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## Return of Private Foundation

OMB No 1545-0052

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

2009

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

Name of foundation

THE MARC DAVID FOUNDATION

C/O MR. MARC BERMAN

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

P.O. Box 645

Room/suite

City or town, state, and ZIP code

SPRING HOUSE, PA 19477

A Employer identification number

25-6627678

B Telephone number

(877) 829-5500

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.

☒ 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

J Accounting method:

☒ Cash☐ Accrual

(from Part II, col (c), line 16)

☐ Other (specify)

\$ 701,912. (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))(a) Revenue and  
expenses per books(b) Net investment  
income(c) Adjusted net  
income(d) Disbursements  
for charitable purposes  
(cash basis only)

1 Contributions, gifts, grants, etc., received

2 Check ☒ if the foundation is not required to attach Sch B3 Interest on savings and temporary  
cash investments

4 Dividends and interest from securities

5a Gross rents

b Net rental income or (loss)

6a Net gain or (loss) from sale of assets not on line 10

b Gross sales price for all  
assets on line 6a 472,617.

7 Capital gain net income (from Part IV, line 2)

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

Operating and Administrative Expenses

13 Compensation of officers, directors, trustees, etc

14 Other employee salaries and wages

15 Pension plans, employee benefits

16a Legal fees

b Accounting fees Stmt 3

c Other professional fees

17 Interest

18 Taxes Stmt 4

19 Depreciation and depletion

20 Occupancy

21 Travel, conferences, and meetings

22 Printing and publications

23 Other expenses Stmt 5

24 Total operating and administrative

expenses. Add lines 13 through 23

25 Contributions, gifts, grants paid

26 Total expenses and disbursements

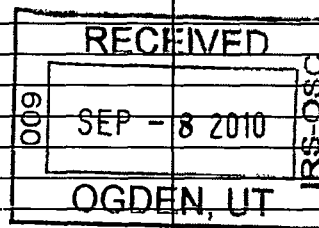
Add lines 24 and 25

27 Subtract line 26 from line 12:

a Excess of revenue over expenses and disbursements

b Net investment income (if negative, enter -0-)

c Adjusted net income (if negative, enter -0-)



## THE MARC DAVID FOUNDATION

C/O MR. MARC BERMAN

25-6627678

Page 2

| <b>Part II Balance Sheets</b> 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 |
| <b>Assets</b>                                                                                                                 | 1 Cash - non-interest-bearing                                                                                                            |                   |                |                       |
|                                                                                                                               | 2 Savings and temporary cash investments                                                                                                 | 82,235.           | 16,013.        | 16,013.               |
|                                                                                                                               | 3 Accounts receivable ▶<br>Less: allowance for doubtful accounts ▶                                                                       |                   |                |                       |
|                                                                                                                               | 4 Pledges receivable ▶<br>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 ▶<br>Less: allowance for doubtful accounts ▶                                                          |                   |                |                       |
|                                                                                                                               | 8 Inventories for sale or use                                                                                                            |                   |                |                       |
|                                                                                                                               | 9 Prepaid expenses and deferred charges                                                                                                  |                   |                |                       |
|                                                                                                                               | 10a Investments - U.S. and state government obligations                                                                                  |                   |                |                       |
|                                                                                                                               | b Investments - corporate stock Stmt 6                                                                                                   | 571,919.          | 597,699.       | 685,899.              |
|                                                                                                                               | c Investments - corporate bonds                                                                                                          |                   |                |                       |
|                                                                                                                               | 11 Investments - land, buildings, and equipment basis ▶<br>Less: accumulated depreciation ▶                                              |                   |                |                       |
|                                                                                                                               | 12 Investments - mortgage loans                                                                                                          |                   |                |                       |
|                                                                                                                               | 13 Investments - other                                                                                                                   |                   |                |                       |
| 14 Land, buildings, and equipment, basis ▶<br>Less: accumulated depreciation ▶                                                |                                                                                                                                          |                   |                |                       |
| 15 Other assets (describe ▶ )                                                                                                 |                                                                                                                                          |                   |                |                       |
| 16 Total assets (to be completed by all filers)                                                                               | 654,154.                                                                                                                                 | 613,712.          | 701,912.       |                       |
| <b>Liabilities</b>                                                                                                            | 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.                |                |                       |
| <b>Net Assets or Fund Balances</b>                                                                                            | Foundations that follow SFAS 117, check here ▶ <input checked="" type="checkbox"/> and complete lines 24 through 26 and lines 30 and 31. |                   |                |                       |
|                                                                                                                               | 24 Unrestricted                                                                                                                          | 654,154.          | 613,712.       |                       |
|                                                                                                                               | 25 Temporarily restricted                                                                                                                |                   |                |                       |
|                                                                                                                               | 26 Permanently restricted                                                                                                                |                   |                |                       |
|                                                                                                                               | Foundations that do not follow SFAS 117, check here ▶ <input type="checkbox"/> and complete lines 27 through 31.                         |                   |                |                       |
|                                                                                                                               | 27 Capital stock, trust principal, or current funds                                                                                      |                   |                |                       |
|                                                                                                                               | 28 Paid-in or capital surplus, or land, bldg, and equipment fund                                                                         |                   |                |                       |
|                                                                                                                               | 29 Retained earnings, accumulated income, endowment, or other funds                                                                      |                   |                |                       |
| 30 Total net assets or fund balances                                                                                          | 654,154.                                                                                                                                 | 613,712.          |                |                       |
| 31 Total liabilities and net assets/fund balances                                                                             | 654,154.                                                                                                                                 | 613,712.          |                |                       |

**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<br>(must agree with end-of-year figure reported on prior year's return) | 1 | 654,154.  |
| 2 Enter amount from Part I, line 27a                                                                                                                            | 2 | <40,442.> |
| 3 Other increases not included in line 2 (itemize) ▶                                                                                                            | 3 | 0.        |
| 4 Add lines 1, 2, and 3                                                                                                                                         | 4 | 613,712.  |
| 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 | 613,712.  |

**THE MARC DAVID FOUNDATION**

Form 990-PF (2009)

