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

2009Department 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 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 JACOB BURNS FOUNDATION, INC		A Employer identification number 13-6114245
	Number and street (or P O box number if mail is not delivered to street address) Room/suite C/O BARRY SHENKMAN, 335 MANVILLE RD		B Telephone number 914-769-0248
	City or town, state, and ZIP code PLEASANTVILLE, NY 10570-2118		C If exemption application is pending, check here <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		D 1. Foreign organizations, check here <input type="checkbox"/> 2. Foreign organizations meeting the 85% test, check here and attach computation <input type="checkbox"/>
I Fair market value of all assets at end of year (from Part II, col (c), line 16) \$ 17,371,533. (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) _____	E If private foundation status was terminated under section 507(b)(1)(A), check here <input type="checkbox"/>
			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 interest on savings and temporary cash investments		42.	42.		STATEMENT 1
3 Dividends and interest from securities		66,392.	66,392.		STATEMENT 2
5a Gross rents		<2,229.>			STATEMENT 3
b Net rental income or (loss)		<2,229.>			
6a Net gain or (loss) from sale of assets not on line 10		<975,141.>			
b Gross sales price for all assets on line 6a		4,340,717.			
7 Capital gain net income (from Part IV, line 2)			0.		
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)		35,004.	2,916.		STATEMENT 4
11 Other income		<875,932.>	69,350.		
12 Total. Add lines 1 through 11		74,000.	37,000.		37,000.
13 Compensation of officers or directors, trustees, etc					
14 Other employee salaries and wages					
15 Pension plans, employee benefits					
16a Legal fees STMT 5		5,360.	2,680.		2,680.
b Accounting fees STMT 6		67,250.	33,625.		33,625.
c Other professional fees					
17 Interest					
18 Taxes STMT 7		90,293.	90,293.		0.
19 Depreciation and depletion		29,543.	29,543.		
20 Occupancy					
21 Travel, conferences, and meetings					
22 Printing and publications					
23 Other expenses STMT 8		465,124.	236,962.		221,248.
24 Total operating and administrative expenses. Add lines 13 through 23		731,570.	430,103.		294,553.
25 Contributions, gifts, grants paid		1,239,426.			1,239,426.
26 Total expenses and disbursements. Add lines 24 and 25		1,970,996.	430,103.		1,533,979.
27 Subtract line 26 from line 12:					
a Excess of revenue over expenses and disbursements		<2,846,928.>			
b Net investment income (if negative, enter -0-)			0.		
c Adjusted net income (if negative, enter -0-)				N/A	

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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				
	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 STMT 9	3,850,820.	913,367.	2,345,270.	
	b	Investments - corporate stock STMT 10	17,349,930.	16,821,095.	9,180,828.	
	c	Investments - corporate bonds STMT 11	159,102.	75,518.	78,758.	
11	Investments - land, buildings, and equipment: basis ▶					
	Less: accumulated depreciation ▶					
12	Investments - mortgage loans					
13	Investments - other STMT 12	5,067,726.	5,770,790.	5,766,677.		
14	Land, buildings, and equipment: basis ▶					
	Less: accumulated depreciation ▶					
15	Other assets (describe ▶ STATEMENT 13)	120.	0.	0.		
16	Total assets (to be completed by all filers)	26,427,698.	23,580,770.	17,371,533.		
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	26,868,663.	26,868,663.		
28	Paid-in or capital surplus, or land, bldg., and equipment fund	0.	0.			
29	Retained earnings, accumulated income, endowment, or other funds	<440,965.>	<3,287,893.>			
30	Total net assets or fund balances	26,427,698.	23,580,770.			
31	Total liabilities and net assets/fund balances	26,427,698.	23,580,770.			

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	26,427,698.
2	Enter amount from Part I, line 27a	2	<2,846,928.>
3	Other increases not included in line 2 (itemize) ▶	3	0.
4	Add lines 1, 2, and 3	4	23,580,770.
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	23,580,770.

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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 LOSS FROM PUBLICLY HELD SECURITIES			P	VARIOUS	VARIOUS
b					
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 4,340,717.		5,315,858.	<975,141.>
b			
c			
d			
e			

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

(i) F.M.V. 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			<975,141.>
b			
c			
d			
e			

2 Capital gain net income or (net capital loss)	<div style="display: flex; align-items: center;"> <div style="border-left: 1px solid black; padding-left: 5px;"> { If gain, also enter in Part I, line 7 If (loss), enter -0- in Part I, line 7 </div> <div style="margin-left: 10px;">2</div> </div>	<975,141.>
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	<div style="display: flex; align-items: center;"> <div style="border-left: 1px solid black; padding-left: 5px;"> { If gain, also enter in Part I, line 8, column (c). If (loss), enter -0- in Part I, line 8 </div> <div style="margin-left: 10px;">3</div> </div>	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	1,784,274.	31,736,511.	.056221
2007	1,655,030.	32,205,402.	.051390
2006	1,422,822.	31,882,722.	.044627
2005	1,331,742.	25,647,737.	.051924
2004	1,224,783.	24,857,088.	.049273

2 Total of line 1, column (d)	2	.253435
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	.050687
4 Enter the net value of noncharitable-use assets for 2009 from Part X, line 5	4	18,051,200.
5 Multiply line 4 by line 3	5	914,961.
6 Enter 1% of net investment income (1% of Part I, line 27b)	6	0.
7 Add lines 5 and 6	7	914,961.
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.	8	1,533,979.

