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

2009

Department 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 THE MALCOLM C. DAMUTH FOUNDATION	A Employer identification number 20-3673795
	Number and street (or P.O. box number if mail is not delivered to street address) Room/suite P.O. BOX 685168	B Telephone number 512-472-7111
	City or town, state, and ZIP code AUSTIN, TX 78768	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	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"/>
I Fair market value of all assets at end of year (from Part II, col. (c), line 16) \$ 3,198,128.	(Part I, column (d) must be on cash basis.)	

	Part I Analysis of Revenue and Expenses <small>(The total of amounts in columns (b), (c), and (d) may not necessarily equal the amounts in column (a))</small>	(a) Revenue and expenses per books	(b) Net investment income	(c) Adjusted net income	(d) Disbursements for charitable purposes (cash basis only)
Revenue	1 Contributions, gifts, grants, etc., received	421,500.		N/A	
	2 Check <input type="checkbox"/> if the foundation is not required to attach Sch B				
	3 Interest on savings and temporary cash investments	19,708.	19,708.		STATEMENT 1
	4 Dividends and interest from securities	179,965.	179,965.		STATEMENT 2
	5a Gross rents				
	b Net rental income or (loss)				
	6a Net gain or (loss) from sale of assets not on line 10	73,680.			
	b Gross sales price for all assets on line 6a	1,570,561.			
	7 Capital gain net income (from Part IV, line 2)		73,680.		
	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					
12 Total. Add lines 1 through 11		694,853.	273,353.		
Operating and Administrative Expenses	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				
	c Other professional fees	STMT 3 11,263.	6,642.		4,621.
	17 Interest				
	18 Taxes	STMT 4 2,114.	314.		0.
	19 Depreciation and depletion				
	20 Occupancy				
	21 Travel, conferences, and meetings				
	22 Printing and publications				
23 Other expenses	STMT 5 1,340.	661.		621.	
24 Total operating and administrative expenses. Add lines 13 through 23		14,717.	7,617.		5,242.
25 Contributions, gifts, grants, etc.		221,500.			221,500.
26 Total expenses and disbursements. Add lines 24 and 25		236,217.	7,617.		226,742.
27 Subtract line 26 from line 12					
a Excess of revenue over expenses and disbursements		458,636.			
b Net investment income (if negative, enter -0-)			265,736.		
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	71,234.	66,206.	66,206.		
	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					
		c Investments - corporate bonds					
11	Investments - land, buildings, and equipment basis ▶						
	Less: accumulated depreciation ▶						
12	Investments - mortgage loans						
13	Investments - other	STMT 7	2,020,372.	3,131,922.	3,131,922.		
14	Land, buildings, and equipment basis ▶						
	Less: accumulated depreciation ▶						
15	Other assets (describe ▶)						
16	Total assets (to be completed by all filers)		2,091,606.	3,198,128.	3,198,128.		
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		2,091,606.	3,198,128.			
30	Total net assets or fund balances		2,091,606.	3,198,128.			
31	Total liabilities and net assets/fund balances		2,091,606.	3,198,128.			

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	2,091,606.
2	Enter amount from Part I, line 27a	2	458,636.
3	Other increases not included in line 2 (itemize) ▶ SEE STATEMENT 6	3	647,886.
4	Add lines 1, 2, and 3	4	3,198,128.
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	3,198,128.

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				
b SEE ATTACHED STATEMENT				
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				
b				
c				
d				
e	1,570,561.	1,496,881.	73,680.	
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))
(j) FMV as of 12/31/69	(i) Adjusted basis as of 12/31/69	(k) Excess of col. (i) over col (j), if any		
a				
b				
c				
d				
e				73,680.
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		73,680.
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	230,281.	2,531,908.	.090952
2007	186,535.	2,792,712.	.066793
2006	121,074.	2,657,574.	.045558
2005	15,959.	626,554.	.025471
2004			
2 Total of line 1, column (d)			2 .228774
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 .057194
4 Enter the net value of noncharitable-use assets for 2009 from Part X, line 5			4 2,633,613.
5 Multiply line 4 by line 3			5 150,627.
6 Enter 1% of net investment income (1% of Part I, line 27b)			6 2,657.
7 Add lines 5 and 6			7 153,284.
8 Enter qualifying distributions from Part XII, line 4			8 226,742.

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)		
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	2,657.
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	2,657.
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	2,657.
6	Credits/Payments		
a	2009 estimated tax payments and 2008 overpayment credited to 2009	6a	2,391.
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	2,391.
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	266.
10	Overpayment. If line 7 is more than the total of lines 5 and 8, enter the amount overpaid	10	
11	Enter the amount of line 10 to be Credited to 2010 estimated tax Refunded	11	

Part VII-A Statements Regarding Activities

	Yes	No
1a During the tax year, did the foundation attempt to influence any national, state, or local legislation or did it participate or intervene in any political campaign?		X
1b Did it spend more than \$100 during the year (either directly or indirectly) for political purposes (see instructions for definition)? <i>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.</i>		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? <i>If "Yes," attach a detailed description of the activities.</i>	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? <i>If "Yes," attach a conformed copy of the changes</i>	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? <i>If "Yes," attach the statement required by General Instruction T.</i>	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? <i>If "Yes," complete Part II, col. (c), and Part XV.</i>	7	X
8a Enter the states to which the foundation reports or with which it is registered (see instructions) <input type="checkbox"/> TX		
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? <i>If "No," attach explanation</i>	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)? <i>If "Yes," complete Part XIV</i>	9	X
10 Did any persons become substantial contributors during the tax year? <i>If "Yes," attach a schedule listing their names and addresses</i>	10	X

N/A

Part VII-A Statements Regarding Activities (continued)

11	At any time during the year, did the foundation, directly or indirectly, own a controlled entity within the meaning of section 512(b)(13)? If "Yes," attach schedule (see instructions)			X
12	Did the foundation acquire a direct or indirect interest in any applicable insurance contract before August 17, 2008?			X
13	Did the foundation comply with the public inspection requirements for its annual returns and exemption application? Website address ▶ N/A	X		
14	The books are in care of ▶ CRAIG DAMUTH Telephone no. ▶ (512) 514-1629 Located at ▶ 1016 REAGAN TERRACE, AUSTIN, TX ZIP+4 ▶ 78704			
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 ▶ <input type="checkbox"/> 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? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	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

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	
3 All other program-related investments. See instructions	
Total. Add lines 1 through 3 ▶	0.

