30/09	42,575 00	38,606 00	3,969 00		
DKR Rel Val Special Purpose Fund - B	67 434	12/31/08	12/31/09	72,857 00	67,433 89	5,423 11	12,239 01	DKR
Regions Financial Corp	15,000	05/20/09	05/22/09	60,598 43	60,000 00	598 43		
Brandywine Realty Trust	1,500	05/27/09	05/28/09	10,129 73	9,450 00	679 73		
Redwood Trust Inc	2,000	05/27/09	05/28/09	30,178 22	29,000 00	1,178 22		
Kilroy Realty Corp	500	05/29/09	05/29/09	10,379 73	10,000 00	379 73		
Valero Energy Corp	2,000	06/03/09	06/04/09	37,079 04	36,000 00	1,079 04		
Valero Energy Corp	2,000	06/03/09	06/04/09	37,079 04	36,000 00	1,079 04		
Valero Energy Corp	2,000	06/03/09	06/04/09	37,079 04	36,000 00	1,079 04		
Steel Dynamics inc	1,200	06/03/09	06/04/09	16,579 57	16,200 00	379 57		
Transatlantic Holdings	3,000	06/04/09	06/05/09	121,756 96	114,000 00	7,756 96		
IESI-BFC Ltd	5,000	06/04/09	06/05/09	49,698 71	50,000 00	(301 29)		
Express Scripts	600	06/04/09	06/05/09	37,063 04	36,600 00	463 04		
ATP Oil and Gas Corp	1,000	06/11/09	06/12/09	8,239 78	8,250 00	(10 22)		
Lincoln National Corp	3,000	06/16/09	06/17/09	45,225 93	45,000 00	225 93		
McMoran Exploration Co	1,000	06/16/09	06/17/09	5,639 85	5,750 00	(110 15)		
Genesee & Wypmng Industnes	500	06/16/09	06/17/09	12,749 67	12,250 00	499 67		
Amerpnse Financial inc	3,000	06/11/09	07/07/09	69,596 10	75,000.00	(5,403 90)		
Discover Financial Services	5,000	07/07/09	07/08/09	47,265 27	46,250 00	1,015 27		
Kennametal Inc	700	07/09/09	07/10/09	11,507 70	11,025 00	482 70		
Bemis Co inc	500	07/22/09	07/23/09	13,369 65	13,000 00	369 65		
Swift Energy Co	700	08/04/09	08/05/09	13,292 65	12,950 00	342 65		
STEC, Inc	666	08/06/09	08/06/09	21,318 11	20,646 00	672 11		
Oshkosh Corporation	1,667	08/06/09	08/07/09	43,091 00	41,675 00	1,416 00		
Sirona Dental Systems Inc	833	08/07/09	08/07/09	18,733 01	19,783 75	(1,050 74)		
Petroleum Development Inc	500	08/11/09	08/12/09	6,514 83	6,000 00	514 83		
Seattle Genetics Inc	400	08/11/09	08/12/09	4,535 88	4,300 00	235 88		
TRW Automotive Holding Corp	834	08/11/09	08/12/09	15,178 40	14,595 00	583 40		
Bunge Limited	1,000	08/12/09	08/13/09	66,038 30	65,500 00	538 30		
Apollo Investment Corp	1,167	08/12/09	08/13/09	10,164.30	10,211 25	(46 95)		
Ocwen Financial corp	667	08/12/09	08/13/09	6,262 96	6,003 00	259 96		
Umpqua Holdings corp	2,333	08/13/09	08/14/09	23,889 30	22,746 75	1,142 55		
Ameren Corp	1,333	09/09/09	09/10/09	34,110 59	33,658 25	452 34		
Petrohawk Energy Corp	2,333	08/05/09	09/11/09	56,748 76	53,332 38	3,416 38		
CREE Inc	1,000	09/10/09	09/11/09	35,939 47	35,500 00	439 47		
Ramco-Gershenson Properties Trust	1,500	09/10/09	09/11/09	12,629 67	12,750 00	(120 33)		
Washington Federal Inc	1,750	09/15/09	09/16/09	26,145 02	25,375 00	770 02		
Synovus Financial Corp	6,667	09/16/09	09/17/09	26,933 98	26,668 00	265 98		
Palm Inc	500	09/22/09	09/23/09	8,741 77	8,125 00	616 77		