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)			
b Domestic foundations that meet the section 4940(e) requirements in Part V, check here <input checked="" type="checkbox"/> and enter 1% of Part I, line 27b		1	0.
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	0.
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	0.
6 Credits/Payments:			
a 2009 estimated tax payments and 2008 overpayment credited to 2009	6a	9,690.	
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	9,690.	
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	9,690.	
11 Enter the amount of line 10 to be: Credited to 2010 estimated tax <input checked="" type="checkbox"/> 9,690. 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
b 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
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. <input checked="" type="checkbox"/> \$ 0. (2) On foundation managers. <input checked="" 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 checked="" 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	2	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	3	X
4a Did the foundation have unrelated business gross income of \$1,000 or more during the year?	4a	X
b If "Yes," has it filed a tax return on Form 990-T for this year?	4b	
5 Was there a liquidation, termination, dissolution, or substantial contraction during the year? If "Yes," attach the statement required by General Instruction T.	5	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?	6	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	7	X
8a Enter the states to which the foundation reports or with which it is registered (see instructions) <input checked="" type="checkbox"/> NY		
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	8b	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	9	X
10 Did any persons become substantial contributors during the tax year? If "Yes," attach a schedule listing their names and addresses	10	X

N/A

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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? Website address ► N/A	13	X	
14	The books are in care of ► BARRY SHENKMAN Telephone no. ► 914-769-0248 Located at ► 335 MANVILLE RD, PLEASANTVILLE, NY ZIP+4 ► 10570			
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)? Organizations relying on a current notice regarding disaster assistance check here N/A	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 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.) 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. ►		
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) 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 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

If "Yes" to 6b, file Form 8870.

X

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
ROSALIE A. GOLDBERG	VP			
191 PRESIDENTIAL BLVD				
BALA CYNWYD, PA	15.00	20,000.	0.	0.
BARRY A. SHENKMAN	PRES			
335 MANVILLE ROAD				
PLEASANTVILLE, NY 10570	30.00	20,000.	0.	0.
JAMIE SHENKMAN	SECRETARY			
335 MANVILLE ROAD				
PLEASANTVILLE, NY 10570	15.00	34,000.	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
NOT APPLICABLE				
	0.00	0.	0.	0.

Total number of other employees paid over \$50,000

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	15,601,737.
b	Average of monthly cash balances	1b	1,016.
c	Fair market value of all other assets	1c	2,723,338.
d	Total (add lines 1a, b, and c)	1d	18,326,091.
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	18,326,091.
4	Cash deemed held for charitable activities. Enter 1 1/2% of line 3 (for greater amount, see instructions)	4	274,891.
5	Net value of noncharitable-use assets. Subtract line 4 from line 3. Enter here and on Part V, line 4	5	18,051,200.
6	Minimum investment return. Enter 5% of line 5	6	902,560.

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	902,560.
2a	Tax on investment income for 2009 from Part VI, line 5	2a	
b	Income tax for 2009. (This does not include the tax from Part VI.)	2b	
c	Add lines 2a and 2b	2c	0.
3	Distributable amount before adjustments. Subtract line 2c from line 1	3	902,560.
4	Recoveries of amounts treated as qualifying distributions	4	0.
5	Add lines 3 and 4	5	902,560.
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	902,560.

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	1,533,979.
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	1,533,979.
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	1,533,979.

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				902,560.
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	113,648.			
b From 2005	49,355.			
c From 2006				
d From 2007	155,787.			
e From 2008	198,840.			
f Total of lines 3a through e	517,630.			
4 Qualifying distributions for 2009 from Part XII, line 4: ► \$	1,533,979.			
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				902,560.
e Remaining amount distributed out of corpus	631,419.			
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	1,149,049.			
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	113,648.			
9 Excess distributions carryover to 2010. Subtract lines 7 and 8 from line 6a	1,035,401.			
10 Analysis of line 9:				
a Excess from 2005	49,355.			
b Excess from 2006				
c Excess from 2007	155,787.			
d Excess from 2008	198,840.			
e Excess from 2009	631,419.			