**C/O MR. MARC BERMAN**

25-6627678

Page 3

**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<br>P - Purchase<br>D - Donation | (c) Date acquired<br>(mo., day, yr.) | (d) Date sold<br>(mo., day, yr.) |
|-----------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------------|--------------------------------------|----------------------------------|
| 1a MERRILL LYNCH ACCT#04165-SHORT TERM GAIN                                                                                       | P                                                |                                      |                                  |
| b MERRILL LYNCH ACCT#04165-SHORT TERM LOSS                                                                                        | P                                                |                                      |                                  |
| c MERRILL LYNCH ACCT#04165-LONG TERM GAIN                                                                                         | P                                                |                                      |                                  |
| d MERRILL LYNCH ACCT#04165-LONG TERM LOSS                                                                                         | P                                                |                                      |                                  |
| e Capital Gains Dividends                                                                                                         |                                                  |                                      |                                  |

| (e) Gross sales price                                                                       | (f) Depreciation allowed<br>(or allowable) | (g) Cost or other basis<br>plus expense of sale | (h) Gain or (loss)<br>(e) plus (f) minus (g)                                                    |
|---------------------------------------------------------------------------------------------|--------------------------------------------|-------------------------------------------------|-------------------------------------------------------------------------------------------------|
| a 64,574.                                                                                   |                                            | 46,010.                                         | 18,564.                                                                                         |
| b 8,599.                                                                                    |                                            | 15,056.                                         | <6,457.>                                                                                        |
| c 271,705.                                                                                  |                                            | 186,392.                                        | 85,313.                                                                                         |
| d 127,720.                                                                                  |                                            | 175,983.                                        | <48,263.>                                                                                       |
| e 19.                                                                                       |                                            |                                                 | 19.                                                                                             |
| Complete only for assets showing gain in column (h) and owned by the foundation on 12/31/69 |                                            |                                                 |                                                                                                 |
| (i) F.M.V. as of 12/31/69                                                                   | (j) Adjusted basis<br>as of 12/31/69       | (k) Excess of col. (i)<br>over col. (j), if any | (l) Gains (Col. (h) gain minus<br>col. (k), but not less than -0-) or<br>Losses (from col. (h)) |
| a                                                                                           |                                            |                                                 | 18,564.                                                                                         |
| b                                                                                           |                                            |                                                 | <6,457.>                                                                                        |
| c                                                                                           |                                            |                                                 | 85,313.                                                                                         |
| d                                                                                           |                                            |                                                 | <48,263.>                                                                                       |
| e                                                                                           |                                            |                                                 | 19.                                                                                             |

|                                                                                                                                                                                 |   |         |
|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---|---------|
| 2 Capital gain net income or (net capital loss)                                                                                                                                 | 2 | 49,176. |
| 3 Net short-term capital gain or (loss) as defined in sections 1222(5) and (6):<br>If gain, also enter in Part I, line 8, column (c).<br>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<br>Calendar year (or tax year beginning in) | (b) Adjusted qualifying distributions | (c) Net value of noncharitable-use assets | (d) Distribution ratio<br>(col. (b) divided by col. (c)) |
|-------------------------------------------------------------------|---------------------------------------|-------------------------------------------|----------------------------------------------------------|
| 2008                                                              | 161,317.                              | 417,082.                                  | .386775                                                  |
| 2007                                                              | 104,059.                              | 511,853.                                  | .203299                                                  |
| 2006                                                              | 82,301.                               | 449,179.                                  | .183225                                                  |
| 2005                                                              | 56,736.                               | 794,582.                                  | .071404                                                  |
| 2004                                                              | 28,100.                               | 796,368.                                  | .035285                                                  |

|                                                                                                                                                                                                                       |   |          |
|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---|----------|
| 2 Total of line 1, column (d)                                                                                                                                                                                         | 2 | .879988  |
| 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 | .175998  |
| 4 Enter the net value of noncharitable-use assets for 2009 from Part X, line 5                                                                                                                                        | 4 | 319,821. |
| 5 Multiply line 4 by line 3                                                                                                                                                                                           | 5 | 56,288.  |
| 6 Enter 1% of net investment income (1% of Part I, line 27b)                                                                                                                                                          | 6 | 640.     |
| 7 Add lines 5 and 6                                                                                                                                                                                                   | 7 | 56,928.  |
| 8 Enter qualifying distributions from Part XII, line 4<br>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<br>See the Part VI instructions | 8 | 98,600.  |

## THE MARC DAVID FOUNDATION

Form 990-PF (2009)

C/O MR. MARC BERMAN

25-6627678

Page 4

**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.<br>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      | 640. |
| 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      | 640. |
| 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      | 640. |
| 6 Credits/Payments:                                                                                                                                                                                                                    |    |        |      |
| a 2009 estimated tax payments 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 | 1,400. |      |
| d Backup withholding erroneously withheld                                                                                                                                                                                              | 6d |        |      |
| 7 Total credits and payments. Add lines 6a through 6d                                                                                                                                                                                  | 7  | 1,400. |      |
| 8 Enter any penalty for underpayment of estimated tax. Check here <input type="checkbox"/> if Form 2220 is attached                                                                                                                    | 8  | 5.     |      |
| 9 Tax due. If the total of lines 5 and 8 is more than line 7, enter amount owed                                                                                                                                                        | 9  |        |      |
| 10 Overpayment. If line 7 is more than the total of lines 5 and 8, enter the amount overpaid                                                                                                                                           | 10 | 755.   |      |
| 11 Enter the amount of line 10 to be Credited to 2010 estimated tax                                                                                                                                                                    | 11 | 0.     |      |