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	2,576,021.
b	Average of monthly cash balances	1b	97,698.
c	Fair market value of all other assets	1c	
d	Total (add lines 1a, b, and c)	1d	2,673,719.
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	2,673,719.
4	Cash deemed held for charitable activities. Enter 1 1/2% of line 3 (for greater amount, see instructions)	4	40,106.
5	Net value of noncharitable-use assets. Subtract line 4 from line 3. Enter here and on Part V, line 4	5	2,633,613.
6	Minimum investment return. Enter 5% of line 5	6	131,681.

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	131,681.
2a	Tax on investment income for 2009 from Part VI, line 5	2a	2,657.
b	Income tax for 2009. (This does not include the tax from Part VI)	2b	
c	Add lines 2a and 2b	2c	2,657.
3	Distributable amount before adjustments. Subtract line 2c from line 1	3	129,024.
4	Recoveries of amounts treated as qualifying distributions	4	0.
5	Add lines 3 and 4	5	129,024.
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	129,024.

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	226,742.
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	226,742.
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	2,657.
6	Adjusted qualifying distributions. Subtract line 5 from line 4	6	224,085.

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

Part XIII Undistributed Income (see instructions)

	(a) Corpus	(b) Years prior to 2008	(c) 2008	(d) 2009
1 Distributable amount for 2009 from Part XI, line 7				129,024.
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				
b From 2005				
c From 2006			66,429.	
d From 2007			51,187.	
e From 2008			106,744.	
f Total of lines 3a through e	224,360.			
4 Qualifying distributions for 2009 from Part XII, line 4 ▶ \$ 226,742.				
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				129,024.
e Remaining amount distributed out of corpus	97,718.			
5 Excess distributions carryover applied to 2009 (If an amount appears in column (c), the same amount must be shown in column (a))	0.			0.
6 Enter the net total of each column as indicated below:	322,078.			
a Corpus Add lines 3f, 4c, and 4e Subtract line 5				
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	0.			
9 Excess distributions carryover to 2010. Subtract lines 7 and 8 from line 6a	322,078.			
10 Analysis of line 9:				
a Excess from 2005				
b Excess from 2006			66,429.	
c Excess from 2007			51,187.	
d Excess from 2008			106,744.	
e Excess from 2009			97,718.	

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)

	Tax year				(e) Total
	(a) 2009	(b) 2008	(c) 2007	(d) 2006	
2 a Enter the lesser of the adjusted net income from Part I or the minimum investment return from Part X for each year listed					
b 85% of line 2a					
c Qualifying distributions from Part XII, line 4 for each year listed					
d Amounts included in line 2c not used directly for active conduct of exempt activities					
e Qualifying distributions made directly for active conduct of exempt activities Subtract line 2d from line 2c					
3 Complete 3a, b, or c for the alternative test relied upon:					
a "Assets" alternative test - enter:					
(1) Value of all assets					
(2) Value of assets qualifying under section 4942(j)(3)(B)(i)					
b "Endowment" alternative test - enter 2/3 of minimum investment return shown in Part X, line 6 for each year listed					
c "Support" alternative test - enter:					
(1) Total support other than gross investment income (interest, dividends, rents, payments on securities loans (section 512(a)(5)), or royalties)					
(2) Support from general public and 5 or more exempt organizations as provided in section 4942(j)(3)(B)(iii)					
(3) Largest amount of support from an exempt organization					
(4) Gross investment income					

Part XV Supplementary Information (Complete this part only if the foundation had \$5,000 or more in assets at any time during the year-see the instructions.)

1 Information Regarding Foundation Managers:

- a** List any managers of the foundation who have contributed more than 2% of the total contributions received by the foundation before the close of any tax year (but only if they have contributed more than \$5,000) (See section 507(d)(2))

CRAIG DAMUTH

- b** List any managers of the foundation who own 10% or more of the stock of a corporation (or an equally large portion of the ownership of a partnership or other entity) of which the foundation has a 10% or greater interest.

NONE

2 Information Regarding Contribution, Grant, Gift, Loan, Scholarship, etc., Programs:

Check here if the foundation only makes contributions to preselected charitable organizations and does not accept unsolicited requests for funds. If the foundation makes gifts, grants, etc (see instructions) to individuals or organizations under other conditions, complete items 2a, b, c, and d

- a** The name, address, and telephone number of the person to whom applications should be addressed:

- b** The form in which applications should be submitted and information and materials they should include:

- c** Any submission deadlines

- d** Any restrictions or limitations on awards, such as by geographical areas, charitable fields, kinds of institutions, or other factors:

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> AUDUBON TEXAS 440 WILCHESTER BLVD HOUSTON, TX 77079</p>	NONE	501C(3)	TO SUPPORT THE ORGANIZATION'S PURPOSE	6,500.
<p>THE NATURE CONSERVANCY OF TEXAS 816 CONGRESS AVENUE, SUITE 920 AUSTIN, TX</p>	NONE	501C(3)	TO SUPPORT THE ORGANIZATION'S PURPOSE	125,000.
<p>AMERICAN BIRD CONSERVANCY P.O. BOX 249, THE PLAINS, VA 20197</p>	NONE	501C(3)	TO SUPPORT THE ORGANIZATION'S PURPOSE	65,000.
<p>TEXAS LAND CONSERVANCY 6626 SILVERMINE DR. #300 AUSTIN, TX 78736</p>	NONE	501C(3)	TO SUPPORT THE ORGANIZATION'S PURPOSE	25,000.
Total				221,500.
<i>b Approved for future payment</i>				
NONE				
Total				0.