Part XIV	Private Operating Foundations (see instructions and Part VII-A, question 9)
-----------------	--

N/A

- 1 a** If the foundation has received a ruling or determination letter that it is a private operating foundation, and the ruling is effective for 2009, enter the date of the ruling

- b Check box to indicate whether the foundation is a private operating foundation described in section ☐ 4942(j)(3) or ☐ 4942(j)(5)

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

Recipient Name and address (home or business)	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
<p><i>a Paid during the year</i></p> <p>SEE SCHEDULE ATTACHED</p>	NONE	PUBLIC CHARITY	GENERAL SUPPORT OF ORGANIZATION	1239426.
Total				▶ 3a 1239426.
<p><i>b Approved for future payment</i></p> <p>NONE</p>				
Total				▶ 3b 0.

Part XVII Information Regarding Transfers To and Transactions and Relationships With Noncharitable Exempt Organizations

- | | | | |
|--|--------------|------------|-----------|
| <p>1 Did the organization directly or indirectly engage in any of the following with any other organization described in section 501(c) of the Code (other than section 501(c)(3) organizations) or in section 527, relating to political organizations?</p> <p>a Transfers from the reporting foundation to a noncharitable exempt organization of:</p> <p>(1) Cash</p> <p>(2) Other assets</p> <p>b Other transactions:</p> <p>(1) Sales of assets to a noncharitable exempt organization</p> <p>(2) Purchases of assets from a noncharitable exempt organization</p> <p>(3) Rental of facilities, equipment, or other assets</p> <p>(4) Reimbursement arrangements</p> <p>(5) Loans or loan guarantees</p> <p>(6) Performance of services or membership or fundraising solicitations</p> <p>c Sharing of facilities, equipment, mailing lists, other assets, or paid employees</p> <p>d If the answer to any of the above is "Yes," complete the following schedule. Column (b) should always show the fair market value of the goods, other assets, or services given by the reporting foundation. If the foundation received less than fair market value in any transaction or sharing arrangement, show in column (d) the value of the goods, other assets, or services received.</p> | | Yes | No |
| | | | |
| | 1a(1) | | X |
| | 1a(2) | | X |
| | | | |
| | 1b(1) | | X |
| | 1b(2) | | X |
| | 1b(3) | | X |
| | 1b(4) | | X |
| | 1b(5) | | X |
| | 1b(6) | | X |
| | 1c | | X |

[illegible]

- 2a** Is the foundation directly or indirectly affiliated with, or related to, one or more tax-exempt organizations described in section 501(c) of the Code (other than section 501(c)(3)) or in section 527? ☐ Yes ☒ No
- b** If "Yes," complete the following schedule.

(a) Name of organization	(b) Type of organization	(c) Description of relationship
N/A		

Under penalties of perjury, I declare that I have examined this return, including accompanying schedules and statements, and to the best of my knowledge and belief, it is true, correct, and complete. Declaration of preparer (other than taxpayer or fiduciary) is based on all information of which preparer has any knowledge.

Sign Here	Signature of officer or trustee <i>Bay A. Sherk</i>		Date <i>11/10/10</i>	Title <i>President</i>
	Preparer's signature <i>Steve Sherk</i>	Date <i>11/8/10</i>	Check if self-employed <input type="checkbox"/>	Preparer's identifying number <i>P00294707</i>
Paid Preparer's Use Only	Firm's name (or yours if self-employed) WEISERMAZARS LLP			EIN
	address, and ZIP code 135 WEST 50TH STREET NEW YORK, NY 10020			Phone no. 212.812.7000