**Part VII-A Statements Regarding Activities**

|                                                                                                                                                                                                                                                                                                                                          | Yes | No |
|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----|----|
| 1a During the tax year, did the foundation attempt to influence any national, state, or local legislation or did it participate or intervene in any political campaign?                                                                                                                                                                  |     | X  |
| b Did it spend more than \$100 during the year (either directly or indirectly) for political purposes (see instructions for definition)?<br>If the answer is "Yes" to 1a or 1b, attach a detailed description of the activities and copies of any materials published or distributed by the foundation in connection with the activities |     | X  |
| c Did the foundation file Form 1120-POL for this year?                                                                                                                                                                                                                                                                                   |     | X  |
| d Enter the amount (if any) of tax on political expenditures (section 4955) imposed during the year:<br>(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?<br>If "Yes," attach a detailed description of the activities                                                                                                                                                                           |     | X  |
| 3 Has the foundation made any changes, not previously reported to the IRS, in its governing instrument, articles of incorporation, or bylaws, or other similar instruments? If "Yes," attach a conformed copy of the changes                                                                                                             |     | X  |
| 4a Did the foundation have unrelated business gross income of \$1,000 or more during the year?                                                                                                                                                                                                                                           |     | X  |
| b If "Yes," has it filed a tax return on Form 990-T for this year?                                                                                                                                                                                                                                                                       |     |    |
| 5 Was there a liquidation, termination, dissolution, or substantial contraction during the year?<br>If "Yes," attach the statement required by General Instruction T                                                                                                                                                                     |     | X  |
| 6 Are the requirements of section 508(e) (relating to sections 4941 through 4945) satisfied either:<br>• By language in the governing instrument, or<br>• By state legislation that effectively amends the governing instrument so that no mandatory directions that conflict with the state law remain in the governing instrument?     | X   |    |
| 7 Did the foundation have at least \$5,000 in assets at any time during the year?<br>If "Yes," complete Part II, col (c), and Part XV                                                                                                                                                                                                    | X   |    |
| 8a Enter the states to which the foundation reports or with which it is registered (see instructions) None                                                                                                                                                                                                                               |     |    |
| b If the answer is "Yes" to line 7, has the foundation furnished a copy of Form 990-PF to the Attorney General (or designate) of each state as required by General Instruction G? If "No," attach explanation                                                                                                                            | X   |    |
| 9 Is the foundation claiming status as a private operating foundation within the meaning of section 4942(j)(3) or 4942(j)(5) for calendar year 2009 or the taxable year beginning in 2009 (see instructions for Part XIV)? If "Yes," complete Part XIV                                                                                   |     | X  |
| 10 Did any persons become substantial contributors during the tax year? If "Yes," attach a schedule listing their names and addresses                                                                                                                                                                                                    |     | X  |

N/A

Form 990-PF (2009)

**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?<br>Website address ► N/A                                                    | 13 | X |   |
| 14 | The books are in care of ► MR. MARC BERMAN Telephone no ► (215) 569-5599<br>Located at ► 180 NEW BRITIAN BOULEVARD, CHALFONT, PA ZIP+4 ► 18914                                                  |    |   |   |
| 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<br>► 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):<br>(1) Engage in the sale or exchange, or leasing of property with a disqualified person? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No<br>(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<br>(3) Furnish goods, services, or facilities to (or accept them from) a disqualified person? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No<br>(4) Pay compensation to, or pay or reimburse the expenses of, a disqualified person? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No<br>(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<br>(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<br>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)?<br>Organizations relying on a current notice regarding disaster assistance check here <input type="checkbox"/> N/A<br>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"/> 1b <input checked="" type="checkbox"/> 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)):<br>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<br>If "Yes," list the years ► _____, _____, _____<br>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"/> N/A<br>c If the provisions of section 4942(a)(2) are being applied to any of the years listed in 2a, list the years here.<br>► _____, _____, _____                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           |     |    |
| 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<br>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"/> N/A<br>4a Did the foundation invest during the year any amount in a manner that would jeopardize its charitable purposes? <input type="checkbox"/> 3b <input checked="" type="checkbox"/> 4a X<br>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? <input type="checkbox"/> 4b <input checked="" type="checkbox"/> X                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             |     |    |

Form 990-PF (2009)

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

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

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

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

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

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

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

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

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? ☐ Yes ☒ No

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

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

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

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

**1** List all officers, directors, trustees, foundation managers and their compensation.

| (a) Name and address  | (b) Title, and average hours per week devoted to position | (c) Compensation (If not paid, enter -0-) | (d) Contributions to employee benefit plans and deferred compensation | (e) Expense account, other allowances |
|-----------------------|-----------------------------------------------------------|-------------------------------------------|-----------------------------------------------------------------------|---------------------------------------|
| MARC H. BERMAN        | MANAGING TRUSTEE                                          |                                           |                                                                       |                                       |
| P.O. BOX 645          |                                                           |                                           |                                                                       |                                       |
| SPRINGHOUSE, PA 19477 | 0.00                                                      | 0.                                        | 0.                                                                    | 0.                                    |
| DAVID I. BERMAN       | MANAGING TRUSTEE                                          |                                           |                                                                       |                                       |
| P.O. BOX 645          |                                                           |                                           |                                                                       |                                       |
| SPRINGHOUSE, PA 19477 | 0.00                                                      | 0.                                        | 0.                                                                    | 0.                                    |
|                       |                                                           |                                           |                                                                       |                                       |
|                       |                                                           |                                           |                                                                       |                                       |
|                       |                                                           |                                           |                                                                       |                                       |
|                       |                                                           |                                           |                                                                       |                                       |

**2** Compensation of five highest-paid employees (other than those included on line 1). If none, enter "NONE."

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

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

**3 Five highest-paid independent contractors for professional services. If none, enter "NONE."**

**Total** number of others receiving over \$50,000 for professional services

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.

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

**Total.** Add lines 1 through 3Form **990-PF** (2009)

**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 | 307,111. |
| b | Average of monthly cash balances                                                                            | 1b | 17,580.  |
| c | Fair market value of all other assets                                                                       | 1c |          |
| d | Total (add lines 1a, b, and c)                                                                              | 1d | 324,691. |
| 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  | 324,691. |
| 4 | Cash deemed held for charitable activities. Enter 1 1/2% of line 3 (for greater amount, see instructions)   | 4  | 4,870.   |
| 5 | Net value of noncharitable-use assets. Subtract line 4 from line 3. Enter here and on Part V, line 4        | 5  | 319,821. |
| 6 | Minimum investment return. Enter 5% of line 5                                                               | 6  | 15,991.  |

**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  | 15,991. |
| 2a | Tax on investment income for 2009 from Part VI, line 5                                             | 2a | 640.    |
| b  | Income tax for 2009. (This does not include the tax from Part VI.)                                 | 2b |         |
| c  | Add lines 2a and 2b                                                                                | 2c | 640.    |
| 3  | Distributable amount before adjustments. Subtract line 2c from line 1                              | 3  | 15,351. |
| 4  | Recoveries of amounts treated as qualifying distributions                                          | 4  | 0.      |
| 5  | Add lines 3 and 4                                                                                  | 5  | 15,351. |
| 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  | 15,351. |

**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 | 98,600. |
| 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  | 98,600. |
| 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  | 640.    |
| 6 | Adjusted qualifying distributions. Subtract line 5 from line 4                                                                    | 6  | 97,960. |

**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.

Form 990-PF (2009)

## THE MARC DAVID FOUNDATION

Form 990-PF (2009)