Schedule B

(Form 990, 990-EZ, or 990-PF)

Department of the Treasury
Internal Revenue Service

Schedule of Contributors

▶ Attach to Form 990, 990-EZ, or 990-PF.

OMB No 1545-0047

2009

Name of the organization

THE MALCOLM C. DAMUTH FOUNDATION

Employer identification number

20-3673795

Organization type (check one):

Filers of:

Section:

Form 990 or 990-EZ

501(c)() (enter number) organization

4947(a)(1) nonexempt charitable trust not treated as a private foundation

527 political organization

Form 990-PF

501(c)(3) exempt private foundation

4947(a)(1) nonexempt charitable trust treated as a private foundation

501(c)(3) taxable private foundation

Check if your organization is covered by the **General Rule** or a **Special Rule**.

Note. Only a section 501(c)(7), (8), or (10) organization can check boxes for both the General Rule and a Special Rule. See instructions.

General Rule

For an organization filing Form 990, 990-EZ, or 990-PF that received, during the year, \$5,000 or more (in money or property) from any one contributor. Complete Parts I and II.

Special Rules

For a section 501(c)(3) organization filing Form 990 or 990-EZ that met the 33 1/3% support test of the regulations under sections 509(a)(1) and 170(b)(1)(A)(vi), and received from any one contributor, during the year, a contribution of the greater of (1) \$5,000 or (2) 2% of the amount on (i) Form 990, Part VIII, line 1h or (ii) Form 990-EZ, line 1. Complete Parts I and II.

For a section 501(c)(7), (8), or (10) organization filing Form 990 or 990-EZ that received from any one contributor, during the year, aggregate contributions of more than \$1,000 for use *exclusively* for religious, charitable, scientific, literary, or educational purposes, or the prevention of cruelty to children or animals. Complete Parts I, II, and III.

For a section 501(c)(7), (8), or (10) organization filing Form 990 or 990-EZ that received from any one contributor, during the year, contributions for use *exclusively* for religious, charitable, etc., purposes, but these contributions did not aggregate to more than \$1,000. If this box is checked, enter here the total contributions that were received during the year for an *exclusively* religious, charitable, etc., purpose. Do not complete any of the parts unless the **General Rule** applies to this organization because it received nonexclusively religious, charitable, etc., contributions of \$5,000 or more during the year. ▶ \$ _____

Caution. An organization that is not covered by the General Rule and/or the Special Rules does not file Schedule B (Form 990, 990-EZ, or 990-PF), but it **must** answer "No" on Part IV, line 2 of its Form 990, or check the box on line H of its Form 990-EZ, or on line 2 of its Form 990-PF, to certify that it does not meet the filing requirements of Schedule B (Form 990, 990-EZ, or 990-PF).

LHA For Privacy Act and Paperwork Reduction Act Notice, see the Instructions for Form 990, 990-EZ, or 990-PF.

Schedule B (Form 990, 990-EZ, or 990-PF) (2009)

Name of organization THE MALCOLM C. DAMUTH FOUNDATION	Employer identification number 20-3673795
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Part I Contributors (see instructions)

(a) No.	(b) Name, address, and ZIP + 4	(c) Aggregate contributions	(d) Type of contribution
1	STEVEN C. DAMUTH <hr/> P.O.BOX 684909 <hr/> AUSTIN, TX 78768	\$ 421,500.	Person <input checked="" type="checkbox"/> Payroll <input type="checkbox"/> Noncash <input type="checkbox"/> (Complete Part II if there is a noncash contribution.)
	<hr/> <hr/> <hr/> <hr/>	\$ _____	Person <input type="checkbox"/> Payroll <input type="checkbox"/> Noncash <input type="checkbox"/> (Complete Part II if there is a noncash contribution.)
	<hr/> <hr/> <hr/> <hr/>	\$ _____	Person <input type="checkbox"/> Payroll <input type="checkbox"/> Noncash <input type="checkbox"/> (Complete Part II if there is a noncash contribution.)
	<hr/> <hr/> <hr/> <hr/>	\$ _____	Person <input type="checkbox"/> Payroll <input type="checkbox"/> Noncash <input type="checkbox"/> (Complete Part II if there is a noncash contribution.)
	<hr/> <hr/> <hr/> <hr/>	\$ _____	Person <input type="checkbox"/> Payroll <input type="checkbox"/> Noncash <input type="checkbox"/> (Complete Part II if there is a noncash contribution.)
	<hr/> <hr/> <hr/> <hr/>	\$ _____	Person <input type="checkbox"/> Payroll <input type="checkbox"/> Noncash <input type="checkbox"/> (Complete Part II if there is a noncash contribution.)

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 SCH. A - NORTHWESTERN MUTUAL #0741	P	VARIOUS	VARIOUS
b SEE SCH. A - NORTHWESTERN MUTUAL #0741	P	VARIOUS	VARIOUS
c SEE SCH. B - NORTHWESTERN MUTUAL #3300	P	VARIOUS	VARIOUS
d SEE SCH. B - NORTHWESTERN MUTUAL #3300	P	VARIOUS	VARIOUS
e SEE SCH. C - SCHWAB #9803	P	VARIOUS	VARIOUS
f CAPITAL GAIN DISTRIBUTIONS - NORTHWESTERN MUTUAL	P	VARIOUS	VARIOUS
g CAPITAL GAIN DISTRIBUTIONS - SCHWAB	P	VARIOUS	VARIOUS
h			
i			
j			
k			
l			
m			
n			
o			

(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 10,847.		7,733.	3,114.
b 58,105.		71,566.	-13,461.
c 424,206.		380,497.	43,709.
d 889,881.		899,574.	-9,693.
e 172,879.		137,511.	35,368.
f 14,609.			14,609.
g 34.			34.
h			
i			
j			
k			
l			
m			
n			
o			

