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Form **990-PF**

Department of the Treasury
Internal Revenue Service

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

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

OMB No 1545-0052

2009

For calendar year 2009, or tax year beginning , 2009, 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.

ACTUS FOUNDATION
C/ WHITNEY WILKERSON
3937 BRISTOL ROAD
DURHAM, NC 27707

A Employer identification number: 22-3500124

B Telephone number (see the instructions)

C If exemption application is pending, check here ► ☐

D 1 Foreign organizations, check here ► ☐

2 Foreign organizations meeting the 85% test, check here and attach computation ► ☐

E If private foundation status was terminated under section 507(b)(1)(A), check here ► ☐

F If the foundation is in a 60-month termination under section 507(b)(1)(B), check here ► ☐

H Check type of organization: [X] Section 501(c)(3) exempt private foundation
☐ Section 4947(a)(1) nonexempt charitable trust ☐ Other taxable private foundation

I Fair market value of all assets at end of year *(from Part II, column (c), line 16)* ► $ 1,213,379.

J Accounting method [X] Cash ☐ Accrual
☐ Other (specify) _____
(Part I, column (d) must be on cash basis)

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

		(a) Revenue and expenses per books	(b) Net investment income	(c) Adjusted net income	(d) Disbursements for charitable purposes (cash basis only)
REVENUE	1 Contributions, gifts, grants, etc, received (att sch)				
	2 Ck ► [X] if the foundn is **not** req to att Sch B				
	3 Interest on savings and temporary cash investments	241.	241.	241.	
	4 Dividends and interest from securities	9,551.	9,551.	9,551.	
	5a Gross rents				
	b Net rental income or (loss)				
	6a Net gain/(loss) from sale of assets not on line 10	-85,844.			
	b Gross sales price for all assets on line 6a 712,107.				
	7 Capital gain net income (from Part IV, line 2)		0.		
	8 Net short-term capital gain			0.	
	9 Income modifications				
	10a Gross sales less returns and allowances				
	b Less: Cost of goods sold				
	c Gross profit/(loss) (att sch)				
	11 Other income (attach schedule)				
	12 **Total.** Add lines 1 through 11	-76,052.	9,792.	9,792.	
OPERATING AND ADMINISTRATIVE EXPENSES	13 Compensation of officers, directors, trustees, etc	5,000.	2,500.	2,500.	
	14 Other employee salaries and wages				
	15 Pension plans, employee benefits				
	16a Legal fees (attach schedule)				
	b Accounting fees (attach sch)				
	c Other prof fees (attach sch)				
	17 Interest				
	18 Taxes (attach schedule)(see instr)				
	19 Depreciation (attach sch) and depletion				
	20 Occupancy				
	21 Travel, conferences, and meetings				
	22 Printing and publications				
	23 Other expenses (attach schedule) See Statement 1	17,609.	8,805.	8,804.	
	24 **Total operating and administrative expenses.** Add lines 13 through 23	22,609.	11,305.	11,304.	
	25 Contributions, gifts, grants paid Part XV	81,200.			81,200.
	26 **Total expenses and disbursements.** Add lines 24 and 25	103,809.	11,305.	11,304.	81,200.
	27 Subtract line 26 from line 12:				
	a **Excess of revenue over expenses and disbursements**	-179,861.			
	b **Net investment income** (if negative, enter -0-)		0.		
	c **Adjusted net income** (if negative, enter -0-)			0.	

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TEEA0504L 02/02/10 Form **990-PF** (2009)

9

Part II Balance Sheets

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

		Beginning of year (a) Book Value	End of year (b) Book Value	End of year (c) Fair Market Value
ASSETS	1 Cash – non-interest-bearing	17,765.	17,765.	17,665.
	2 Savings and temporary cash investments	146,415.	23,400.	23,400.
	3 Accounts receivable ►			
	Less allowance for doubtful accounts ►			
	4 Pledges receivable ►			
	Less allowance for doubtful accounts ►			
	5 Grants receivable			
	6 Receivables due from officers, directors, trustees, and other disqualified persons (attach schedule) (see the instructions)			
	7 Other notes and loans receivable (attach sch) ►			
	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 (attach schedule)			
	b Investments – corporate stock (attach schedule) Statement 2	534,241.	596,124.	631,119.
	c Investments – corporate bonds (attach schedule)			
	11 Investments – land, buildings, and equipment. basis ►			
	Less accumulated depreciation (attach schedule) ►			
	12 Investments – mortgage loans			
	13 Investments – other (attach schedule) Statement 3	488,464.	240,061.	541,195.
	14 Land, buildings, and equipment: basis ►			
	Less: accumulated depreciation (attach schedule) ►			
	15 Other assets (describe ►)			
	16 **Total assets** (to be completed by all filers – see instructions. Also, see page 1, item I)	1,186,885.	877,350.	1,213,379.
LIABILITIES	17 Accounts payable and accrued expenses			
	18 Grants payable			
	19 Deferred revenue			
	20 Loans from officers, directors, trustees, & other disqualified persons			
	21 Mortgages and other notes payable (attach schedule)			
	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 ► ☐ 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 ► ☒ and complete lines 27 through 31.			
	27 Capital stock, trust principal, or current funds	1,186,885.	877,350.	
	28 Paid-in or capital surplus, or land, building, and equipment fund			
	29 Retained earnings, accumulated income, endowment, or other funds			
	30 **Total net assets or fund balances** (see the instructions)	1,186,885.	877,350.	
	31 **Total liabilities and net assets/fund balances** (see the instructions)	1,186,885.	877,350.	

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	1,186,885.
2	Enter amount from Part I, line 27a	2	-179,861.
3	Other increases not included in line 2 (itemize) ►	3	
4	Add lines 1, 2, and 3	4	1,007,024.
5	Decreases not included in line 2 (itemize) ► See Statement 4	5	129,674.
6	Total net assets or fund balances at end of year (line 4 minus line 5) – Part II, column (b), line 30	6	877,350.

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 shares MLC Company)	(b) How acquired P — Purchase D — Donation	(c) Date acquired (month, day, year)	(d) Date sold (month, day, year)
1a	SEE ATTACHED MORGAN STANLEY SB 146-00094	P	Various	Various
b	SEE ATTACHED MORGAN STANLEY SB 146-00094	P	Various	Various
c	SEE ATTACHED MORGAN STANLEY SB 146-76219	P	Various	Various
d	SEE ATTACHED MORGAN STANLEY SB 146-76219	P	Various	Various
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	166,998.		186,507.	-19,509.
b	143,138.		169,503.	-26,365.
c	319,758.		350,895.	-31,137.
d	82,213.		91,046.	-8,833.
e				

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

	(i) Fair Market Value as of 12/31/69	(j) Adjusted basis as of 12/31/69	(k) Excess of column (i) over column (j), if any	(l) Gains (Column (h) gain minus column (k), but not less than -0-) or Losses (from column (h))
a				-19,509.
b				-26,365.
c				-31,137.
d				-8,833.
e				

2	Capital gain net income or (net capital loss) — If gain, also enter in Part I, line 7 / If (loss), enter -0- in Part I, line 7	2	-85,844.
3	Net short-term capital gain or (loss) as defined in sections 1222(5) and (6) — If gain, also enter in Part I, line 8, column (c) (see the instructions) If (loss), enter -0- in Part I, line 8	3	-85,844.