C/O MR. MARC BERMAN

25-6627678

Page 9

**Part XIII** Undistributed Income (see instructions)

|                                                                                                                                                                            | (a)<br>Corpus | (b)<br>Years prior to 2008 | (c)<br>2008 | (d)<br>2009 |
|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------|----------------------------|-------------|-------------|
| 1 Distributable amount for 2009 from Part XI, line 7                                                                                                                       |               |                            |             | 15,351.     |
| 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                                                                                                                                                                | 17,735.       |                            |             |             |
| c From 2006                                                                                                                                                                | 61,192.       |                            |             |             |
| d From 2007                                                                                                                                                                | 79,948.       |                            |             |             |
| e From 2008                                                                                                                                                                | 140,829.      |                            |             |             |
| f Total of lines 3a through e                                                                                                                                              | 299,704.      |                            |             |             |
| 4 Qualifying distributions for 2009 from Part XII, line 4: ▶ \$ 98,600.                                                                                                    |               |                            |             |             |
| 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                                                                                                                                     |               |                            |             | 15,351.     |
| e Remaining amount distributed out of corpus                                                                                                                               | 83,249.       |                            |             |             |
| 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                                                                                                                          | 382,953.      |                            |             |             |
| 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                                                                                              | 382,953.      |                            |             |             |
| 10 Analysis of line 9                                                                                                                                                      |               |                            |             |             |
| a Excess from 2005                                                                                                                                                         | 17,735.       |                            |             |             |
| b Excess from 2006                                                                                                                                                         | 61,192.       |                            |             |             |
| c Excess from 2007                                                                                                                                                         | 79,948.       |                            |             |             |
| d Excess from 2008                                                                                                                                                         | 140,829.      |                            |             |             |
| e Excess from 2009                                                                                                                                                         | 83,249.       |                            |             |             |

N/A

- b**
- Check box to indicate whether the foundation is a private operating foundation described in section

|  |               |  |            |
|--|---------------|--|------------|
|  | 4942(1)(3) or |  | 4942(1)(5) |
|--|---------------|--|------------|

- b** 85% of line 2a

- d** Amounts included in line 2c not used directly for active conduct of exempt activities

- Subtract line 2d from line 2c

- 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(i)(3)(B)(iii)

- (3) Largest amount of support from an exempt organization**

- (4) Gross investment income

## 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).)

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:

See Statement 7

- 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 XVI-A Analysis of Income-Producing Activities**

Enter gross amounts unless otherwise indicated.

| Enter gross amounts unless otherwise indicated.               |                         | Unrelated business income |                               | Excluded by section 512, 513, or 514 |    | (e)<br>Related or exempt<br>function income |
|---------------------------------------------------------------|-------------------------|---------------------------|-------------------------------|--------------------------------------|----|---------------------------------------------|
|                                                               | (a)<br>Business<br>code | (b)<br>Amount             | (c)<br>Exclu-<br>sion<br>code | (d)<br>Amount                        |    |                                             |
| 1 Program service revenue:                                    |                         |                           |                               |                                      |    |                                             |
| a _____                                                       |                         |                           |                               |                                      |    |                                             |
| b _____                                                       |                         |                           |                               |                                      |    |                                             |
| c _____                                                       |                         |                           |                               |                                      |    |                                             |
| d _____                                                       |                         |                           |                               |                                      |    |                                             |
| e _____                                                       |                         |                           |                               |                                      |    |                                             |
| f _____                                                       |                         |                           |                               |                                      |    |                                             |
| g Fees and contracts from government agencies                 |                         |                           |                               |                                      |    |                                             |
| 2 Membership dues and assessments                             |                         |                           |                               |                                      |    |                                             |
| 3 Interest on savings and temporary cash<br>investments       |                         |                           | 14                            | 130.                                 |    |                                             |
| 4 Dividends and interest from securities                      |                         |                           | 14                            | 14,689.                              |    |                                             |
| 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<br>property       |                         |                           |                               |                                      |    |                                             |
| 7 Other investment income                                     |                         |                           |                               |                                      |    |                                             |
| 8 Gain or (loss) from sales of assets other<br>than inventory |                         |                           | 18                            | 49,176.                              |    |                                             |
| 9 Net income or (loss) from special events                    |                         |                           |                               |                                      |    |                                             |
| 10 Gross profit or (loss) from sales of inventory             |                         |                           |                               |                                      |    |                                             |
| 11 Other revenue:                                             |                         |                           |                               |                                      |    |                                             |
| a _____                                                       |                         |                           |                               |                                      |    |                                             |
| b _____                                                       |                         |                           |                               |                                      |    |                                             |
| c _____                                                       |                         |                           |                               |                                      |    |                                             |
| d _____                                                       |                         |                           |                               |                                      |    |                                             |
| e _____                                                       |                         |                           |                               |                                      |    |                                             |
| 12 Subtotal. Add columns (b), (d), and (e)                    |                         | 0.                        |                               | 63,995.                              |    | 0.                                          |
| 13 Total. Add line 12, columns (b), (d), and (e)              |                         |                           |                               |                                      | 13 | 63,995.                                     |

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

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

[illegible]

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

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

[illegible]

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

**b** If "Yes," complete the following schedule

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

|                                                                                                                                                                                                                                                                                                                                    |                                                                                                                                                          |                       |                                                 |
|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------|-------------------------------------------------|
| Under penalties of perjury, I declare that I have examined this return, including accompanying schedules and statements, and to the best of my knowledge and belief, it is true, correct and complete. Declaration of preparer (other than taxpayer or fiduciary) is based on all information of which preparer has any knowledge. |                                                                                                                                                          |                       |                                                 |
| Sign Here                                                                                                                                                                                                                                                                                                                          | Signature of officer or trustee                                       |                       | Title <u>Trustee</u>                            |
|                                                                                                                                                                                                                                                                                                                                    | Date <u>8.31.10</u>                                                                                                                                      |                       |                                                 |
| Paid Preparer's Use Only                                                                                                                                                                                                                                                                                                           | Preparer's signature                                                  | Date <u>8/31</u>      | Check if self-employed <input type="checkbox"/> |
|                                                                                                                                                                                                                                                                                                                                    | Firm's name (or yours if self employed) <u>WEISERMAZARS LLP</u><br>address, and ZIP code <u>110 GIBRALTAR ROAD SUITE 116</u><br><u>HORSHAM, PA 19044</u> | EIN <u>21-1111111</u> | Phone no. <u>(215) 635-3100</u>                 |