Complete only for assets showing gain in column (h) and owned by the foundation on 12/31/69			(l) Losses (from col (h)) Gains (excess of col (h) gain over col (k), but not less than "-0-")
(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			3,114.
b			-13,461.
c			43,709.
d			-9,693.
e			35,368.
f			14,609.
g			34.
h			
i			
j			
k			
l			
m			
n			
o			

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	73,680.
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

MALCOLM C. DAMU I.H FOUNDATION
 EIN 20-3673795
 FORM 990-PF - REALIZED GAIN/LOSS
 YEAR ENDED 12/31/09

Schedule of Realized Gains and Losses Year-to-Date

Disposition Date	Acquisition Date	Closing Transaction	Description	Security Identifier	Quantity	Cost Basis	Proceeds	Realized Gain/Loss	Term
03/09/09	Multiple	SELL	RUSSELL SHORT DURATION BOND FUND	RFBSX	114,466	2,124.49	1,960.81	-163.68	Long Term
03/09/09	Multiple	SELL	RUSSELL STRATEGIC BOND FUND CLASS S	RFCTX	676,053	7,215.88	5,969.55	-1,246.33	Long Term
03/31/09	Multiple	SELL	DODGE & COX INTERNATIONAL FUND	DODFX	26,046	968.96	496.43	-472.53	Long Term
03/31/09	Multiple	SELL	RUSSELL U.S. GROWTH FUND CLASS S	RSGSX	151,193	1,204.11	758.99	-445.12	Long Term
03/31/09	Multiple	SELL	RUSSELL REAL ESTATE SECURITIES FUND	RRESX	17,901	550.97	305.93	-245.04	Long Term
03/31/09	Multiple	SELL	RUSSELL U.S. QUANTITATIVE EQUITY	REQTX	123,469	4,096.69	2,301.46	-1,795.23	Long Term
03/31/09	Multiple	SELL	RUSSELL U.S. CORE EQUITY FUND CLASS S	RLISX	141,631	4,192.75	2,457.29	-1,735.46	Long Term
09/16/09	Multiple	SELL	DODGE & COX INTERNATIONAL FUND	DODFX	125,462	4,667.40	4,018.55	-648.85	Long Term
09/16/09	Multiple	SELL	MATTHEWS CHINA FUND	MCHFX	12,940	298.56	299.69	1.13	Long Term
09/16/09	Multiple	SELL	T ROWE PRICE NEW ASIA	PRASX	72,347	1,080.48	1,050.48	-30.00	Long Term
09/16/09	Multiple	SELL	T ROWE PRICE EMERGING MARKETS	PRMSX	19,408	460.21	540.90	80.69	Long Term
09/16/09	Multiple	SELL	RUSSELL REAL ESTATE SECURITIES FUND	RRESX	122,097	3,718.00	3,566.45	-151.55	Long Term
09/16/09	Multiple	SELL	RUSSELL INT'L DEVELOPED MARKETS	RINTX	60,646	2,155.97	1,855.77	-300.20	Long Term
09/16/09	Multiple	SELL	RUSSELL U.S. SMALL & MID CAP FUND	RLESX	16,574	424.08	293.20	-130.88	Long Term
09/16/09	Multiple	SELL	RUSSELL U.S. CORE EQUITY FUND CLASS S	RLISX	24,649	728.47	583.69	-144.78	Long Term
10/12/09	Multiple	MULT	DODGE & COX INTERNATIONAL FUND	DODFX	240,133	5,124.10	7,828.33	2,704.23	Short Term
10/12/09	Multiple	SELL	DODGE & COX INTERNATIONAL FUND	DODFX	278,514	12,558.14	9,079.56	-3,478.58	Long Term
10/12/09	Multiple	SELL	THE FAIRHOLME FUND	FAIRX	76,836	2,279.73	2,185.98	-93.75	Long Term
10/12/09	Multiple	MULT	T ROWE PRICE NEW ASIA	PRASX	80,770	1,206.27	1,213.97	7.70	Short Term

Schedule of Realized Gains and Losses Year-to-Date (continued)

Disposition Date	Acquisition Date	Closing Transaction	Description	Security Identifier	Quantity	Cost Basis	Proceeds	Realized Gain/Loss	Term
10/12/09	Multiple	SELL	T ROWE PRICE NEW ASIA	PRASX	61.558	919.34	925.22	5.88	Long Term
10/12/09	Multiple	SELL	T ROWE PRICE EMERGING MARKETS	PRMSX	46.019	1,091.22	1,336.85	245.63	Short Term
10/12/09	Multiple	SELL	T ROWE PRICE EMERGING MARKETS	PRMSX	28.154	667.60	817.88	150.28	Long Term
10/12/09	Multiple	SELL	ROYCE VALUE PLUS FUND SERVICE CLASS	RVPX	104.867	1,695.70	1,162.98	-532.72	Long Term
10/20/09	Multiple	SELL	RUSSELL TAX-MANAGED U.S. MID & SMALL	RTSSX	40.740	311.66	468.10	156.44	Short Term
10/20/09	Multiple	SELL	RUSSELL U.S. GROWTH FUND CLASS S	RSGSX	477.357	3,801.71	3,303.31	-498.40	Long Term
10/20/09	Multiple	SELL	RUSSELL SHORT DURATION BOND FUND	RFBSX	77.269	1,432.58	1,453.43	20.85	Long Term
10/20/09	Multiple	SELL	RUSSELL REAL ESTATE SECURITIES FUND	RRESX	43.404	1,320.73	1,198.81	-121.92	Long Term
10/20/09	Multiple	MULT	RUSSELL STRATEGIC BOND FUND CLASS S	RFCTX	628.539	6,630.10	6,505.38	-124.72	Long Term
10/20/09	Multiple	SELL	RUSSELL U.S. QUANTITATIVE EQUITY	REQTX	99.917	3,296.96	2,505.91	-791.05	Long Term
10/20/09	Multiple	SELL	RUSSELL U.S. CORE EQUITY FUND CLASS S	RLISX	104.132	3,076.32	2,507.50	-568.82	Long Term