JACOB BURNS FOUNDATION
ID #13-6114245
2009 FORM 990-PF
PART XV - CONTRIBUTIONS PAID

<u>NAME OF ORGANIZATION</u>	<u>AMOUNT</u>	<u>PURPOSE OF CONTRIBUTION</u>
THE BOCA RATON COMMUNITY HOSP	4,000 00	GENERAL SUPPORT OF ORGANIZATION
PINE CREST SCHOOL	5,000 00	GENERAL SUPPORT OF ORGANIZATION
ACADEMY OF VOCAL ARTS	30,000 00	GENERAL SUPPORT OF ORGANIZATION
ACADEMY OF VOCAL ARTS	\$1,200 00	GENERAL SUPPORT OF ORGANIZATION
MONC EASTERN REGION	\$250 00	GENERAL SUPPORT OF ORGANIZATION
THE METROPOLITAN OPERA	\$100,000 00	GENERAL SUPPORT OF ORGANIZATION
PHILADELPHIA MUSEUM OF ART	\$2,000 00	GENERAL SUPPORT OF ORGANIZATION
WALNUT STREET THEATRE	\$500 00	GENERAL SUPPORT OF ORGANIZATION
THE METROPOLITAN OPERA	\$100,000 00	GENERAL SUPPORT OF ORGANIZATION
WESTCHESTER ARTS COUNCIL	\$50,000 00	GENERAL SUPPORT OF ORGANIZATION
YALE UNIVERSITY SCHOOL OF MEDIC	\$5,000 00	GENERAL SUPPORT OF ORGANIZATION
WFUV	\$1,200 00	GENERAL SUPPORT OF ORGANIZATION
PLEASANTVILLE FIRE DEPARTMENT	\$250 00	GENERAL SUPPORT OF ORGANIZATION
CLEARWATER	\$500 00	GENERAL SUPPORT OF ORGANIZATION
OPERA COMPANY OF PHILADELPHIA	\$1,475 00	GENERAL SUPPORT OF ORGANIZATION
THE JACOB BURNS FILM CENTER	\$125,000 00	GENERAL SUPPORT OF ORGANIZATION
CARDOZO SCHOOL OF LAW	\$8,000 00	GENERAL SUPPORT OF ORGANIZATION
OPERA COMPANY OF PHILADELPHIA	\$10,000 00	GENERAL SUPPORT OF ORGANIZATION
WFUV	\$2,000 00	GENERAL SUPPORT OF ORGANIZATION
THE JACOB BURNS FILM CENTER	\$100,000 00	GENERAL SUPPORT OF ORGANIZATION
THE HAVEN	\$1,500 00	GENERAL SUPPORT OF ORGANIZATION
AMERICAN CANCER SOCIETY	\$500 00	GENERAL SUPPORT OF ORGANIZATION
THE GEORGE WASHINGTON UNIVERSI	\$160,107 00	GENERAL SUPPORT OF ORGANIZATION
BENJAMIN N CARDOZO SCHOOL OF L	\$150,000 00	GENERAL SUPPORT OF ORGANIZATION
BENJAMIN N CARDOZO SCHOOL OF L	\$100,000 00	GENERAL SUPPORT OF ORGANIZATION
THIRTEEN WNET NEW YORK	\$100,000 00	GENERAL SUPPORT OF ORGANIZATION
PLEASANTVILLE MUSIC FESTIVAL	\$2,000 00	GENERAL SUPPORT OF ORGANIZATION
WESTCHESTER ARTS COUNCIL	\$1,000 00	GENERAL SUPPORT OF ORGANIZATION
PEOPLE'S LIGHT AND THEATER COMP	\$300 00	GENERAL SUPPORT OF ORGANIZATION
PHILADELPHIA THEATER COMPANY	1,000 00	GENERAL SUPPORT OF ORGANIZATION
THE JEWISH FOUNDATION OF GREATE	4,000 00	GENERAL SUPPORT OF ORGANIZATION
WESTCHESTER ARTS COUNCIL	5,500 00	GENERAL SUPPORT OF ORGANIZATION
WESTCHESTER ARTS COUNCIL	2,500 00	GENERAL SUPPORT OF ORGANIZATION
MANHATTAN THEATER CLUB	2,250 00	GENERAL SUPPORT OF ORGANIZATION
FRIENDS OF THE ACADEMY OF VOCAL	1,100 00	GENERAL SUPPORT OF ORGANIZATION
KATZ JCC CAMP SCHOLARSHIP FUND	550 00	GENERAL SUPPORT OF ORGANIZATION
OPERA COMPANY OF PHILADELPHIA	624 00	GENERAL SUPPORT OF ORGANIZATION
TEATOWN LAKE RESERVATION	5,000 00	GENERAL SUPPORT OF ORGANIZATION
TEATOWN LAKE RESERVATION	5,000 00	GENERAL SUPPORT OF ORGANIZATION
AMERICAN JEWISH COMMITTEE	2,500 00	GENERAL SUPPORT OF ORGANIZATION
OSSINING CHILDREN CENTER	5,000 00	GENERAL SUPPORT OF ORGANIZATION
TEMPLE B'NAI SHALOM	2,400 00	GENERAL SUPPORT OF ORGANIZATION
THE ACTORS FUND	1,500 00	GENERAL SUPPORT OF ORGANIZATION
DREW UNIVERSITY	5,000 00	GENERAL SUPPORT OF ORGANIZATION
CONGREGATION RODEPH SHALOM	4,740 00	GENERAL SUPPORT OF ORGANIZATION
WESTCHESTER ARTS COUNCIL	1,200 00	GENERAL SUPPORT OF ORGANIZATION
UPPER SARANAC LAKE FOUNDATION	500 00	GENERAL SUPPORT OF ORGANIZATION
JUNIOR LEAGUE OF BOCA RATON	5,000 00	GENERAL SUPPORT OF ORGANIZATION
FAIRLEIGH DICKINSON UNIVERSITY	100 00	GENERAL SUPPORT OF ORGANIZATION
PLEASANTVILLE VOLUNTEER AMBUL	1,000 00	GENERAL SUPPORT OF ORGANIZATION
CITY HARVEST	500 00	GENERAL SUPPORT OF ORGANIZATION
PLEASANTVILLE VOLUNTEER AMBUL	250 00	GENERAL SUPPORT OF ORGANIZATION
MOUNT KISCO CHILD CARE CENTER	1,000 00	GENERAL SUPPORT OF ORGANIZATION
JACOB BURNS FILM CENTER	10,000 00	GENERAL SUPPORT OF ORGANIZATION
JACOB BURNS FILM CENTER	5,000 00	GENERAL SUPPORT OF ORGANIZATION
PHILADELPHIA MUSEUM OF ART	1,000 00	GENERAL SUPPORT OF ORGANIZATION