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Form 990-PF Interest on Savings and Temporary Cash Investments Statement 1

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| Source                                         | Amount |
|------------------------------------------------|--------|
| MERRILL LYNCH                                  | 130.   |
| Total to Form 990-PF, Part I, line 3, Column A | 130.   |

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Form 990-PF Dividends and Interest from Securities Statement 2

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| Source                           | Gross Amount | Capital Gains Dividends | Column (A) Amount |
|----------------------------------|--------------|-------------------------|-------------------|
| MERRILL LYNCH                    | 14,708.      | 19.                     | 14,689.           |
| Total to Fm 990-PF, Part I, ln 4 | 14,708.      | 19.                     | 14,689.           |

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Form 990-PF Accounting Fees Statement 3

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| Description                  | (a)<br>Expenses<br>Per Books | (b)<br>Net Invest-<br>ment Income | (c)<br>Adjusted<br>Net Income | (d)<br>Charitable<br>Purposes |
|------------------------------|------------------------------|-----------------------------------|-------------------------------|-------------------------------|
| ACCOUNTING FEES              | 1,400.                       | 0.                                |                               | 0.                            |
| To Form 990-PF, Pg 1, ln 16b | 1,400.                       | 0.                                |                               | 0.                            |

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Form 990-PF Taxes Statement 4

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| Description                 | (a)<br>Expenses<br>Per Books | (b)<br>Net Invest-<br>ment Income | (c)<br>Adjusted<br>Net Income | (d)<br>Charitable<br>Purposes |
|-----------------------------|------------------------------|-----------------------------------|-------------------------------|-------------------------------|
| FOREIGN TAXES               | 335.                         | 0.                                |                               | 0.                            |
| To Form 990-PF, Pg 1, ln 18 | 335.                         | 0.                                |                               | 0.                            |

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|             |                |           |   |
|-------------|----------------|-----------|---|
| Form 990-PF | Other Expenses | Statement | 5 |
|-------------|----------------|-----------|---|

| Description                 | (a)<br>Expenses<br>Per Books | (b)<br>Net Invest-<br>ment Income | (c)<br>Adjusted<br>Net Income | (d)<br>Charitable<br>Purposes |
|-----------------------------|------------------------------|-----------------------------------|-------------------------------|-------------------------------|
| INVESTMENT FEES             | 4,102.                       | 0.                                |                               | 0.                            |
| To Form 990-PF, Pg 1, ln 23 | 4,102.                       | 0.                                |                               | 0.                            |

|             |                 |           |   |
|-------------|-----------------|-----------|---|
| Form 990-PF | Corporate Stock | Statement | 6 |
|-------------|-----------------|-----------|---|

| Description                             | Book Value | Fair Market<br>Value |
|-----------------------------------------|------------|----------------------|
| EQUITIES                                | 497,305.   | 527,632.             |
| CONTRIBUTED STOCK                       | 100,394.   | 158,267.             |
| Total to Form 990-PF, Part II, line 10b | 597,699.   | 685,899.             |

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|             |                                                                          |           |   |
|-------------|--------------------------------------------------------------------------|-----------|---|
| Form 990-PF | Grant Application Submission Information<br>Part XV, Lines 2a through 2d | Statement | 7 |
|-------------|--------------------------------------------------------------------------|-----------|---|

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Name and Address of Person to Whom Applications Should be Submitted

APPLICATION SHOULD BE MAILED TO THE MARC DAVID FOUNDATION, C/O MARC BERMAN,

Telephone NumberForm and Content of Applications

WRITTEN APPLICATIONS SHOULD INCLUDE NAME, ADDRESS AND PURPOSE OF THE ORGANIZATION.

Any Submission Deadlines

NONE

Restrictions and Limitations on Awards

NONE

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|             |                                                  |           |   |
|-------------|--------------------------------------------------|-----------|---|
| Form 990-PF | Grants and Contributions<br>Paid During the Year | Statement | 8 |
|-------------|--------------------------------------------------|-----------|---|

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| Recipient Name and Address      | Recipient Relationship<br>and Purpose of Grant | Recipient<br>Status | Amount  |
|---------------------------------|------------------------------------------------|---------------------|---------|
| ABRAMSON CANCER CTR             | OPERATING EXPENSES                             | PUBLIC              | 25,000. |
| ACLU LESBIAN GAY RIGHTS PROJECT | OPERATING EXPENSES                             | PUBLIC              | 10,000. |
| AFS ANNUAL FUND                 | OPERATING EXPENSES                             | PUBLIC              | 20,000. |
| AMERICAN JEWISH WORLD SERVICE   | OPERATING EXPENSES                             | PUBLIC              | 20,000. |
| ATTIC YOUTH CTR                 | OPERATING EXPENSES                             | PUBLIC              | 5,000.  |
| AWJS                            | OPERATING EXPENSES                             | PUBLIC              | 2,500.  |
| CHILD SHELTER INTL              | OPERATING EXPENSES                             | PUBLIC              | 1,000.  |
| COMMON HOPE                     | OPERATING EXPENSES                             | PUBLIC              | 5,000.  |

|                                        |                            |        |         |
|----------------------------------------|----------------------------|--------|---------|
| FROM THE HEART                         | NONE<br>OPERATING EXPENSES | PUBLIC | 500.    |
| KENESETH ISREAL                        | OPERATING EXPENSES         | PUBLIC | 2,000.  |
| MTN MEADOW                             | OPERATING EXPENSES         | PUBLIC | 1,000.  |
| PHILA FAMILY PRIDE                     | OPERATING EXPENSES         | PUBLIC | 1,000.  |
| RAINBOW BALL - ABRAHAM CTR             | OPERATING EXPENSES         | PUBLIC | 500.    |
| TIDES CTR EAA                          | OPERATING EXPENSES         | PUBLIC | 100.    |
| WILLIAM WAY LGBT COMM CTR              | OPERATING EXPENSES         | PUBLIC | 5,000.  |
| Total to Form 990-PF, Part XV, line 3a |                            |        | 98,600. |



Account No.  
53M-04165

Taxpayer No.  
25-6627678

Page  
11 of 37

THE MARC DAVID FOUNDATION

2009 ANNUAL STATEMENT SUMMARY

Your Tax Reporting Statement information that follows is a personal summary of your account activity and is not reported to the IRS.