Total Short Term						7733.25	\$10,847.25	3114.00	
Total Long Term						71,565.93	\$58,105.15	-13,460.78	
Total Short Term and Long Term						\$79,299.18	\$68,952.40	-10,346.78	

Schedule of Realized Gains and Losses Year-to-Date

Disposition Date	Acquisition Date	Closing Transaction	Description	Security Identifier	Quantity	Cost Basis	Proceeds	Realized Gain/Loss	Term
01/14/09	06/26/07	MAT	QUEENSBOROUGH NATL BK & TR CO	74824XAM8	70,000.000	70,000.00	70,000.00	0.00	Long Term
01/15/09	08/07/07	MAT	CREDIT SUISSE FIRST BOSTON USA INC SR NT Original Cost Basis: 24,610.50	22541LAL7	25,000.000	25,000.00	25,000.00	0.00	Long Term
03/16/09	03/06/07	MAT	DISCOVER BK GREENWOOD DEL	25467RKF9	95,000.000	95,000.00	95,000.00	0.00	Long Term
04/01/09	08/07/07	MAT	WELLS FARGO & CO NT 3.125% 04/01/09 B/E	949746FQ9	25,000.000	25,000.00	25,000.00	0.00	Long Term
04/27/09	05/06/08	SELL	Original Cost Basis: 24,245.75 BANCO POPULAR NORTH AMER NEW YORK	05965GLX2	50,000.000	50,000.00	50,488.75	488.75	Short Term
04/28/09	04/24/06	MAT	DMB CMNTY BK DEFORST WIS	23322GBR7	50,000.000	50,000.00	50,000.00	0.00	Long Term
04/29/09	05/06/08	SELL	NORTHWEST GA BK RINGGOLD	66748QEK2	100,000.000	100,000.00	101,420.00	1,420.00	Short Term
04/29/09	05/20/08	SELL	R G PREMIER BK P R HATO REY	74955VWR9	95,000.000	95,000.00	96,881.00	1,881.00	Short Term
06/01/09	07/10/07	SELL	AMERIPRISE FINL INC SR NT	03076CAA4	40,000.000	39,999.20	40,020.00	20.80	Long Term
06/01/09	08/07/07	MAT	Original Cost Basis: 39,998.00 CREDIT SUISSE FIRST BOSTON USA INC	22541LAN3	25,000.000	25,000.00	25,000.00	0.00	Long Term
06/02/09	07/17/07	SELL	Original Cost Basis: 24,821.50 ALLTEL CORP SR NT 7.000% 07/01/12 B/E	020039DB6	40,000.000	38,632.40	42,309.60	3,677.20	Long Term
06/02/09	07/24/07	SELL	Original Cost Basis: 37,952.40 FEDERATED DEPT STORES INC DEL	31410HAS0	40,000.000	40,469.20	37,950.00	-2,519.20	Long Term
06/02/09	07/03/07	SELL	Original Cost Basis: 40,902.40 SLM CORP MEDIUM TERM NTS MED TERM NT SER Original Cost Basis: 56,390.40	78442FDY1	60,000.000	58,079.40	51,210.60	-6,868.80	Long Term

MALCOLM C. DAMUTH FOUNDATION
 EIN 20-3673795
 FORM 990-PF - REALIZED GAIN/LOSS
 YEAR ENDED 12/31/09

Schedule of Realized Gains and Losses Year-to-Date (continued)

Disposition Date	Acquisition Date	Closing Transaction	Description	Security Identifier	Quantity	Cost Basis	Proceeds	Realized Gain/Loss	Term
07/15/09	07/10/07	SELL	CIT GROUP INC INTERNOTES SR NT Original Cost Basis: 39,731.60	12557AS5	40,000.000	39,887.60	28,120.00	-11,767.60	Long Term
07/20/09	05/06/08	TNDG	STRATEGIC CAP BK	86269RDN2	50,000.000	50,000.00	50,000.00	0.00	Long Term
09/01/09	07/27/09	EXPG	CHAMPAIGN ILL C.D. WHEN DISTRIBUTED	454089970	150.000	Please Provide	0.00	N/A	Short Term
09/28/09	04/28/09	SELL	INDIA FD INC PIMCO FLOATING RATE	PFL	3,100.000	20,130.43	36,757.58	16,627.15	Short Term
10/05/09	08/13/08	SELL	INCOME FD COM PIMCO CORPORATE	PTY	2,000.000	27,207.08	27,369.58	162.50	Long Term
10/06/09	10/21/08	SELL	OPPORTUNITY FD COM DELAWARE INVESTMENT	DDF	2,600.000	14,075.67	17,286.05	3,210.38	Short Term
10/06/09	09/30/08	SELL	DIVID AND INCOME FD PIMCO CORPORATE	PCN	2,950.000	30,012.29	39,308.00	9,295.71	Long Term
10/09/09	09/19/08	SELL	INCOME FD COM ALLIANCEBERNSTEIN	ACG	5,000.000	39,240.31	41,391.62	2,151.31	Long Term
10/13/09	09/19/08	SELL	INCOME FD INC COM ALLIANCEBERNSTEIN	ACG	2,800.000	21,974.57	22,883.88	909.31	Long Term
10/13/09	09/30/08	SELL	INCOME FD INC COM PIMCO CORPORATE	PCN	1,000.000	10,173.66	12,905.73	2,732.07	Long Term
10/14/09	06/30/06	SELL	INCOME FD COM EATON VANCE ENHANCED	EOI	1,100.000	21,190.63	15,043.31	-6,147.32	Long Term
10/14/09	Multiple	MULT	EQUITY INCOME FD COM FRANKLIN INCOME FUND CLASS A	FKINX	11,845.260	31,178.50	23,690.52	-7,487.98	Long Term
10/14/09	08/13/08	SELL	PIMCO CORPORATE OPPORTUNITY FD COM	PTY	1,000.000	13,603.54	13,727.51	123.97	Long Term
10/15/09	09/19/08	SELL	ALLIANCEBERNSTEIN INCOME FD INC COM	ACG	2,000.000	15,696.13	16,175.81	479.68	Long Term
10/22/09	Multiple	SELL	INCOME FD INC COM TEMPLETON GLOBAL	TPINX	2,258.944	26,520.00	28,507.87	1,987.87	Long Term
10/26/09	10/06/09	SELL	BOND FUND CLASS A EATON VANCE TAX	ETG	1,500.000	17,111.80	17,213.37	101.57	Short Term
10/29/09	04/27/09	SELL	ADVANTAGED GLO EATON VANCE TAX	ETG	475.000	4,087.92	6,061.69	1,973.77	Short Term
11/09/09	10/21/08	SELL	ADVANTAGED GLO DELAWARE INVESTMENT	DDF	2,000.000	10,827.44	12,981.46	2,154.02	Long Term