Brucker Biosciences Corp	333	09/22/09	09/23/09	3,363 21	3,280 05	83.16		
Cemex SA Spons ADR	1,333	09/22/09	09/23/09	17,048 62	16,662.50	386.12		
ATP Oil and Gas Corp	667	09/23/09	09/24/09	12,142.75	12,339.50	(196.75)		
Dana Holding Corp	500	09/23/09	09/24/09	3,519 90	3,375 00	144.90		
Modine Manufactunng Co	2,333	09/25/09	09/25/09	16,890.48	16,680 95	209 53		
First Industnal Realty Trust	1,500	09/29/09	09/30/09	8,519 77	7,875 00	644 77		
CBS Corp	2,667	10/14/09	10/15/09	32,296 52	32,004 00	292 52		
Viacom Inc	2,000	10/14/09	10/15/09	56,178 55	56,500 00	(321 45)		
Whitney Holding Corp	1,750	10/21/09	10/21/09	14,332 12	14,000 00	332 12		
Privatebancorp Inc	2,333	10/28/09	10/28/09	21,671 37	19,830 50	1,840 87		
Entertainment Properties trust	500	11/10/09	11/10/09	15,724 59	15,750 00	(25 41)		
Rehabcare Corp	333	11/12/09	11/13/09	8,637 79	7,992 00	645 79		
Solarwinds Inc	333	11/12/09	11/13/09	6,524 63	6,243 75	280 88		
Smith International inc	1,667	11/17/09	11/18/09	46,158 04	44,175 50	1,982 54		
Warner Chilcott PLC Ireland	333	11/19/09	11/20/09	7,498 96	7,409 25	89 71		
Logmen Inc	333	11/19/09	11/20/09	5,897 27	6,160 50	(263 23)		
Regency Centers Corp	333	12/04/09	12/04/09	10,968.73	10,239 75	728.98		
New York Community Bancorp Inc	833	12/07/09	12/08/09	10,737 09	10,829.00	(91 91)		
Dendreon Corp	333	12/10/09	12/11/09	8,361 41	8,241 75	119 66		
Wells Fargo & Co	833	12/15/09	12/15/09	21,574 14	20,825 00	749 14	29,521 02	JPM
TOTAL Short Term Gain				2,145,159 41	2,075,625 37	69,534 04	69,534 04	

ELLEN AND GARY DAVIS FOUNDATION
TAX RETURN SUPPORT
LONG TERM CAPITAL GAINS & LOSSES 2009

Security	Shares	Bought	Sold	Proceeds	Basis	Gain/Loss	By Account	Acct
Citigroup Inc 8 125% Pfd	5,000	1/23/2008	2/27/2009	44,992 75	125,000 00	(80,007 25)		
Citigroup Inc 8 125% Pfd	3,000	1/23/2008	2/27/2009	26,992 85	75,000 00	(48,007 15)		
Citigroup Inc 8 125% Pfd	2,000	1/23/2008	2/27/2009	18,019 89	50,000 00	(31,980 11)		
Citigroup Inc 8 125% Pfd	5,000	1/23/2008	2/27/2009	42,492 77	125,000 00	(82,507 23)		
Citigroup Inc 8 125% Pfd	5,000	1/23/2008	2/27/2009	42,492 77	125,000 00	(82,507 23)		
Bank of America Corp Dep Shs Pfd 8 625%	2,700	4/23/2008	6/1/2009	52,641 65	67,500 00	(14,858 35)		
Bank of America Corp Dep Shs Pfd 8 625%	9,300	4/23/2008	6/9/2009	181,338 34	232,500 00	(51,161 66)	(391,028.98)	FID
DKR Sound Shore Oasis	75 003	12/31/06	3/31/09	195,727 99	99,424 17	96,303 82		
DKR Sound Shore Oasis	59 693	12/31/06	6/30/09	164,722 00	79,128 38	85,593 62		
DKR Sound Shore Oasis	42 006	12/31/06	9/30/09	122,024 64	55,683 10	66,341 54		
DKR Sound Shore Oasis	161 952	12/31/06	12/31/09	463,839 61	214,682 32	249,157 29	497,396.27	DKR
Oasis Oppty Fund - closed stock litigation				5,000 00	-	5,000 00	5,000.00	JPM
TOTAL Short Term Gain				<u>1,360,285 26</u>	<u>1,248,917 97</u>	<u>111,367.29</u>	<u>111,367 29</u>	