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 the instructions before making any entries

(a) Base period years Calendar year (or tax year beginning in)	(b) Adjusted qualifying distributions	(c) Net value of noncharitable-use assets	(d) Distribution ratio (column (b) divided by column (c))
2008	95,522.	1,608,224.	0.059396
2007	90,000.	2,040,261.	0.044112
2006	91,000.	1,793,475.	0.050739
2005	92,000.	1,838,661.	0.050036
2004	83,899.	1,847,855.	0.045403

2	**Total** of line 1, column (d)	2	0.249686
3	Average distribution ratio for the 5-year base period — divide the total on line 2 by 5, or by the number of years the foundation has been in existence if less than 5 years	3	0.049937
4	Enter the net value of noncharitable-use assets for 2009 from Part X, line 5	4	1,114,943.
5	Multiply line 4 by line 3	5	55,677.
6	Enter 1% of net investment income (1% of Part I, line 27b)	6	
7	Add lines 5 and 6	7	55,677.
8	Enter qualifying distributions from Part XII, line 4	8	81,200.

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 the instructions)

1a	Exempt operating foundations described in section 4940(d)(2), check here ► ☐ and enter 'N/A' on line 1. Date of ruling or determination letter: _____ (attach copy of letter if necessary - see instr.)		
b	Domestic foundations that meet the section 4940(e) requirements in Part V, check here ► [X] 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, column (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 pmts and 2008 overpayment credited to 2009 — 6a		
b	Exempt foreign organizations – tax withheld at source — 6b		
c	Tax paid with application for extension of time to file (Form 8868) — 6c: 800.		
d	Backup withholding erroneously withheld — 6d		
7	Total credits and payments. Add lines 6a through 6d	7	800.
8	Enter any **penalty** for underpayment of estimated tax. Check here ☐ 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	0.
10	**Overpayment.** If line 7 is more than the total of lines 5 and 8, enter the **amount overpaid** ►	10	800.
11	Enter the amount of line 10 to be **Credited to 2010 estimated tax** ► 800. **Refunded** ►	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?	1a		X
b	Did it spend more than $100 during the year (either directly or indirectly) for political purposes (see the instructions for definition)?	1b		X
	*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*			
c	Did the foundation file **Form 1120-POL** for this year?	1c		X
d	Enter the amount (if any) of tax on political expenditures (section 4955) imposed during the year: **(1)** On the foundation ► $ 0. **(2)** On foundation managers ► $ 0.			
e	Enter the reimbursement (if any) paid by the foundation during the year for political expenditure tax imposed on foundation managers ► $ 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	N/A	
5	Was there a liquidation, termination, dissolution, or substantial contraction during the year? *If 'Yes,' attach the statement required by General Instruction T*	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, column (c), and Part XV*	7	X	
8a	Enter the states to which the foundation reports or with which it is registered (see the instructions) ► N/A			
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

Part VII-A Statements Regarding Activities *Continued*

11 At any time during the year, did the foundation, directly or indirectly, own a controlled entity within the meaning of section 512(b)(13)? If 'Yes', attach schedule (see instructions)	11		X
12 Did the foundation acquire a direct or indirect interest in any applicable insurance contract before August 17, 2008?	12		X
13 Did the foundation comply with the public inspection requirements for its annual returns and exemption application?	13	X	

Website address ► N/A

14 The books are in care of ► WHITNEY WILKERSON Telephone no ►

Located at ► 3937 BRISTOL ROAD DURHAM NC ZIP + 4 ► 27707

15 Section 4947(a)(1) nonexempt charitable trusts filing Form 990-PF in lieu of **Form 1041** – Check here N/A ► ☐

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? ☐ Yes ☒ No			
(2) Borrow money from, lend money to, or otherwise extend credit to (or accept it from) a disqualified person? ☐ Yes ☒ No			
(3) Furnish goods, services, or facilities to (or accept them from) a disqualified person? ☐ Yes ☒ No			
(4) Pay compensation to, or pay or reimburse the expenses of, a disqualified person? ☐ Yes ☒ 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)? ☐ Yes ☒ 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.) ☐ Yes ☒ 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 the instructions)?	1b	N/A	
Organizations relying on a current notice regarding disaster assistance check here ► ☐			
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? ☐ Yes ☒ No			
If 'Yes,' list the years ► 20__ , 20__ , 20__ , 20__ .			
b Are there any years listed in 2a for which the foundation is **not** applying the provisions of section 4942(a)(2) (relating to incorrect valuation of assets) to the year's undistributed income? (If applying section 4942(a)(2) to **all** years listed, answer 'No' and attach statement – see the instructions.)	2b	N/A	
c If the provisions of section 4942(a)(2) are being applied to **any** of the years listed in 2a, list the years here. ► 20__ , 20__ , 20__ , 20__ .			
3a Did the foundation hold more than a 2% direct or indirect interest in any business enterprise at any time during the year? ☐ Yes ☒ 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)*	3b	N/A	
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 VII-B Statements Regarding Activities for Which Form 4720 May Be Required *(continued)*

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

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

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

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

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

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

b If any answer is 'Yes' to 5a(1)-(5), did **any** of the transactions fail to qualify under the exceptions described in Regulations section 53.4945 or in a current notice regarding disaster assistance (see instructions)? **5b** N/A

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

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

If 'Yes,' attach the statement required by Regulations section 53 4945-5(d)

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

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

If 'Yes' to 6b, file Form 8870

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

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

Part VIII Information About Officers, Directors, Trustees, Foundation Managers, Highly Paid Employees, and Contractors

1 List all officers, directors, trustees, foundation managers and their compensation (see instructions).

(a) Name and address	**(b)** Title and average hours per week devoted to position	**(c)** Compensation **(If not paid, enter -0-)**	**(d)** Contributions to employee benefit plans and deferred compensation	**(e)** Expense account, other allowances
See Statement 5		5,000.	0.	0.

2 Compensation of five highest-paid employees (other than those included on line 1— see instructions). If none, enter 'NONE.'