MALCOLM C. DAMUTH FOUNDATION
 EIN 20-3673795
 FORM 990-PF - REALIZED GAIN/LOSS
 YEAR ENDED 12/31/09

Schedule of Realized Gains and Losses Year-to-Date (continued)

Disposition Date	Acquisition Date	Closing Transaction	Description	Security Identifier	Quantity	Cost Basis	Proceeds	Realized Gain/Loss	Term
11/09/09	05/27/09	SELL	DELAWARE ENHANCED	DEX	2,400,000	19,861.11	27,113.26	7,252.15	Short Term
11/12/09	04/27/09	SELL	GLOBAL DIVID & EATON VANCE TAX	ETG	1,025,000	8,821.30	13,421.39	4,600.09	Short Term
11/23/09	04/27/09	SELL	ADVANTAGED GLO EATON VANCE TAX	ETG	1,500,000	12,909.22	19,986.83	7,077.61	Short Term
11/24/09	09/30/08	SELL	ADVANTAGED GLO PIMCO CORPORATE INCOME FD COM	PCN	1,000,000	10,173.65	13,539.28	3,365.63	Long Term
11/25/09	10/03/08	SELL	PIMCO GLOBAL STOCKSPUS INC FD	PGP	1,950,000	30,447.86	33,593.53	3,145.67	Long Term
12/04/09	07/02/09	SELL	INDIA FUND INC	IFN	150,000	4,699.13	4,659.53	-39.60	Short Term
12/10/09	Multiple	SELL	GOLDMAN SACHS GLOBAL INCOME FUND	GSGX	770,416	10,000.00	9,691.83	-308.17	Short Term
12/16/09	10/14/09	SELL	ING ASIA PAC HIGH DIVID EQUITY INCOME	IAE	385,000	7,482.85	7,353.10	-129.75	Short Term
12/16/09	10/14/09	SELL	ING ASIA PAC HIGH DIVID EQUITY INCOME	IAE	453,000	8,836.39	8,651.84	-184.55	Short Term
12/21/09	05/08/06	SELL	ABERDEEN ASIA PACIFIC INCOME FD	FAX	4,140,000	25,768.04	25,403.92	-364.12	Long Term
12/21/09	Multiple	SELL	EATON VANCE GREATER CHINA GROWTH FUND	EVCGX	148,427	4,481.00	3,241.65	-1,239.35	Long Term
12/21/09	Multiple	SELL	GOLDMAN SACHS BRIC FUND CLASS A	GBRAX	443,787	7,500.00	6,195.27	-1,304.73	Long Term
12/21/09	Multiple	SELL	MATTHEWS ASIAN TECHNOLOGY FUND	MATFX	148,956	1,239.54	1,157.39	-82.15	Long Term
12/22/09	10/10/06	CLEU	COHEN & STEERS QUALITY INCOME RLTY	RQI	0,440	11.04	2.64	-8.40	Long Term
12/22/09	Multiple	SELL	FIDELITY ADVISOR EMERGING ASIA FUND	FEAAX	129,433	3,949.00	3,532.23	-416.77	Long Term
12/22/09	10/14/09	SELL	ING ASIA PAC HIGH DIVID EQUITY INCOME	IAE	247,000	4,818.08	4,631.97	-186.11	Short Term
12/22/09	10/15/09	SELL	ING ASIA PAC HIGH DIVID EQUITY INCOME	IAE	138,000	2,662.78	2,587.91	-74.87	Short Term
12/23/09	Multiple	MULT	DRIEHAUS EMERGING MARKET'S GROWTH FUND	DREGX	335,293	11,312.39	9,619.56	-1,692.83	Long Term
Total Short Term						\$580,496.68	\$424,206.10	\$156,290.58	
Total Long Term						\$899,574.47	\$889,880.96	-\$9,693.51	

Charles Schwab

Schwab One® Account of
 MALCOLM C. DAMUTH FOUNDATION

2009 Year-End Schwab Gain/Loss Report

Short-Term	Quantity/Par	Acquired/ Opened	Sold/ Closed	Total Proceeds	Accounting Method	
					Cost Basis	Realized Gain or (Loss)
BLACKROCK ENER & RES TR: BGR	900.0000	04/20/09	12/11/09	\$22,053.58	\$14,070.53	\$7,983.05
Security Subtotal				\$22,053.58	\$14,070.53	\$7,983.05
CLAYMORE EXCH TRADED FD S&P GLOBAL WATER ETF: CGW	475.0000	03/11/09	07/20/09	\$7,501.35	\$5,238.21	\$2,263.14
CLAYMORE EXCH TRADED FD S&P GLOBAL WATER ETF: CGW	200.0000	03/11/09	12/11/09	\$3,667.95	\$2,205.56	\$1,462.39
Security Subtotal				\$11,169.30	\$7,443.77	\$3,725.53
FIDELITY CAPITAL & INCOME FUND: FAGIX	1,779.3590	04/02/09	10/09/09	\$14,523.00	\$11,385.13	\$3,137.87
FIDELITY CAPITAL & INCOME FUND: FAGIX	3,020.7370	05/11/09	10/21/09	\$25,022.17	\$19,328.01	\$5,694.16
FIDELITY CAPITAL & INCOME FUND: FAGIX	1,500.0000	05/11/09	11/04/09	\$12,205.05	\$9,597.66	\$2,607.39
Security Subtotal				\$51,750.22	\$40,310.80	\$11,439.42
FIDELITY CHINA REGION FUND: FHKCX	88.8470	04/14/09	12/11/09	\$2,426.22	\$1,928.88	\$497.34
Security Subtotal				\$2,426.22	\$1,928.88	\$497.34
FIDELITY SOUTHEAST ASIA FUND: FSEAX	68.8590	10/23/09	12/21/09	\$1,605.01	\$1,766.94	(\$161.93)
Security Subtotal				\$1,605.01	\$1,766.94	(\$161.93)