WXEL	120 00	GENERAL SUPPORT OF ORGANIZATION
ARTHRITIS FOUNDATION	175 00	GENERAL SUPPORT OF ORGANIZATION
MEMORIAL SLOAN KETTERING CANCI	100 00	GENERAL SUPPORT OF ORGANIZATION
AMERICAN BREAST CANCER	175 00	GENERAL SUPPORT OF ORGANIZATION
ALZHEIMER'S ASSOCIATION	200 00	GENERAL SUPPORT OF ORGANIZATION
CHILDREN'S CANCER RESEARCH FUNI	200 00	GENERAL SUPPORT OF ORGANIZATION
AMERICAN HEART ASSOCIATION	110 00	GENERAL SUPPORT OF ORGANIZATION
SUSAN G KOMEN FOR THE CURE	100 00	GENERAL SUPPORT OF ORGANIZATION
BOCA RATON COMMUNITY HOSPITAL	500 00	GENERAL SUPPORT OF ORGANIZATION
MAKE-A-WISH FOUNDATION	500 00	GENERAL SUPPORT OF ORGANIZATION
KATONAH MUSEUM OF ART	1,000 00	GENERAL SUPPORT OF ORGANIZATION
THIRTEEN WNET NEW YORK	25,000 00	GENERAL SUPPORT OF ORGANIZATION
HUDSON RIVER MUSEUM	5,000 00	GENERAL SUPPORT OF ORGANIZATION
UNIVERSITY OF VERMONT-SCHOOL O	5,000 00	GENERAL SUPPORT OF ORGANIZATION
WESTCHESTER ARTS COUNCIL	15,000 00	GENERAL SUPPORT OF ORGANIZATION
THE REFORM TEMPLE OF FOREST HILI	4,000 00	GENERAL SUPPORT OF ORGANIZATION
CROHN'S AND COLITIS FOUNDATION C	200 00	GENERAL SUPPORT OF ORGANIZATION
WESTCHESTER ARTS COUNCIL	5,000 00	GENERAL SUPPORT OF ORGANIZATION
THE CAPITAL STEPS	2,000 00	GENERAL SUPPORT OF ORGANIZATION
CHAPPAQUA VOLUNTEER FIRE	250 00	GENERAL SUPPORT OF ORGANIZATION
THE FIELD	2,500 00	GENERAL SUPPORT OF ORGANIZATION
JACOB BURNS FILM CENTER	2,500 00	GENERAL SUPPORT OF ORGANIZATION
THE METROPOLITAN MUSEUM OF AR	1,800 00	GENERAL SUPPORT OF ORGANIZATION
THE MUSEUM OF MODERN ART	500 00	GENERAL SUPPORT OF ORGANIZATION
TRINITY EPISCOPAL CHURCH	750 00	GENERAL SUPPORT OF ORGANIZATION
ADIRONDACK ARCHITECTURAL HERI'	250 00	GENERAL SUPPORT OF ORGANIZATION
SHOAH FOUNDATION INST FOR VISUA	1,000 00	GENERAL SUPPORT OF ORGANIZATION
INNOCENCE PROJECT	5,000 00	GENERAL SUPPORT OF ORGANIZATION
WFUV	500 00	GENERAL SUPPORT OF ORGANIZATION
UNITY SCHOOL	2,000 00	GENERAL SUPPORT OF ORGANIZATION
WXPB	2,500 00	GENERAL SUPPORT OF ORGANIZATION
PHILADELPHIA MUSEUM OF ART	2,000 00	GENERAL SUPPORT OF ORGANIZATION
BRYN MAWR FILM INSTITUTE	2,500 00	GENERAL SUPPORT OF ORGANIZATION
PHILADELPHIA FILM SOCIETY	2,500 00	GENERAL SUPPORT OF ORGANIZATION
WFUV	1,700 00	GENERAL SUPPORT OF ORGANIZATION
PHILADELPHIA FOLK SONG SOCIETY	1,200 00	GENERAL SUPPORT OF ORGANIZATION
FRACTURED ATLAS	2,600 00	GENERAL SUPPORT OF ORGANIZATION
FRIENDS AND ALUMNI OF OSE-USA, IN	1,500 00	GENERAL SUPPORT OF ORGANIZATION
RAYMOND F KRAVIS CENTER FOR PEI	1,000 00	GENERAL SUPPORT OF ORGANIZATION
CLEVELAND CLINIC	500 00	GENERAL SUPPORT OF ORGANIZATION
LATINO ECONOMIC DEVELOPMENT C	2,000 00	GENERAL SUPPORT OF ORGANIZATION
SECU FAMILY HOUSE	2,000 00	GENERAL SUPPORT OF ORGANIZATION

1,239,426 00

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

SOURCE	AMOUNT
CASH RESERVES	42.
TOTAL TO FORM 990-PF, PART I, LINE 3, COLUMN A	42.