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

Total number of other employees paid over $50,000 ► 0

Part VIII Information About Officers, Directors, Trustees, Foundation Managers, Highly Paid Employees, and Contractors *(continued)*

3 Five highest-paid independent contractors for professional services – (see instructions). If none, enter 'NONE.'

(a) Name and address of each person paid more than $50,000	(b) Type of service	(c) Compensation
None		
Total number of others receiving over $50,000 for professional services ►		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 (see instructions)

Describe the two largest program-related investments made by the foundation during the tax year on lines 1 and 2.	Amount
1 N/A	
2	
All other program-related investments. See instructions. 3	
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	1,058,899.
b Average of monthly cash balances		1b	73,023.
c Fair market value of all other assets (see instructions)		1c	
d **Total** (add lines 1a, b, and c)		1d	1,131,922.
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	1,131,922.
4 Cash deemed held for charitable activities. Enter 1-1/2% of line 3 (for greater amount, see instructions)		4	16,979.
5 **Net value of noncharitable-use assets.** Subtract line 4 from line 3 Enter here and on Part V, line 4		5	1,114,943.
6 **Minimum investment return.** Enter 5% of line 5		6	55,747.

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	55,747.
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	
3 Distributable amount before adjustments. Subtract line 2c from line 1		3	55,747.
4 Recoveries of amounts treated as qualifying distributions		4	
5 Add lines 3 and 4		5	55,747.
6 Deduction from distributable amount (see instructions)		6	
7 **Distributable amount** as adjusted. Subtract line 6 from line 5 Enter here and on Part XIII, line 1		7	55,747.

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	81,200.
b Program-related investments – total from Part IX-B	1b	
2 Amounts paid to acquire assets used (or held for use) directly in carrying out charitable, etc, purposes	2	
3 Amounts set aside for specific charitable projects that satisfy the:		
a Suitability test (prior IRS approval required)	3a	
b Cash distribution test (attach the required schedule)	3b	
4 **Qualifying distributions.** Add lines 1a through 3b. Enter here and on Part V, line 8, and Part XIII, line 4	4	81,200.
5 Foundations that qualify under section 4940(e) for the reduced rate of tax on net investment income Enter 1% of Part I, line 27b (see instructions)	5	
6 **Adjusted qualifying distributions.** Subtract line 5 from line 4	6	81,200.

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				55,747.
2 Undistributed income, if any, as of the end of 2009:				
a Enter amount for 2008 only			79,589.	
b Total for prior years 20___, 20___, 20___		0.		
3 Excess distributions carryover, if any, to 2009				
a From 2004				
b From 2005				
c From 2006				
d From 2007				
e From 2008				
f **Total** of lines 3a through e	0.			
4 Qualifying distributions for 2009 from Part XII, line 4: ► $ 81,200.				
a Applied to 2008, but not more than line 2a			79,589.	
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				1,611.
e Remaining amount distributed out of corpus	0.			
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	0.			
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 instructions			0.	
f Undistributed income for 2009 Subtract lines 4d and 5 from line 1 This amount must be distributed in 2010				54,136.
7 Amounts treated as distributions out of corpus to satisfy requirements imposed by section 170(b)(1)(F) or 4942(g)(3) (see instructions)	0.			
8 Excess distributions carryover from 2004 not applied on line 5 or line 7 (see instructions)	0.			
9 **Excess distributions carryover to 2010.** Subtract lines 7 and 8 from line 6a	0.			
10 Analysis of line 9:				
a Excess from 2005				
b Excess from 2006				
c Excess from 2007				
d Excess from 2008				
e Excess from 2009				

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

1a 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	Prior 3 years			
	(a) 2009	(b) 2008	(c) 2007	(d) 2006	(e) Total
2a 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 organization had $5,000 or more in assets at any time during the year – see 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))

None

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 ► [X] 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
a *Paid during the year*				
See Statement 6				
Total			► **3a**	81,200.
b *Approved for future payment*				
Total			► **3b**	

Part XVI-A Analysis of Income-Producing Activities

Enter gross amounts unless otherwise indicated	Unrelated business income		Excluded by section 512, 513, or 514		
	(a) Business code	(b) Amount	(c) Exclusion code	(d) Amount	(e) Related or exempt function income (see the instructions)
1 Program service revenue					
a					
b					
c					
d					
e					
f					
g Fees and contracts from government agencies					
2 Membership dues and assessments					
3 Interest on savings and temporary cash investments					241.
4 Dividends and interest from securities					9,551.
5 Net rental income or (loss) from real estate					
a Debt-financed property					
b Not debt-financed property					
6 Net rental income or (loss) from personal property					
7 Other investment income					
8 Gain or (loss) from sales of assets other than inventory					-85,844.
9 Net income or (loss) from special events					
10 Gross profit or (loss) from sales of inventory					
11 Other revenue					
a					
b					
c					
d					
e					
12 Subtotal Add columns (b), (d), and (e)					-76,052.
13 **Total.** Add line 12, columns (b), (d), and (e)				13	-76,052.

(See worksheet in the instructions for line 13 to verify calculations)

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

Line No. ▼	Explain below how each activity for which income is reported in column (e) of Part XVI-A contributed importantly to the accomplishment of the foundation's exempt purposes (other than by providing funds for such purposes) (See the instructions)
N/A	

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

		Yes	No
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?			
a Transfers from the reporting foundation to a noncharitable exempt organization of:			
(1) Cash	1a (1)		X
(2) Other assets	1a (2)		X
b Other transactions:			
(1) Sales of assets to a noncharitable exempt organization	1b (1)		X
(2) Purchases of assets from a noncharitable exempt organization	1b (2)		X
(3) Rental of facilities, equipment, or other assets	1b (3)		X
(4) Reimbursement arrangements	1b (4)		X
(5) Loans or loan guarantees	1b (5)		X
(6) Performance of services or membership or fundraising solicitations	1b (6)		X
c Sharing of facilities, equipment, mailing lists, other assets, or paid employees	1c		X

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.

(a) Line no.	(b) Amount involved	(c) Name of noncharitable exempt organization	(d) Description of transfers, transactions, and sharing arrangements
N/A			

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 Date ► Title

Paid Preparer's Use Only				
Preparer's signature ►	KEVIN J. CONNOLLY	Date 10/25/2010	Check if self-employed ► ☐	Preparer's Identifying number (See **Signature** in the instrs) P00371058
Firm's name (or yours if self-employed), address, and ZIP code ►	CONNOLLY, SWITAJ & CO. LLP 100 VILLAGE COURT SUITE 301 HAZLET, NJ 07730		EIN ► 22-2249462 Phone no ► (732) 739-2020	

Statement 1
Form 990-PF, Part I, Line 23
Other Expenses

	(a) Expenses per Books	(b) Net Investment Income	(c) Adjusted Net Income	(d) Charitable Purposes
ADVISORY FEES	$ 17,151.	$ 8,576.	$ 8,575.	
BANK FEES	308.	154.	154.	
FOREIGN TAXES	150.	75.	75.	
Total	$ 17,609.	$ 8,805.	$ 8,804.	$ 0.

Statement 2
Form 990-PF, Part II, Line 10b
Investments - Corporate Stocks

Corporate Stocks	Valuation Method	Book Value	Fair Market Value
SMITH BARNEY 146-76219	Cost	$ 242,413.	$ 253,286.
SMITH BARNEY STOCKS ACCOUNT 146-00094	Cost	353,711.	377,833.
	Total	$ 596,124.	$ 631,119.