MALCOLM C. DAMUTH FOUNDATION
 EIN 20-3673795
 FORM 990-PF - REALIZED GAIN/LOSS
 YEAR ENDED 12/31/09



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Schwab One® Account of
 MALCOLM C. DAMUTH FOUNDATION

2009 Year-End Schwab Gain/Loss Report

Accounting Method
 Mutual Funds: Average
 All Other Investments: First In First Out [FIFO]

Realized Gain or (Loss) (continued)

Short-Term (continued)	Quantity/Par	Acquired/ Opened	Sold/ Closed	Total Proceeds	Cost Basis	Realized Gain or (Loss)
ISHARES MSCI S F INDX FDSOUTH AFRICA INDEX FUND: EZA	50.0000	07/02/09	10/28/09	\$2,638.03	\$2,337.48	\$300.55
ISHARES MSCI S F INDX FDSOUTH AFRICA INDEX FUND: EZA	50.0000	07/02/09	12/11/09	\$2,755.52	\$2,337.47	\$418.05
Security Subtotal				\$5,393.55	\$4,674.95	\$718.60
LOOMIS SAYLES GLOBAL BD FUND CLASS R: LSGLX	491.7660	03/11/09	07/08/09	\$7,224.04	\$6,211.00	\$1,013.04
LOOMIS SAYLES GLOBAL BD FUND CLASS R: LSGLX	200.0000	03/11/09	12/11/09	\$3,200.00	\$2,526.00	\$674.00
Security Subtotal				\$10,424.04	\$8,737.00	\$1,687.04
MATTHEWS ASIA SMALL COMPANIES FD: MSMLX	154.0220	06/11/09	12/21/09	\$2,353.46	\$1,819.00	\$534.46
Security Subtotal				\$2,353.46	\$1,819.00	\$534.46
ROYCE MICRO-CAP TRUST: RMT	25.0000	04/14/09	07/20/09	\$153.98	\$137.11	\$16.87
ROYCE MICRO-CAP TRUST: RMT	200.0000	04/14/09	07/20/09	\$1,231.64	\$1,106.89	\$124.75
ROYCE MICRO-CAP TRUST: RMT	200.0000	04/14/09	07/20/09	\$1,231.64	\$1,110.89	\$120.75
ROYCE MICRO-CAP TRUST: RMT	200.0000	04/14/09	07/20/09	\$1,231.64	\$1,114.89	\$116.75
ROYCE MICRO-CAP TRUST: RMT	400.0000	04/14/09	07/20/09	\$2,463.28	\$2,213.78	\$249.50

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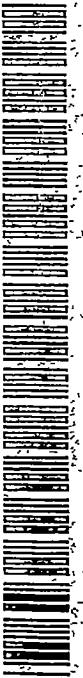
Schwab One® Account of
 MALCOLM C. DAMUTH FOUNDATION

2009 Year-End Schwab Gain/Loss Report

Accounting Method:
 Mutual Funds: Average
 All Other Investments: First In First Out [FIFO]

Realized Gain or (Loss) (continued)

Short-Term (continued)	Quantity/Par	Acquired/ Opened	Sold/ Closed	Total Proceeds	Cost Basis	Realized Gain or (Loss)
ROYCE MICRO-CAP TRUST: RMT	475.0000	04/14/09	07/20/09	\$2,925.15	\$2,605.12	\$320.03
ROYCE MICRO-CAP TRUST: RMT	50.0000	04/14/09	11/20/09	\$341.69	\$279.22	\$62.47
ROYCE MICRO-CAP TRUST: RMT	50.0000	04/14/09	11/20/09	\$341.29	\$279.23	\$62.06
ROYCE MICRO-CAP TRUST: RMT	100.0000	04/14/09	11/20/09	\$682.57	\$554.45	\$128.12
ROYCE MICRO-CAP TRUST: RMT	200.0000	04/14/09	11/20/09	\$1,367.75	\$1,110.89	\$256.86
ROYCE MICRO-CAP TRUST: RMT	850.0000	04/14/09	11/20/09	\$5,801.87	\$4,763.78	\$1,038.09
ROYCE MICRO-CAP TRUST: RMT	1,000.0000	04/14/09	11/20/09	\$6,838.72	\$5,604.45	\$1,234.27
Security Subtotal				\$24,611.22	\$20,860.70	\$3,730.52
ROYCE VALUE TRUST INC: RVT	1,900.0000	04/20/09	07/20/09	\$16,199.13	\$14,505.35	\$1,693.78
ROYCE VALUE TRUST INC: RVT	700.0000	04/20/09	11/20/09	\$7,011.27	\$5,344.08	\$1,667.19
ROYCE VALUE TRUST INC: RVT	800.0000	04/20/09	11/20/09	\$8,013.68	\$6,107.52	\$1,906.16
Security Subtotal				\$31,224.08	\$25,956.95	\$5,267.13
T ROWE PRICE SHORT TERM BOND FUND: PRWBX	368.6720	09/28/09	10/28/09	\$1,730.74	\$1,812.50	(\$81.76)
Security Subtotal				\$1,730.74	\$1,812.50	(\$81.76)