The Capital Gain and Loss Transaction section is provided to facilitate your review and may not include return of capital, sales load deferral, or wash sales adjustments. RICs (which may include mutual funds and unit investment trusts) may reclassify principal distributions as capital gains. The cost basis for these securities may not have been adjusted on your statement to reflect such reclassifications. Please refer to information provided by the RIC and discuss with your tax advisor. Securities distributed from a retirement account reflect the tax basis on the date of distribution. Other methods for calculating gain (loss) are available. The cost basis for most Original Issue Discount ("OID") obligations includes the accretion of OID. For purposes of allocating original purchase price to the components of an equity unit consisting of a purchase contract and a debt security subject to a remarketing event, we assumed the fair market value of the debt security on purchase date was equal to its adjusted issue price. The difference between your original cost and the amount allocable to the debt component was allocated to the purchase contract. In making adjustments to the cost basis of the purchase contract, it was assumed that the unit holder included contract adjustment payments in income received. In calculating gain (loss), unless otherwise noted, it was assumed that the oldest position was liquidated first, and that an election was in effect to amortize premium paid on the purchase of taxable bonds.

Dividend and Interest details are repeated in the following pages for your convenience. Additionally, we have included items such as margin interest and select account fees if applicable. Please discuss the deductibility of these items with your tax advisor. For select clients, we have also included a summary of Visa charges and checking activity.

Merrill Lynch is neither a tax return preparer or tax advisor. Please see your tax advisor for more information.

2009 CAPITAL GAIN AND LOSS TRANSACTIONS

| Security Description            | Quantity | Date Acquired<br>Cover of Short | Date Liquidated<br>Short Sale | Amortization/Accretion<br>Year-to-Date | Amortization/Accretion<br>Life-to-Date | Sales Price | Cost Basis | Gain or (Loss) |
|---------------------------------|----------|---------------------------------|-------------------------------|----------------------------------------|----------------------------------------|-------------|------------|----------------|
| <b>SHORT TERM CAPITAL GAINS</b> |          |                                 |                               |                                        |                                        |             |            |                |
| ALTRIA GROUP INC                | 112.0000 | 03/31/09                        | 12/16/09                      |                                        |                                        | 2,206.57    | 1,781.62   | 424.95         |
|                                 | 53.0000  | 06/04/09                        | 12/16/09                      |                                        |                                        | 1,044.19    | 899.19     | 145.00         |
|                                 |          | Security Subtotal               |                               |                                        |                                        | 3,250.76    | 2,680.81   | 569.95         |
| APPLE INC                       | 19.0000  | 06/03/09                        | 12/16/09                      |                                        |                                        | 3,718.02    | 2,649.01   | 1,069.01       |
| BECTON DICKINSON CO             | 39.0000  | 06/03/09                        | 12/16/09                      |                                        |                                        | 3,023.20    | 2,682.17   | 341.03         |
|                                 | 15.0000  | 07/14/09                        | 12/16/09                      |                                        |                                        | 1,162.77    | 1,044.61   | 118.16         |
|                                 |          | Security Subtotal               |                               |                                        |                                        | 4,185.97    | 3,726.78   | 459.19         |
| CATERPILLAR INC DEL             | 25.0000  | 03/31/09                        | 12/16/09                      |                                        |                                        | 1,468.23    | 696.25     | 771.98         |
| CISCO SYSTEMS INC COM           | 5.0000   | 03/31/09                        | 12/16/09                      |                                        |                                        | 117.27      | 82.30      | 34.97          |
| ENTERGY CORP NEW                | 21.0000  | 03/31/09                        | 12/16/09                      |                                        |                                        | 1,736.45    | 1,423.17   | 313.28         |
| EXELON CORPORATION              | 37.0000  | 03/31/09                        | 12/16/09                      |                                        |                                        | 1,869.20    | 1,680.54   | 188.66         |
| FREEPRT-MCMRAN CPR & GLD        | 66.0000  | 12/07/09                        | 12/16/09                      |                                        |                                        | 5,269.30    | 5,195.94   | 73.36          |
| FLUOR CORP NEW DEL COM          | 5.0000   | 03/31/09                        | 12/16/09                      |                                        |                                        | 219.00      | 173.80     | 45.20          |



Account No.  
53M-04165

Taxpayer No.  
25-6627678

Page  
12 of 37

THE MARC DAVID FOUNDATION

2009 ANNUAL STATEMENT SUMMARY

2009 CAPITAL GAIN AND LOSS TRANSACTIONS

| Security Description     | Quantity | Date Acquired<br>Cover of Short | Date Liquidated<br>Short Sale | Amortization/Accretion<br>Year-to-Date | Life-to-Date | Sales Price | Cost Basis | Gain or (Loss) |
|--------------------------|----------|---------------------------------|-------------------------------|----------------------------------------|--------------|-------------|------------|----------------|
| FOMENTO ECNMCO MEX SPADR | 5.0000   | 03/31/09                        | 12/16/09                      |                                        |              | 239.16      | 126.75     | 112.41         |
| FRANKLIN RES INC         | 7.0000   | 03/31/09                        | 12/16/09                      |                                        |              | 738.63      | 370.86     | 367.77         |
| GENL DYNAMICS CORP COM   | 29.0000  | 03/31/09                        | 12/16/09                      |                                        |              | 2,023.87    | 1,214.23   | 809.64         |
| GENERAL ELECTRIC         | 56.0000  | 03/31/09                        | 12/16/09                      |                                        |              | 882.01      | 566.16     | 315.85         |
| HALLIBURTON COMPANY      | 80.0000  | 03/31/09                        | 12/16/09                      |                                        |              | 2,392.75    | 1,258.36   | 1,134.39       |
| HSBC HLDG PLC SP ADR     | 55.0000  | 04/08/09                        | 12/16/09                      |                                        |              | 3,190.68    | 1,016.81   | 2,173.87       |
| INTUITIVE SURGICAL INC   | 6.0000   | 03/31/09                        | 12/16/09                      |                                        |              | 1,766.47    | 574.92     | 1,191.55       |
|                          | 3.0000   | 04/02/09                        | 12/16/09                      |                                        |              | 883.24      | 293.90     | 589.34         |
|                          |          | Security Subtotal               |                               |                                        |              | 2,649.71    | 868.82     | 1,780.89       |
| LAUDER ESTEE COS INC A   | 10.0000  | 03/31/09                        | 12/16/09                      |                                        |              | 498.80      | 245.80     | 253.00         |
| MC GRAW HILL COMPANIES   | 26.0000  | 03/31/09                        | 12/16/09                      |                                        |              | 899.60      | 596.44     | 303.16         |
| NEWS CORP CL A           | 343.0000 | 03/31/09                        | 12/16/09                      |                                        |              | 4,541.26    | 2,229.50   | 2,311.76       |
| NESTLE S A REP RG SH ADR | 19.0000  | 03/31/09                        | 12/16/09                      |                                        |              | 915.78      | 640.30     | 275.48         |
| OCCIDENTAL PETE CORP CAL | 44.0000  | 03/31/09                        | 12/16/09                      |                                        |              | 3,530.27    | 2,497.58   | 1,032.69       |
| PEABODY ENERGY CORP COM  | 5.0000   | 03/31/09                        | 12/16/09                      |                                        |              | 222.85      | 128.55     | 94.30          |
| PHILIP MORRIS INTL INC   | 100.0000 | 03/31/09                        | 12/16/09                      |                                        |              | 5,038.06    | 3,559.74   | 1,478.32       |
| PRAXAIR INC              | 7.0000   | 03/31/09                        | 12/16/09                      |                                        |              | 576.44      | 471.17     | 105.27         |
| QUALCOMM INC             | 31.0000  | 03/31/09                        | 12/16/09                      |                                        |              | 1,395.28    | 1,202.80   | 192.48         |
| ROYAL DUTCH SHELL PLC    | 32.0000  | 03/31/09                        | 12/16/09                      |                                        |              | 1,917.72    | 1,429.54   | 488.18         |