Statement 3
Form 990-PF, Part II, Line 13
Investments - Other

Other Securities	Valuation Method	Book Value	Fair Market Value
SMITH BARNEY 146-03335	Mkt Val	$ 240,061.	$ 541,195.
	Total	$ 240,061.	$ 541,195.

Statement 4
Form 990-PF, Part III, Line 5
Other Decreases

UNREALIZED LOSSES	$ 129,674.
Total	$ 129,674.

Statement 5
Form 990-PF, Part VIII, Line 1
List of Officers, Directors, Trustees, and Key Employees

Name and Address	Title and Average Hours Per Week Devoted	Compen-sation	Contri-bution to EBP & DC	Expense Account/ Other
JOHN WILKERSON LONG HILL ROAD NEW VERNON, NJ 07976	TRUSTEE 0	$ 0.	$ 0.	$ 0.
BARBARA WILKERSON LONG HILL ROAD NEW VERNON, NJ 07976	TRUSTEE 0	0.	0.	0.
CHRISTOPHER WILKERSON LONG HILL ROAD NEW VERNON, NJ 07976	TRUSTEE 0	0.	0.	0.
LYNDSLEY WILKERSON LONG HILL ROAD NEW VERNON, NJ 07976	TRUSTEE 0	0.	0.	0.
WHITNEY WILKERSON LONG HILL ROAD NEW VERNON, NJ 07976	TRUSTEE 0	5,000.	0.	0.
	Total	$ 5,000.	$ 0.	$ 0.

Statement 6
Form 990-PF, Part XV, Line 3a
Recipient Paid During the Year

Name and Address	Donee Relationship	Found-ation Status	Purpose of Grant	Amount
CORNELL UNIVERSITY 55 BROWN RD ITHACA , NY 14850	NONE		CHARITABLE	$ 633.
AMERICAN MUSEUM OF FOLK ART 45 WEST 53RD ST NEW YORK, NY 10019	NONE		CHARITABLE	51,367.
THE GEORGE SCHOOL NEWTOWN, PA 18940	NONE		CHARITABLE	3,000.
CONTEMPORARY ART MUSEUM RALEIGH, NC	NONE		CHARITABLE	5,000.
MORRISTOWN MEMORIAL HEALTH FDN PO BOX 1956 MORRISTOWN, NJ 07962	NONE		CHARITABLE	10,000.

Statement 6 (continued)
Form 990-PF, Part XV, Line 3a
Recipient Paid During the Year

Name and Address	Donee Relationship	Foundation Status	Purpose of Grant	Amount
BERMAN INSITIUTE OF BIOETHICS 201 NORTH CHARLES, SUITE 1701 BALTIMORE, MD 21201	NONE		CHARITABLE	$ 10,000.
SCHOOL OF LETTERS AND ARTS ,	NONE		CHARITABLE	1,200.
			Total	$ 81,200.

L. JOHN WILKERSON, TRUSTEE
Account Number 146-00094-16 524

Details of Earnings 2009 - *continued*

Dividends and Distributions, Section 2

Reference number	Description	Nondividend distributions	Foreign tax paid	Cash liquidation distributions	Non cash liquidation distributions	Investment expense	NRA Withholding
160002500	*** SUNCOR ENERGY INC THIS AMOUNT INCLUDES TAXES PAID TO A FOREIGN GOVERNMENT		$ 2 83				
160002900	*** YAMANA GOLD INC-CAD THIS AMOUNT INCLUDES TAXES PAID TO A FOREIGN GOVERNMENT		7.33				
Totals		**$ 185.30**	**$ 99.74**				

Details of Short Term Gain (Loss) 2009

This section shows your sales of securities during the year. The "Sale Proceeds" column excludes any accrued income you may have received. In addition, although cash in lieu less than $20 is not included on Form 1099-B (if applicable), it is included in this section Please note, this material is being prepared for informational purposes only and should not be used for tax preparation without the assistance of your tax advisor.

Reference number	Quantity	Security Description	Opening Trade Date	Closing Trade Date	Sale Proceeds	Cost	(Loss)	Gain
125000010	112	BANK OF AMERICA CORP	08/05/09	12/07/09	$ 1,813.68	$ 1,820.00	($ 6 32)	
125000020	24	BANK OF AMERICA CORP	08/05/09	12/23/09	365 03	390.00	(24 97)	
125000110	304	DIAMONDS TRUST SER 1	01/02/09	03/05/09	20,047 46	27,056.58	(7,009.12)	
125000190	785	GENERAL ELECTRIC CO	05/08/09	06/18/09	9,097.91	11,396 08	(2,298 17)	
	275		05/08/09		3,187.17	3,992 26	(805.09)	
125000200	256	GILEAD SCIENCES INC	12/31/08	05/08/09	11,382 48	13,373.44	(1,990.96)	
125000210	127	INTEL CORP CGMI AND/OR ITS AFFILIATES	03/13/09	07/28/09	2,432.23	1,860.55		571 68
125000220	661	INTEL CORP CGMI AND/OR ITS AFFILIATES	03/13/09	11/02/09	12,446.31	9,683 65		2,762.66
125000260	67	ISHARES MSCI BRAZIL INDEX FUND	03/27/09	07/28/09	3,787.41	2,661.64		1,125.77
125000270	87	ISHARES MSCI BRAZIL INDEX FUND	03/27/09	10/28/09	6,028.11	3,456 16		2,571 95
125000280	32	ISHARES MSCI BRAZIL INDEX FUND	03/27/09	12/07/09	2,492.41	1,271.23		1,221 18
125000290	7	ISHARES MSCI BRAZIL INDEX FUND	03/27/09	12/23/09	511 82	278.08		233.74
125000300	90	ISHARES TRFTSE XINHUA HK CHINA 25 INDEX	03/27/09	07/28/09	3,821.30	2,691 00		1,130.30