FORM 990-PF DIVIDENDS AND INTEREST FROM SECURITIES STATEMENT 2

SOURCE	GROSS AMOUNT	CAPITAL GAINS DIVIDENDS	COLUMN (A) AMOUNT
OTHER DIVIDENDS	44,525.	0.	44,525.
OTHER INVESTMENTS - INTEREST	11,027.	0.	11,027.
PROTECTOSEAL CORP	10,840.	0.	10,840.
TOTAL TO FM 990-PF, PART I, LN 4	66,392.	0.	66,392.

FORM 990-PF RENTAL INCOME STATEMENT 3

KIND AND LOCATION OF PROPERTY	ACTIVITY NUMBER	GROSS RENTAL INCOME
SB PARTNERS	1	<2,229.>
TOTAL TO FORM 990-PF, PART I, LINE 5A		<2,229.>

FORM 990-PF OTHER INCOME STATEMENT 4

DESCRIPTION	(A) REVENUE PER BOOKS	(B) NET INVEST- MENT INCOME	(C) ADJUSTED NET INCOME
ANNUITY - NATIONWIDE LIFE INSURANCE	35,004.	2,916.	
TOTAL TO FORM 990-PF, PART I, LINE 11	35,004.	2,916.	

FORM 990-PF	LEGAL FEES			STATEMENT	5
DESCRIPTION	(A) EXPENSES PER BOOKS	(B) NET INVEST- MENT INCOME	(C) ADJUSTED NET INCOME	(D) CHARITABLE PURPOSES	
PHILLIPS NIZER LLP	5,360.	2,680.		2,680.	
TO FM 990-PF, PG 1, LN 16A	5,360.	2,680.		2,680.	

FORM 990-PF	ACCOUNTING FEES			STATEMENT	6
DESCRIPTION	(A) EXPENSES PER BOOKS	(B) NET INVEST- MENT INCOME	(C) ADJUSTED NET INCOME	(D) CHARITABLE PURPOSES	
WEISERMAZARS LLP	67,250.	33,625.		33,625.	
TO FORM 990-PF, PG 1, LN 16B	67,250.	33,625.		33,625.	

FORM 990-PF	TAXES			STATEMENT	7
DESCRIPTION	(A) EXPENSES PER BOOKS	(B) NET INVEST- MENT INCOME	(C) ADJUSTED NET INCOME	(D) CHARITABLE PURPOSES	
REAL ESTATE TAXES	90,293.	90,293.		0.	
TO FORM 990-PF, PG 1, LN 18	90,293.	90,293.		0.	

FORM 990-PF	OTHER EXPENSES			STATEMENT	8
DESCRIPTION	(A) EXPENSES PER BOOKS	(B) NET INVEST- MENT INCOME	(C) ADJUSTED NET INCOME	(D) CHARITABLE PURPOSES	
OFFICE & OTHER RELATED ADMIN	400,000.	200,000.		200,000.	
RENT RELATED EXPENSES	21,137.	10,568.		10,569.	
NYS FILING FEES	750.	0.		750.	
LLC FEES	2,506.	2,506.		0.	
INSURANCE EXPENSE - MANVILLE					
ROAD	9,700.	9,700.		0.	
UTILITIES	8,953.	4,476.		4,477.	

MISCELLANEOUS EXPENSES	10,903.	5,451.	5,452.
DEDUCTION FROM SB PARTNERS - BOOK ONLY	6,914.	0.	0.
LANDSCAPING	4,261.	4,261.	0.
TO FORM 990-PF, PG 1, LN 23	465,124.	236,962.	221,248.

FORM 990-PF	U.S. AND STATE/CITY GOVERNMENT OBLIGATIONS	STATEMENT	9
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DESCRIPTION	U.S. GOV'T	OTHER GOV'T	BOOK VALUE	FAIR MARKET VALUE
SEE ATTACHED SCHEDULE	X		913,367.	2,345,270.
TOTAL U.S. GOVERNMENT OBLIGATIONS			913,367.	2,345,270.
TOTAL STATE AND MUNICIPAL GOVERNMENT OBLIGATIONS				
TOTAL TO FORM 990-PF, PART II, LINE 10A			913,367.	2,345,270.

FORM 990-PF	CORPORATE STOCK	STATEMENT	10
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DESCRIPTION	BOOK VALUE	FAIR MARKET VALUE
SEE ATTACHED SCHEDULE	16,648,633.	9,008,366.
INVESTMENT IN CG THERAPEUTICS	82,462.	82,462.
INVESTMENT IN NATURACEATICAL DELIVERY CORP	90,000.	90,000.
TOTAL TO FORM 990-PF, PART II, LINE 10B	16,821,095.	9,180,828.

FORM 990-PF	CORPORATE BONDS	STATEMENT	11
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DESCRIPTION	BOOK VALUE	FAIR MARKET VALUE
CITIGOLD	75,518.	78,758.
TOTAL TO FORM 990-PF, PART II, LINE 10C	75,518.	78,758.