THE MARC DAVID FOUNDATION

## 2009 ANNUAL STATEMENT SUMMARY

## 2009 CAPITAL GAIN AND LOSS TRANSACTIONS

| Security Description | Quantity | Date Acquired<br>Cover of Short          | Date Liquidated<br>Short Sale | Amortization/Accretion |              | Sales Price      | Cost Basis       | Gain or (Loss)   |
|----------------------|----------|------------------------------------------|-------------------------------|------------------------|--------------|------------------|------------------|------------------|
|                      |          |                                          |                               | Year-to-Date           | Life-to-Date |                  |                  |                  |
| SCHLUMBERGER LTD     | 29.0000  | 03/31/09                                 | 12/16/09                      |                        |              | 1,847.91         | 1,195.96         | 651.95           |
| TOTAL S.A. SP ADR    | 7.0000   | 03/31/09                                 | 12/16/09                      |                        |              | 447.45           | 345.24           | 102.21           |
| TEXAS INSTRUMENTS    | 18.0000  | 03/31/09                                 | 12/16/09                      |                        |              | 465.35           | 296.28           | 169.07           |
| TRANSOCEAN LTD       | 21.0000  | 03/31/09                                 | 12/16/09                      |                        |              | 1,774.88         | 1,245.72         | 529.16           |
| WAL-MART STORES INC  | 61.0000  | 03/31/09                                 | 12/16/09                      |                        |              | 3,275.65         | 3,169.72         | 105.93           |
|                      | 56.0000  | 05/14/09                                 | 12/16/09                      |                        |              | 3,007.15         | 2,771.20         | 235.95           |
|                      | 5.0000   | 06/04/09                                 | 12/16/09                      |                        |              | 268.50           | 253.77           | 14.73            |
|                      |          | <b>Security Subtotal</b>                 |                               |                        |              | <b>6,551.30</b>  | <b>6,194.69</b>  | <b>356.61</b>    |
|                      |          | <b>Short Term Capital Gains Subtotal</b> |                               |                        |              | <b>64,573.96</b> | <b>46,009.90</b> | <b>18,564.06</b> |

## SHORT TERM CAPITAL LOSSES

|                                           | 02/25/09 | 08/05/08 | 02/25/09        | 08/05/08         |
|-------------------------------------------|----------|----------|-----------------|------------------|
| CORNING INC                               |          |          | 2,611.04        | 4,937.41         |
|                                           |          |          |                 | (2,326.37)       |
| NATIONAL-OILWELL VARCO                    |          |          |                 |                  |
|                                           |          |          | 1,317.20        | 3,237.46         |
|                                           |          |          | 862.18          | 2,970.27         |
|                                           |          |          | <u>2,179.38</u> | <u>6,207.73</u>  |
|                                           |          |          |                 | (4,028.35)       |
| OCCIDENTAL PETE CORP CAL                  |          |          |                 |                  |
|                                           |          |          | 2,326.77        | 2,418.82         |
|                                           |          |          |                 | (92.05)          |
| PRAXAIR INC                               |          |          |                 |                  |
|                                           |          |          | 1,482.28        | 1,492.04         |
|                                           |          |          |                 | (9.76)           |
|                                           |          |          | <b>8,599.47</b> | <b>15,056.00</b> |
|                                           |          |          |                 | (6,456.53)       |
| <b>NET SHORT TERM CAPITAL GAIN (LOSS)</b> |          |          |                 | <b>12,107.53</b> |