L. JOHN WILKERSON, TRUSTEE
Account Number 146-00094-16 524

Details of Short Term Gain (Loss) 2009 - *continued*

Reference number	Quantity	Security Description	Opening Trade Date	Closing Trade Date	Sale Proceeds	Cost	(Loss)	Gain
125000310	116	ISHARES TRFTSE XINHUA HK CHINA 25 INDEX	03/27/09	10/28/09	$ 4,933.35	$ 3,468.40		$ 1,464.95
125000320	23	ISHARES TRFTSE XINHUA HK CHINA 25 INDEX	03/27/09	12/07/09	1,034.74	687.70		347.04
125000330	10	ISHARES TRFTSE XINHUA HK CHINA 25 INDEX	03/27/09	12/23/09	418 58	299 00		119 58
125000390	8	ISHARES COHEN & STEERS REALTY MAJORS	12/03/09	12/23/09	435 58	412 47		23 11
125000400	46	ISHARES TRUST S&P MIDCAP 400 GROWTH INDEX FUND	07/31/08	07/28/09	3,065.82	3,989 40	(923.58)	
125000430	90	ISHARES RUSSELL 2000 INDEX FD	12/22/08	07/28/09	4,930 97	4,253.37		677.60
125000440	38	ISHARES RUSSELL 2000 INDEX FD	12/22/08	12/07/09	2,305 02	1,795.87		509 15
125000500	327	ISHARES TRUST US FIN SVC	08/13/08	01/15/09	11,682.11	23,759.13	(12,077.02)	
	159		09/10/08		5,680.29	11,869.76	(6,189.47)	
125000510	95	ISHARES TRUST US ENERGY SEC	01/06/09	07/28/09	2,834 72	2,950 69	(115.97)	
125000520	61	ISHARES TRUST US ENERGY SEC	01/06/09	12/07/09	2,012.33	1,894 65		117.68
125000530	13	ISHARES TRUST US ENERGY SEC	01/06/09	12/23/09	436.00	403 78		32 22
125000540	65	ISHARES TR S&P SM CAP 600 INDX FUND	07/31/08	07/28/09	3,119 91	4,026.71	(906.80)	
125000590	600	NVIDIA CORP CGMI AND/OR ITS AFFILIATES	09/30/09	10/28/09	7,349.81	9,102 00	(1,752.19)	
125000680	200	PROSHARES ULTRASHORT S&P500	06/19/09	07/23/09	9,691.77	11,024.00	(1,332.23)	
125000690	32	PROSHARES ULTRASHORT S&P500	06/19/09	07/28/09	1,556 75	1,763 84	(207.09)	
125000700	168	PROSHARES ULTRASHORT S&P500	06/19/09	07/30/09	7,795 30	9,260 16	(1,464 86)	
125000750	307	SILVER WHEATON CORP-CAD	02/04/09	07/28/09	2,726.69	2,041.24		685.45
125000760	136	SILVER WHEATON CORP-CAD	02/04/09	12/07/09	2,138 06	904.26		1,233.80
125000770	44	SILVER WHEATON CORP-CAD	02/04/09	12/23/09	676.70	292 56		384 14
125000780	168	STEEL DYNAMICS INC CGMI AND/OR ITS AFFILIATES	05/21/09	07/28/09	2,815.94	2,143.95		671 99
125000790	79	STEEL DYNAMICS INC CGMI AND/OR ITS AFFILIATES	05/21/09	12/07/09	1,396.68	1,008 17		388 51
125000800	24	STEEL DYNAMICS INC CGMI AND/OR ITS AFFILIATES	05/21/09	12/23/09	430.32	306.28		124.04
125000870	66	TRAVELERS COMPANIES INC	12/11/08	07/28/09	2,867 62	2,636.89		230.73
125000880	42	TRAVELERS COMPANIES INC	12/11/08	12/07/09	2,139 42	1,678 02		461.40

L. JOHN WILKERSON, TRUSTEE
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Details of Short Term Gain (Loss) 2009 - *continued*

Reference number	Quantity	Security Description	Opening Trade Date	Closing Trade Date	Sale Proceeds	Cost	(Loss)	Gain
125000920	277	YAMANA GOLD INC-CAD	03/20/09	07/28/09	$ 2,468.55	$ 2,597.32	($ 128.77)	
125000930	176	YAMANA GOLD INC-CAD	03/20/09	12/07/09	2,191.58	1,650.28		541.30
125000940	38	YAMANA GOLD INC-CAD	03/20/09	12/23/09	449.90	356.31		93.59
Total					**$ 166,997.83**	**$ 186,506.88**	**($ 37,232.61)**	**$ 17,723.56**

Details of Long Term Gain (Loss) 2009

This section shows your sales of securities during the year. The "Sale Proceeds" column excludes any accrued income you may have received. In addition, although cash in lieu less than $20 is not included on Form 1099-B (if applicable), it is included in this section. Please note, this material is being prepared for informational purposes only and should not be used for tax preparation without the assistance of your tax advisor.

Reference number	Quantity	Security Description	Opening Trade Date	Closing Trade Date	Sale Proceeds	Cost	(Loss)	Gain
125000030	80	CAMECO CORP	10/06/05	07/28/09	$ 2,145 54	$ 2,044 10		$ 101.44
125000040	51	CAMECO CORP	10/06/05	12/07/09	1,580.95	1,303.12		277.83
125000050	11	CAMECO CORP	10/06/05	12/23/09	354.96	281.06		73.90
125000060	26	CHEVRON CORP	09/04/02	07/28/09	1,760 67	954.03		806.64
125000070	16	CHEVRON CORP	09/04/02	12/07/09	1,253 08	587.10		665 98
125000080	4	CHEVRON CORP	09/04/02	12/23/09	309.43	146.77		162 66
125000090	57	CISCO SYS INC CGMI AND/OR ITS AFFILIATES	03/07/05	07/28/09	1,220.90	1,040 24		180 66
125000100	9	CISCO SYS INC CGMI AND/OR ITS AFFILIATES	03/07/05	12/23/09	213 74	164 25		49.49
125000120	191	E I DU PONT DE NEMOURS & CO	02/15/01	06/18/09	4,718.45	8,375.35	(3,656.90)	
125000130	296	DYNEGY INC DEL CLASS A	03/07/07	07/28/09	598.49	2,452.66	(1,854.17)	
125000140	188	DYNEGY INC DEL CLASS A	03/07/07	12/07/09	382.18	1,557.77	(1,175.59)	
125000150	41	DYNEGY INC DEL CLASS A	03/07/07	12/23/09	76 25	339.73	(263 48)	
125000160	142	EMC CORP-MASS	08/01/07	07/28/09	2,150 10	2,646 88	(496.78)	
125000170	90	EMC CORP-MASS	08/01/07	12/07/09	1,525.46	1,677.60	(152.14)	
125000180	19	EMC CORP-MASS	08/01/07	12/23/09	334.03	354.16	(20 13)	
125000230	52	ISHARES COMEX GOLD TRUST	02/02/07	07/28/09	4,796.35	3,311.69		1,484.66