JACOB BURNS FOUNDATION
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211052

INVESTMENTS - CORPORATE BONDS	BEGINNING OF YEAR BOOK VALUE	END OF YEAR BOOK VALUE	END OF YEAR FAIR MARKET VALUE
25000 GOLDMAN SACHS GROUP INC -6 65% 5/15/09	26,059 50	-	-
25000 TOYOTA MTR CREDIT GLOBAL NOTES 4 25% -3/15/201	24,263 00	24,263 00	25,189 25
50000 GENERAL ELEC CAP CORP - 5 875% 2/15/2012	51,253 50	51,253 50	53,568 50
60000 CAST STEP UP TR III GEN ELEC - 5 25% 1/15/2013	57,525 00	-	-
TOTAL	<u>159,101 00</u>	<u>75,516 50</u>	<u>78,757 75</u>

JACOB BURNS FOUNDATION
ID #13-6114245
2009 FORM 990-PF
PART II, LINE 10, INVESTMENTS

INVESTMENTS - CORPORATE STOCKS	BEGINNING OF YEAR BOOK VALUE	END OF YEAR BOOK VALUE	END OF YEAR FAIR MARKET VALUE
5000 BRISTOL MEYERS SQUIBB	64,581	64,581	126,250
10 IDEARC INC	863	863	0
2000 JOHNSON & JOHNSON INC	78,625	78,625	128,820
4883 MERCK & COMPANY	46,455	46,455	178,425
482 MEDCO HEALTH SOLUTIONS INC	2,626	2,626	30,805
5000 SCHERING-PLOUGH CORP	56,162	-	-
500 ZIMMER HOLDINGS INC	3,272	3,272	29,555
2500 TIERS PRINCIPAL PROTECTED-NASDAQ-2003-13	25,000	-	-
5000 CITIGROUP GLOAL MKTS HLDGS	52,115	52,115	50,700
2109.0438 LMP CAP & INCOME FD INC	37,132	38,205	21,829
1000 ING GLOBAL EQUITY DIV & PREMIUM OPPORTUNITY	20,000	20,000	12,170
2000 AEGON N V 7 25% PFD	50,000	50,000	39,580
2000 ING GROEP NV 7 375% PFD	50,000	50,000	39,380
1000 CORTS FOR GE N V 7 375% 6%	25,010	25,010	22,380
3 FAIR POIT COMMUNICATION	-	-	0
210 VERIZON COMMUNICATION	-	-	6,957
52500 ANADIGICS INC	242,054	242,054	685,750
10000 ANADIGICS INC	164,774	164,774	-
100000 ANADIGICS INC	172,079	172,079	-
1000 BANK OF AMERICA	-	15,914	15,060
1000 BRISTOL MYERS SQUIBB CO	-	21,855	25,250
109346 CANDELA CORP	508,452	508,452	630,161
23628 CANDELA CORP	181,638	181,638	-
75000 CANDELA CORP	43,344	43,344	-
1000 CISCO SYS INC	-	22,355	23,940
2569 CLINICAL DATA INC	39,435	39,435	46,910
2000 CREE INC	58,761	58,761	112,740
1000 DELL INC	24,472	24,472	14,360
10000 DIODES INC	-	133,960	204,100
2500 DOW CHEMICAL CO	50,130	50,130	69,075
114893 EMCORE CORP	1,102,478	1,102,478	1,764,430
1059107 EMCORE CORP	4,945,159	4,945,159	-
475000 ENCORE CORPORATION	304,152	541,846	-
1127224 ENTECH SOLAR INC	-	2,171,213	112722 4
14873 FINISAR FKA OPTIUM CORP	141,982	141,982	266467 16
15000 FINISAR FKA OPTIUM CORP	155,803	155,803	-
47814 FORD MOTOR COMPANY	416,538	416,538	478,140
40000 GENERAL ELECTRIC CO	194,531	563,002	605,200
45000 HALOZYME THERAPEUTICS INC	438,210	-	-
10000 INOVIO BIOMEDICAL CORP	39,055	39,055	11,400
1000 INTEL CORP	-	19,425	20,400
10000 JDS UNIPHASE CORP NEW	195,842	195,842	165,000
10000 JDS UNIPHASE CP NEW	30,405	30,405	-
5000 MAXWELL TECH INC	-	77,543	89,200
1000 MICROSOFT CORP	-	23,695	30,480
125900 MODINE MANUFACTURING CO	2,317,519	2,434,573	1,791,392
5400 MODINE MANUFACTURING CO	81,682	81,682	-
20000 MODINE MFG CO	176,411	176,411	-
1000 MORGAN STANLEY	-	30,035	29,600
25000 POZEN INC	319,501	-	-
1000 ORACLE CORP	-	22,015	24,530
15000 RITE AID CORP	72,119	72,119	22,650