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Schwab One® Account of
 MALCOLM C. DAMUTH FOUNDATION

2009 Year-End Schwab Gain/Loss Report

Accounting Method
 Mutual Funds: Average
 All Other Investments: First In First Out [FIFO]

Realized Gain or (Loss) (continued)

Short-Term (continued)	Quantity/Par	Acquired/		Sold/		Total Proceeds	Cost Basis	Realized Gain or (Loss)
		Opened	10/12/09	Closed	12/24/09			
VANGUARD PRECIOUS METALS FUND: VGPMX	312.8210		10/12/09		12/24/09	\$6,233.72	\$6,130.47	\$103.25
Security Subtotal						\$6,233.72	\$6,130.47	\$103.25
VANGUARD S/T INVESTMENT GRADE FUND: VFSTX	184.6300		09/28/09		10/29/09	\$1,903.44	\$1,978.40	(\$74.96)
Security Subtotal						\$1,903.44	\$1,978.40	(\$74.96)
Total Short-Term						\$172,878.58	\$137,510.89	\$35,367.69
Total Realized Gain or (Loss)						\$172,878.58	\$137,510.89	\$35,367.69

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

SOURCE	AMOUNT
CITIBANK	311.
NORTHWESTERN MUTUAL	19,396.
SCHWAB	1.
TOTAL TO FORM 990-PF, PART I, LINE 3, COLUMN A	19,708.

FORM 990-PF DIVIDENDS AND INTEREST FROM SECURITIES STATEMENT 2

SOURCE	GROSS AMOUNT	CAPITAL GAINS DIVIDENDS	COLUMN (A) AMOUNT
BARCLAYS WEALTH (PREV LEHMAN BROTHERS)	2,914.	0.	2,914.
NORTHWESTERN MUTUAL	148,910.	0.	148,910.
SCHWAB	28,141.	0.	28,141.
TOTAL TO FM 990-PF, PART I, LN 4	179,965.	0.	179,965.

FORM 990-PF OTHER PROFESSIONAL FEES STATEMENT 3

DESCRIPTION	(A) EXPENSES PER BOOKS	(B) NET INVEST- MENT INCOME	(C) ADJUSTED NET INCOME	(D) CHARITABLE PURPOSES
ACCOUNTING FEES	9,242.	4,621.		4,621.
MANAGEMENT FEES	2,021.	2,021.		0.
TO FORM 990-PF, PG 1, LN 16C	11,263.	6,642.		4,621.

FORM 990-PF	TAXES			STATEMENT 4
DESCRIPTION	(A) EXPENSES PER BOOKS	(B) NET INVEST- MENT INCOME	(C) ADJUSTED NET INCOME	(D) CHARITABLE PURPOSES
FOREIGN WITHHOLDING FORM 990-PF TAXES	314.	314.		0.
	1,800.	0.		0.
TO FORM 990-PF, PG 1, LN 18	2,114.	314.		0.

FORM 990-PF	OTHER EXPENSES			STATEMENT 5
DESCRIPTION	(A) EXPENSES PER BOOKS	(B) NET INVEST- MENT INCOME	(C) ADJUSTED NET INCOME	(D) CHARITABLE PURPOSES
INSURANCE	932.	466.		466.
P.O.BOX RENTAL	310.	155.		155.
BANK CHARGES	40.	40.		0.
NON-DEDUCTIBLE EXP.	58.	0.		0.
TO FORM 990-PF, PG 1, LN 23	1,340.	661.		621.

FORM 990-PF	OTHER INCREASES IN NET ASSETS OR FUND BALANCES	STATEMENT 6
DESCRIPTION		AMOUNT
CHANGE IN UNREALIZED GAINS/(LOSSES)		647,886.
TOTAL TO FORM 990-PF, PART III, LINE 3		647,886.

FORM 990-PF	OTHER INVESTMENTS		STATEMENT 7
DESCRIPTION	VALUATION METHOD	BOOK VALUE	FAIR MARKET VALUE
BARCLAYS WEALTH #6232	FMV	42,936.	42,936.
NORTHWESTERN MUTUAL INVST # 3300	FMV	2,243,843.	2,243,843.
NORTHWESTERN MUTUAL INVST # 0741	FMV	179,905.	179,905.
SCHWAB #9803	FMV	665,238.	665,238.
TOTAL TO FORM 990-PF, PART II, LINE 13		3,131,922.	3,131,922.

FORM 990-PF PART VIII - LIST OF OFFICERS, DIRECTORS STATEMENT 8
 TRUSTEES AND FOUNDATION MANAGERS

NAME AND ADDRESS	TITLE AND AVRG HRS/WK	COMPEN- SATION	EMPLOYEE BEN PLAN	EXPENSE CONTRIB	ACCOUNT
BOB WARNEKE, JR. PO BOX 2388 AUSTIN, TX 78768	TRUSTEE / PRESIDENT 2.00	0.	0.	0.	0.
CRAIG DAMUTH PO BOX 684909 AUSTIN, TX 78768	TRUSTEE / VICE PRESIDENT 3.00	0.	0.	0.	0.
ERICA NIX 2804 ST EDWARDS CIRCLE, AUSTIN, TX 78704	SECRETARY 2.00	0.	0.	0.	0.
SANDRA SKREI PO BOX 451 CEDAR CREEK, TX 78612	TRUSTEE 2.00	0.	0.	0.	0.
JARED RAVENS 6702 O'HENRY COVE UNIT B AUSTIN, TX 78731	TRUSTEE 0.00	0.	0.	0.	0.
JAMES R. STEWART, JR. 519 PINE EDGE DRIVE THE WOODLANDS, TX 77380	TRUSTEE 0.00	0.	0.	0.	0.
BARRY LYON 2525 WALLINGWOOD, STE 1003 AUSTIN, TX 78746	TRUSTEE 0.00	0.	0.	0.	0.
TOTALS INCLUDED ON 990-PF, PAGE 6, PART VIII		0.	0.	0.	0.