L. JOHN WILKERSON, TRUSTEE
Account Number 146-00094-16 524

Details of Long Term Gain (Loss) 2009 - *continued*

Reference number	Quantity	Security Description	Opening Trade Date	Closing Trade Date	Sale Proceeds	Cost	(Loss)	Gain
125000240	33	ISHARES COMEX GOLD TRUST	02/02/07	12/07/09	$ 3,695 24	$ 2,101.65		$ 1,593 59
125000250	7	ISHARES COMEX GOLD TRUST	02/02/07	12/23/09	749.40	445 81		303 59
125000340	22	S&P NORTH AMERICAN TECH	11/08/07	07/28/09	894.28	1,107.96	(213.68)	
	49	SOFTWARE INDEX FD	11/08/07		1,991 79	2,467 72	(475.93)	
125000350	45	S&P NORTH AMERICAN TECH SOFTWARE INDEX FD	11/08/07	12/07/09	2,026.74	2,266.28	(239 54)	
125000360	10	S&P NORTH AMERICAN TECH SOFTWARE INDEX FD	11/08/07	12/23/09	469.88	503.62	(33 74)	
125000370	63	ISHARES NASDAQ BIOTECHNOLOGY INDEX FD	07/18/08	07/28/09	4,963 64	5,229.70	(266 06)	
125000380	332	ISHARES NASDAQ BIOTECHNOLOGY INDEX FD	07/18/08	10/23/09	25,477.42	27,559 72	(2,082 30)	
125000410	30	ISHARES TRUST S&P MIDCAP 400 GROWTH INDEX FUND	07/31/08	12/07/09	2,263.14	2,601.78	(338 64)	
125000420	6	ISHARES TRUST S&P MIDCAP 400 GROWTH INDEX FUND	07/31/08	12/23/09	473 27	520 36	(47 09)	
125000450	13	ISHARES RUSSELL 2000 INDEX FD	12/22/08	12/23/09	819 88	614.38		205 50
125000460	51	ISHARES TRUST-DJ US UTILITIES	02/02/07	07/28/09	3,543.89	4,615 30	(1,071 41)	
125000470	130	ISHARES TRUST-DJ US UTILITIES	02/02/07	09/30/09	9,150.46	11,764 48	(2,614.02)	
125000480	16	ISHARES TRUST-DJ US UTILITIES	02/02/07	12/07/09	1,182.52	1,447 94	(265 42)	
125000490	4	ISHARES TRUST-DJ US UTILITIES	02/02/07	12/23/09	301.51	361 98	(60 47)	
125000550	41	ISHARES TR S&P SM CAP 600 INDX FUND	07/31/08	12/07/09	2,164 74	2,539 93	(375 19)	
125000560	9	ISHARES TR S&P SM CAP 600 INDX FUND	07/31/08	12/23/09	501.01	557.54	(56.53)	
125000570	344	ISHARES DOW JONES U.S.	02/02/07	03/02/09	10,548 15	19,408.34	(8,860.19)	
	268	AEROSPACE&DEFENSE INDEX FD	01/31/08		8,217.74	16,310.48	(8,092.74)	
125000580	50	KROGER CO	01/03/03	02/10/09	1,060.15	798.50		261 65
	407		02/02/07		8,629 61	10,515 94	(1,886.33)	
125000600	103	OMEGA HEALTHCARE INVESTORS INC	05/19/05	07/28/09	1,707.12	1,110.44		596 68
125000610	65	OMEGA HEALTHCARE INVESTORS INC	05/19/05	12/07/09	1,218 71	690 52		528 19
125000620	14	OMEGA HEALTHCARE INVESTORS INC	05/19/05	12/23/09	278 31	148 74		129 57
125000630	200	POWERSHARES EXCHANGE-TRADED FD WATER RES PORT	02/23/06	07/28/09	3,092 42	3,446.00	(353 58)	

L. JOHN WILKERSON, TRUSTEE
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Details of Long Term Gain (Loss) 2009 - *continued*

Reference number	Quantity	Security Description	Opening Trade Date	Closing Trade Date	Sale Proceeds	Cost	(Loss)	Gain
125000640	127	POWERSHARES EXCHANGE-TRADED FD WATER RES PORT	02/23/06	12/07/09	$ 2,084.52	$ 2,188 21	($ 103.69)	
125000650	27	POWERSHARES EXCHANGE-TRADED FD WATER RES PORT	02/23/06	12/23/09	460 87	465.21	(4.34)	
125000660	29	PROCTER & GAMBLE CO	08/21/01	07/28/09	1,611 77	906 25		705 52
125000670	5	PROCTER & GAMBLE CO	08/21/01	12/23/09	306.19	156.25		149.94
125000710	95	QUALCOMM INC CGMI AND/OR ITS AFFILIATES	02/07/08	07/28/09	4,401.23	3,926.92		474.31
125000720	60	QUALCOMM INC CGMI AND/OR ITS AFFILIATES	02/07/08	12/07/09	2,719.19	2,480.16		239.03
125000730	13	QUALCOMM INC CGMI AND/OR ITS AFFILIATES	02/07/08	12/23/09	596.55	537.37		59.18
125000740	412	SCHWAB CHARLES CORP	11/19/03	03/02/09	5,014 75	4,588.77		425 98
125000810	15	SUNCOR ENERGY INC NEW	06/16/06	12/07/09	530.38	547 73	(17 35)	
125000820	5	SUNCOR ENERGY INC NEW	06/16/06	12/23/09	177.94	182.58	(4 64)	
125000830	36	SUNCOR ENERGY INC	06/16/06	07/28/09	1,142.97	1,314.54	(171 57)	
125000840	158	TELMEX INTL S.A.B. DE CV ADR SER L	06/13/08	07/28/09	2,006.54	2,812.40	(805.86)	
125000850	101	TELMEX INTL S.A B. DE CV ADR SER L	06/13/08	12/07/09	1,724 27	1,797.80	(73.53)	
125000860	22	TELMEX INTL S A.B DE CV ADR SER L	06/13/08	12/23/09	400.60	391.60		9 00
125000890	9	TRAVELERS COMPANIES INC	12/11/08	12/23/09	443.14	359.58		83.56
125000900	35	WILLIAMS COS INC	08/19/03	07/28/09	570.13	416 50		153.63
125000910	5	WILLIAMS COS INC	08/19/03	12/23/09	105.59	59 50		46 09
Total					**$ 143,138.23**	**$ 169,502.99**	**($ 36,133 03)**	**$ 9,768 27**

MorganStanley SmithBarney

Corrected Copy as of 03/11/10
Ref: 00000035 00002398

Reserved Client Statement 2009 Year End Summary

L. JOHN WILKERSON, TRUSTEE
Account Number 146-00094-16 524

Details of Deposits and Withdrawals 2009

This section reflects any deposits or withdrawals made to your account during the year.