ID #13-6114245
2009 FORM 990-PF
PART II, LINE 10, INVESTMENTS

	BEGINNING OF YEAR BOOK VALUE	END OF YEAR BOOK VALUE	END OF YEAR FAIR MARKET VALUE
INVESTMENTS - CORPORATE STOCKS			
8044 ROCKWELL MEDICAL TECHNOLOGIES INC	57,124	57,124	138,758
10000 ROCKWELL MED TECH INC	17,905	17,905	
20000 SANDVINE CORP-CAD	79,005	79,005	36,924
10000 SANDVINE CORP-CAD	70,050	70,050	
25000 SCHERING-PLOUGH CORP	799,737	-	
9885 683 DREYFUS S&P STARTS PORTFOLIO CL T	167,803	167,803	230,040
418000 TRIMEDYNE INC	438,655	438,655	183,920
1000 WELLS FARGO & CO NEW	-	26,764	26,990
1127224 WORLDWATER & SOLAR TECH CORP	2,171,213	-	
1000 YAHOO INC	-	14,625	16,780
5000 ZOLL MEDICAL CORPORATION	-	109,367	133,600
Per prior year reconciliation	8,121	-	-
SMITH BARNEY UNSETTLED PURCHASES/SALES	148,941	-	-
CHRIS CRAFT INDS CL B	96	96	96
S & P STARS PORTFOLIO CL A	72,264	72,264	72,264
TARGETED GROWTH INC	139,000	139,000	139,000
PROTECTOSEAL COMPANY	104,184	104,184	104,184
TOTAL	<u>17,202,468</u>	<u>16,648,633</u>	<u>9,008,365</u>

JACOB BURNS FOUNDATION
ID #13-6114245
2009 FORM 990-PF
PART II, LINE 10, INVESTMENTS

INVESTMENTS - US & STATE GOV'T OBLIGATIONS	BEGINNING OF YEAR BOOK VALUE	END OF YEAR BOOK VALUE	END OF YEAR FAIR MARKET VALUE
US TSY BILL - 09MH19	2,937,452 89	-	
STRIPS-TINT-US TREASURY DUE 5/15/12	389,089 20	389,089 20	971,100 00
STRIPS-TINT-US TREASURY DUE 5/15/17	290,049 21	290,049 21	767,820 00
STRIPS-TINT-US TREASURY DUE 5/15/21	234,228 12	234,228 12	606,350 00
TOTAL	<u>3,850,819 42</u>	<u>913,366 53</u>	<u>2,345,270 00</u>

FORM 990-PF	OTHER INVESTMENTS	STATEMENT	12
DESCRIPTION	VALUATION METHOD	BOOK VALUE	FAIR MARKET VALUE
CITIBANK FOCUS	COST	232,850.	232,850.
THE BEST OF AMERICA- ANNUITY	COST	456,740.	191,192.
35 PARK AVE APT	COST	260,000.	260,000.
PAINTING & ETCHING ON APT	COST	38,900.	38,900.
INVESTMENT IN SB PARTNERS	COST	<24.>	<24.>
INVESTMENT IN MANULIFE	COST	1,000,000.	1,261,435.
INVESTMENT IN MANVILLE ROAD LLC	COST	2,682,775.	2,682,775.
MORGAN STANLEY MONEY MARKET	COST	1,099,549.	1,099,549.
TOTAL TO FORM 990-PF, PART II, LINE 13		5,770,790.	5,766,677.

FORM 990-PF	OTHER ASSETS	STATEMENT	13
DESCRIPTION	BEGINNING OF YR BOOK VALUE	END OF YEAR BOOK VALUE	FAIR MARKET VALUE
DISTRIBUTION RECEIVABLE	120.	0.	0.
TO FORM 990-PF, PART II, LINE 15	120.	0.	0.

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
	JACOB BURNS FOUNDATION, INC	13-6114245
	Number, street, and room or suite no. If a P.O. box, see instructions.	
	C/O BARRY SHENKMAN, 335 MANVILLE RD	
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.	
	PLEASANTVILLE, NY 10570-2118	

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 |

BARRY SHENKMAN

- The books are in the care of ► **427 BEDFORD RD. - PLEASANTVILLE, NY 10570**
Telephone No. ► **914-7693600** 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	\$	0.
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	\$	9,690.
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)

• 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

JACOB BURNS FOUNDATION, INC

Employer identification number

13-6114245

Number, street, and room or suite no. If a P.O. box, see instructions.

C/O BARRY SHENKMAN, 335 MANVILLE RD

For IRS use only

City, town or post office, state, and ZIP code. For a foreign address, see instructions.

PLEASANTVILLE, NY 10570-2118

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.

BARRY SHENKMAN

• The books are in the care of **427 BEDFORD RD. - PLEASANTVILLE, NY 10570**

Telephone No. **914-7693600**

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 ☐

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 \$ 0.

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 \$ 9,690.

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 **B Barry Sherkman**

Title **CPA**

Date **7/30/10**

Form 8868 (Rev. 4-2009)