Deposits

Reference number	Date	Description	Amount
210000100	08/31/09	INVESTMENT AND MGMT SERVICES FROM 08/05/09 TO 09/30/09	$ 292 81
210000200	12/31/09	INVESTMENT AND MGMT SERVICES FROM 12/10/09 TO 12/31/09	$ 107.83
Total			**$ 400 64**

Withdrawals

Reference number	Date	Description	Referral number	Amount
220000100	01/16/09	INVESTMENT AND MGMT SERVICES FROM 01/01/09 TO 03/31/09		$ 2,788.86
220000200	04/17/09	INVESTMENT AND MGMT SERVICES FROM 04/01/09 TO 06/30/09		$ 2,514.14
220000300	07/17/09	INVESTMENT AND MGMT SERVICES FROM 07/01/09 TO 09/30/09		2,880.20
220000400	08/05/09	FROM 146-00094-01 TO 146-03335-01		75,000 00
220000500	08/27/09	TELMEX INTL S.A.B. DE CV ADR SER L ADR FEE OF .01000 PER SHR RECORD 08/19/09 PAY 08/27/09		8.28
220000600	10/16/09	INVESTMENT AND MGMT SERVICES FROM 10/01/09 TO 12/31/09		2,741.16
220000700	11/13/09	TELMEX INTL S A B DE CV ADR SER L ADR FEE OF .01000 PER SHR RECORD 11/04/09 PAY 11/13/09		8 28
220000800	12/10/09	FROM 146-00094-01 TO 146-03335-01		71,560 00
Total				**$ 157,500 92**

As you requested, copies of this document have also been sent to: CONNOLLY SWITAJ & CO LISA LESAVOY MR CHRISTOPER WILKERSON

2009 YEAR END SUMMARY

L. JOHN WILKERSON, TRUSTEE
Account Number 146-76219-16 524

Details of Earnings 2009 - *continued*

Dividends and Distributions, Section 1

Reference number	Description	Total dividends	Qualified dividends	Short term capital gains	Total capital gain distributions	Unrecaptured Sec 1250 gain	Section 1202 gain	Alternative minimum tax
160002600	TECHNE CORP	$ 50 00	$ 50 00					
160002700	TEMPLE INLAND INC	144 40	144.40					
160002800	UGI CORP NEW	66 41	66 41					
160002900	VALSPAR CORP	99 60	99 60					
160003000	WGL HOLDINGS INC	102 53	102.53					
160003100	WABTEC	2 62	2.62					
160003200	WAL-MART STORES INC	151 82	151 82					
Totals		**$ 2,600.42**	**$ 2,585 58**					

Details of Short Term Gain (Loss) 2009

This section shows your sales of securities during the year. The "Sale Proceeds" column excludes any accrued income you may have received In addition, although cash in lieu less than $20 is not included on Form 1099-B (if applicable), it is included in this section. Please note, this material is being prepared for informational purposes only and should not be used for tax preparation without the assistance of your tax advisor.

Reference number	Quantity	Security Description	Opening Trade Date	Closing Trade Date	Sale Proceeds	Cost	(Loss)	Gain
125000010	700	AES CORP	09/08/09	12/03/09	$ 9,126 22	$ 9,644 95	($ 518 73)	
125000020	1,539	AIRTRAN HOLDINGS INC	05/27/09	10/12/09	7,889 94	8,518 52	(628 58)	
125000030	511	H & R BLOCK INC	09/08/08	04/27/09	7,900.31	12,581 18	(4,680 87)	
125000040	218	BRINKS HOME SECURITY HLDG INC	05/19/09	12/28/09	7,026.36	6,427 75		598 61
125000060	435	COCA COLA ENTERPRISES INC	07/27/09	12/03/09	8,676.93	7,874 20		802.73
125000070	226	DIGITAL RIVER INC CGMI AND/OR ITS AFFILIATES	05/27/09	08/24/09	7,931 76	8,709 29	(777.53)	
125000100	118	EXXON MOBIL CORP	01/05/09	04/27/09	7,824.94	9,637 93	(1,812 99)	
125000110	458	FIDELITY NATIONAL FINANCIAL INC CLASS A	02/09/09	06/08/09	5,982 28	9,240 47	(3,258 19)	
125000120	205	GENERAL MILLS INC	09/24/08	04/20/09	10,191 78	13,869.32	(3,677.54)	
125000130	223	GRANITE CONSTRUCTION INC	02/17/09	06/15/09	7,376.65	7,135 02		241.63
125000140	211	HANSEN NATURAL CORP CGMI AND/OR ITS AFFILIATES	04/27/09	07/06/09	6,204.44	8,473 17	(2,268 73)	
125000150	386	HAWAIIAN ELECTRIC INDS INC	11/10/08	03/02/09	5,257 37	10,261.54	(5,004.17)	
125000160	545	HUDSON CITY BANCORP INC	10/21/08	02/09/09	6,998.69	9,562.41	(2,563 72)	

Reserved Client Statement 2009 Year End Summary

L. JOHN WILKERSON, TRUSTEE

Account Number 146-76219-16 524

Details of Short Term Gain (Loss) 2009 - *continued*

Reference number	Quantity	Security Description	Opening Trade Date	Closing Trade Date	Sale Proceeds	Cost	(Loss)	Gain
125000170	361	JEFFERIES GROUP INC NEW	08/24/09	12/28/09	$ 8,412 81	$ 8,142 93		$ 269 88
125000180	182	LANCASTER COLONY CORP CGMI AND/OR ITS AFFILIATES	05/04/09	11/18/09	9,005 12	8,706 19		298 93
125000190	389	MARSH & MCLENNAN COS INC	10/21/08	02/02/09	7,631 24	10,632 96	(3,001 72)	
125000200	240	MCAFEE INC	04/20/09	09/28/09	10,433.11	8,631 26		1,801 85
125000210	187	NEWMONT MINING CORP	03/02/09	07/27/09	7,762 69	7,304 59		458 10
125000220	254	NICOR INC	10/13/08	02/17/09	8,142.30	10,067 59	(1,925 29)	
125000230	688	99 CENTS ONLY STORES	12/01/08	10/26/09	8,268 92	7,185.20		1,083 72
125000240	214	NSTAR	03/02/09	05/19/09	6,291.77	6,631 30	(339.53)	
125000250	831	PALM INC CGMI AND/OR ITS AFFILIATES	05/22/09	11/23/09	9,678 99	8,489 75		1,189 24
125000260	266	PEPSI BOTTLING GROUP INC	06/08/09	08/10/09	9,506 40	8,781.59		724 81
125000280	256	PLUM CREEK TIMBER CO INC	10/07/08	01/05/09	8,543 08	11,342 82	(2,799 74)	
125000300	496	SAIC INC	12/09/08	05/22/09	8,459 80	9,121 14	(661 34)	
125000310	249	SCOTTS MIRACLE GRO CO	06/08/09	12/07/09	10,010.66	8,845.85		1,164.81
125000320	262	SOUTHERN CO	11/24/08	04/20/09	7,844 07	9,229 58	(1,385 51)	
125000330	187	SOUTHWESTERN ENERGY CO DEL	05/04/09	09/08/09	7,303.69	7,476 41	(172.72)	
125000340	164	STERICYCLE INC	11/24/08	05/13/09	7,948.08	9,113.45	(1,165 37)	
125000360	200	TECHNE CORP	08/20/08	03/09/09	9,167.40	16,039 22	(6,871 82)	
125000370	2,136	3 COM CORP CGMI AND/OR ITS AFFILIATES	05/13/09	11/12/09	15,981.99	8,494 44		7,487.55
125000380	345	UGI CORP NEW	02/17/09	05/13/09	7,786.85	8,733 23	(946.38)	
125000390	183	URS CORPORATION	06/15/09	09/08/09	8,001 28	8,829 79	(828 51)	
125000400	332	VALSPAR CORP	05/13/09	11/18/09	9,286 36	7,482 12		1,804 24
125000410	303	VERTEX PHARMACEUTICALS INC CGMI AND/OR ITS AFFILIATES	04/20/09	10/12/09	10,325 03	8,364 10		1,960 93
125000420	279	WGL HOLDINGS INC	02/02/09	05/27/09	8,150 75	9,188.42	(1,037 67)	
125000430	262	WABTEC	10/07/08	02/17/09	7,636 02	11,548 83	(3,912 81)	
125000440	194	WAL-MART STORES INC	10/21/08	05/27/09	9,792 24	10,576.78	(784.54)	
Total					**$ 319,758.32**	**$ 350,895.29**	**($ 51,024.00)**	**$ 19,887.03**

L. JOHN WILKERSON, TRUSTEE
Account Number 146-76219-16 524

Details of Long Term Gain (Loss) 2009

This section shows your sales of securities during the year. The "Sale Proceeds" column excludes any accrued income you may have received. In addition, although cash in lieu less than $20 is not included on Form 1099-B (if applicable), it is included in this section. Please note, this material is being prepared for informational purposes only and should not be used for tax preparation without the assistance of your tax advisor.

Reference number	Quantity	Security Description	Opening Trade Date	Closing Trade Date	Sale Proceeds	Cost	(Loss)	Gain
125000050	302	CHURCH & DWIGHT CO INC	02/19/08	06/08/09	$ 15,063.28	$ 16,374.08	($ 1,310.80)	
125000080	265	EDWARDS LIFESCIENCES CORP	08/18/08	08/31/09	16,309.14	15,881 77		427 37
125000090	252	EXPRESS SCRIPTS INC COMMON	01/30/08	04/06/09	12,446.87	16,842 02	(4,395 15)	
125000270	444	PERRIGO COMPANY	02/11/08	03/02/09	8,380.89	16,001 32	(7,620 43)	
125000290	390	ROSS STORES INC DE CGMI AND/OR ITS AFFILIATES	09/22/08	11/30/09	17,067 09	14,455 08		2,612.01
125000350	69	STRAYER EDUCATION INC	01/30/08	05/04/09	12,945.41	11,491.35		1,454.06
Total					**$ 82,212 68**	**$ 91,045 62**	**($ 13,326 38)**	**$ 4,493 44**

Details of Deposits and Withdrawals 2009

This section reflects any deposits or withdrawals made to your account during the year.

Withdrawals

Reference number	Date	Description	Referral number	Amount
220000100	01/16/09	CONSULTING & ADVISORY SERVICES FROM 01/01/09 TO 03/31/09		$ 1,041 78
220000300	04/17/09	CONSULTING & ADVISORY SERVICES FROM 04/01/09 TO 06/30/09		927.22
220000500	07/17/09	CONSULTING & ADVISORY SERVICES FROM 07/01/09 TO 09/30/09		986.78
220000700	10/16/09	CONSULTING & ADVISORY SERVICES FROM 10/01/09 TO 12/31/09		1,112 37
Total				**$ 5,811.65**

Reference number	Date	Description	Referral number	Amount
220000200	01/23/09	DWI 1ST QTR FEE FROM 01/01/2009 TO 03/31/2009		$ 446.48
220000400	04/24/09	DWI 2ND QTR FEE FROM 04/01/2009 TO 06/30/2009		397.38
220000600	07/22/09	DWI 3RD QTR FEE FROM 07/01/2009 TO 09/30/2009		422 91
220000800	10/23/09	DWI 4TH QTR FEE FROM 10/01/2009 TO 12/31/2009		476 73

2009 YEAR END SUMMARY

Form **8868**
(Rev April 2009)

Department of the Treasury
Internal Revenue Service

Application for Extension of Time To File an Exempt Organization Return

► **File a separate application for each return.**

OMB No 1545-1709

- If you are filing for an **Automatic 3-Month Extension, complete only Part I** and check this box ► [X]
- If you are filing for an **Additional (Not Automatic) 3-Month Extension, complete only Part II** (on page 2 of this form).

Do not complete Part II unless you have already been granted an automatic 3-month extension on a previously filed Form 8868

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

A corporation required to file Form 990-T and requesting an automatic 6-month extension – check this box and complete Part I only ► [ ]

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

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

Type or print File by the due date for filing your return See instructions	Name of Exempt Organization ACTUS FOUNDATION C/ WHITNEY WILKERSON	**Employer identification number** 22-3500124
	Number, street, and room or suite number If a P O box, see instructions 3937 BRISTOL ROAD	
	City, town or post office, state, and ZIP code For a foreign address, see instructions DURHAM, NC 27707	

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

[ ] Form 990	[ ] Form 990-T (corporation)	[ ] Form 4720
[ ] Form 990-BL	[ ] Form 990-T (section 401(a) or 408(a) trust)	[ ] Form 5227
[ ] Form 990-EZ	[ ] Form 990-T (trust other than above)	[ ] Form 6069
[X] Form 990-PF	[ ] Form 1041-A	[ ] Form 8870

- The books are in the care of ► WHITNEY WILKERSON

Telephone No. ► _____ 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 8/15, 20 10, to file the exempt organization return for the organization named above. The extension is for the organization's return for:

► [X] calendar year 20 09 or

► [ ] tax year beginning _____, 20 ___, and ending _____, 20 ___

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**	$ 800.
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**	$ 800.
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.

BAA For Privacy Act and Paperwork Reduction Act Notice, see instructions.

- 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
ACTUS FOUNDATION
C/ WHITNEY WILKERSON

Number, street, and room or suite number If a P O box, see instructions
CONNOLLY, SWITAJ & CO. LLP
100 VILLAGE COURT SUITE 301

City, town or post office, state, and ZIP code For a foreign address, see instructions
HAZLET, NJ 07730

Employer identification number
22-3500124

For IRS use only

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

[ ] Form 990	[X] Form 990-PF	[ ] Form 1041-A	[ ] Form 6069
[ ] Form 990-BL	[ ] Form 990-T (section 401(a) or 408(a) trust)	[ ] Form 4720	[ ] Form 8870
[ ] Form 990-EZ	[ ] Form 990-T (trust other than above)	[ ] Form 5227	

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

- The books are in care of ► WHITNEY WILKERSON
  Telephone No ► _____ 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 11/15 , 20 10.

5 For calendar year 2009 , or other tax year beginning _____ , 20 __ , and ending _____ , 20 __ .

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 THE FOUNDATION HAS INVESTMENTS IN LIMITED PARTNERSHIPS WITH RESPECT TO WHICH IT HAS NOT YET RECEIVED 2009 FORMS K-1.

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**	$ 800.
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**	$ 800.
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 instrs	**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 ► Title ► Date ►