Account No.  
53M-04165

Taxpayer No.  
25-6627678

Page  
14 of 37

THE MARC DAVID FOUNDATION

## 2009 ANNUAL STATEMENT SUMMARY

### 2009 CAPITAL GAIN AND LOSS TRANSACTIONS

| Security Description           | Quantity | Date Acquired<br>Cover of Short | Date Liquidated<br>Short Sale | Year-to-Date | Amortization/Accretion | Life-to-Date | Sales Price | Cost Basis | Gain or (Loss) |
|--------------------------------|----------|---------------------------------|-------------------------------|--------------|------------------------|--------------|-------------|------------|----------------|
| <b>LONG TERM CAPITAL GAINS</b> |          |                                 |                               |              |                        |              |             |            |                |
| ALTRIA GROUP INC               | 410.0000 | 02/25/03                        | 12/16/09                      |              |                        |              | 8,077.61    | 3,583.17   | 4,494.44       |
|                                | 19.0000  | 08/01/03                        | 12/16/09                      |              |                        |              | 374.32      | 177.94     | 196.38         |
|                                |          | Security Subtotal               |                               |              |                        |              | 8,451.93    | 3,761.11   | 4,690.82       |
| AMER EXPRESS COMPANY           | 38.0000  | 02/25/03                        | 10/05/09                      |              |                        |              | 1,256.62    | 1,079.96   | 176.66         |
| APPLÉ INC                      | 27.0000  | 07/19/07                        | 10/05/09                      |              |                        |              | 5,027.00    | 3,783.89   | 1,243.11       |
|                                | 28.0000  | 07/19/07                        | 12/16/09                      |              |                        |              | 5,479.18    | 3,924.04   | 1,555.14       |
|                                | 27.0000  | 02/07/08                        | 12/16/09                      |              |                        |              | 5,283.49    | 3,280.45   | 2,003.04       |
|                                | 14.0000  | 10/27/08                        | 12/16/09                      |              |                        |              | 2,739.59    | 1,343.54   | 1,396.05       |
|                                |          | Security Subtotal               |                               |              |                        |              | 18,529.26   | 12,331.92  | 6,197.34       |
| AUTOMATIC DATA PROC            | 87.0000  | 10/21/05                        | 12/16/09                      |              |                        |              | 3,748.09    | 3,353.53   | 394.56         |
|                                | 45.0000  | 10/20/06                        | 12/16/09                      |              |                        |              | 1,938.67    | 1,925.18   | 13.49          |
|                                | 7.0000   | 04/10/08                        | 12/16/09                      |              |                        |              | 301.58      | 299.67     | 1.91           |
|                                |          | Security Subtotal               |                               |              |                        |              | 5,988.34    | 5,578.38   | 409.96         |
| CHEVRON CORP                   | 127.0000 | 02/25/03                        | 12/16/09                      |              |                        |              | 9,943.97    | 4,059.56   | 5,884.41       |
| CONOCOPHILLIPS                 | 69.0000  | 06/07/04                        | 12/16/09                      |              |                        |              | 3,530.05    | 2,581.38   | 948.67         |
|                                | 14.0000  | 08/31/04                        | 12/16/09                      |              |                        |              | 716.25      | 514.59     | 201.66         |
|                                |          | Security Subtotal               |                               |              |                        |              | 4,246.30    | 3,095.97   | 1,150.33       |
| CISCO SYSTEMS INC COM          | 166.0000 | 02/07/08                        | 12/16/09                      |              |                        |              | 3,893.13    | 3,818.14   | 74.99          |
| COCA COLA COM                  | 22.0000  | 02/25/03                        | 10/05/09                      |              |                        |              | 1,178.28    | 874.50     | 303.78         |
|                                | 133.0000 | 02/25/03                        | 12/16/09                      |              |                        |              | 7,818.94    | 5,286.75   | 2,532.19       |
|                                |          | Security Subtotal               |                               |              |                        |              | 8,997.22    | 6,161.25   | 2,835.97       |
| EXXON MOBIL CORP COM           | 160.0000 | 02/25/03                        | 12/16/09                      |              |                        |              | 11,063.76   | 5,415.25   | 5,648.51       |
|                                | 73.0000  | 08/01/03                        | 12/16/09                      |              |                        |              | 5,047.85    | 2,576.16   | 2,471.69       |
|                                |          | Security Subtotal               |                               |              |                        |              | 16,111.61   | 7,991.41   | 8,120.20       |



Account No.  
53M-04165

Taxpayer No.  
25-6627678

Page  
15 of 37

THE MARC DAVID FOUNDATION

## 2009 ANNUAL STATEMENT SUMMARY

### 2009 CAPITAL GAIN AND LOSS TRANSACTIONS

| Security Description     | Quantity | Date Acquired<br>Cover of Short | Date Liquidated<br>Short Sale | Year-to-Date<br>Amortization/Accretion<br>Life-to-Date | Sales Price     | Cost Basis      | Gain or (Loss)  |
|--------------------------|----------|---------------------------------|-------------------------------|--------------------------------------------------------|-----------------|-----------------|-----------------|
| EMERSON ELEC CO          | 8.0000   | 10/20/97                        | 03/31/09                      |                                                        | 225.87          | 221.91          | 3.96            |
|                          | 70.0000  | 10/20/97                        | 03/31/09                      |                                                        | 1,976.36        | 1,941.66        | 34.70           |
|                          | 60.0000  | 10/20/97                        | 03/31/09                      |                                                        | 1,694.03        | 1,664.27        | 29.76           |
|                          | 46.0000  | 10/20/97                        | 06/25/09                      |                                                        | 1,517.97        | 1,275.95        | 242.02          |
|                          | 78.0000  | 03/31/05                        | 06/25/09                      |                                                        | 2,573.97        | 2,536.96        | 37.01           |
| <b>Security Subtotal</b> |          |                                 |                               |                                                        | <b>7,988.20</b> | <b>7,640.75</b> | <b>347.45</b>   |
| FLUOR CORP NEW DEL COM   | 26.0000  | 12/22/06                        | 12/16/09                      |                                                        | 1,138.79        | 1,064.00        | 74.79           |
| FOMENTO ECNMCO MEX SPADR | 60.0000  | 04/23/08                        | 10/05/09                      |                                                        | 2,728.73        | 2,635.59        | 93.14           |
|                          | 108.0000 | 04/23/08                        | 12/16/09                      |                                                        | 5,165.78        | 4,744.07        | 421.71          |
|                          | 8.0000   | 04/30/08                        | 12/16/09                      |                                                        | 382.65          | 350.76          | 31.89           |
| <b>Security Subtotal</b> |          |                                 |                               |                                                        | <b>8,277.16</b> | <b>7,730.42</b> | <b>546.74</b>   |
| FRANKLIN RES INC         | 34.0000  | 05/30/08                        | 12/16/09                      |                                                        | 3,587.58        | 3,462.11        | 125.47          |
| GENERAL ELECTRIC         | 4.0000   | 10/22/93                        | 02/09/09                      |                                                        | 43.23           | 32.68           | 10.55           |
| INTUITIVE SURGICAL INC   | 10.0000  | 04/23/08                        | 12/07/09                      |                                                        | 2,884.08        | 2,829.00        | 55.08           |
|                          | 5.0000   | 04/23/08                        | 12/16/09                      |                                                        | 1,472.06        | 1,414.50        | 57.56           |
| <b>Security Subtotal</b> |          |                                 |                               |                                                        | <b>4,356.14</b> | <b>4,243.50</b> | <b>112.64</b>   |
| INTEL CORP               | 268.0000 | 02/25/03                        | 12/16/09                      |                                                        | 5,204.42        | 4,342.38        | 862.04          |
| JPMORGAN CHASE & CO      | 5.0000   | 02/25/03                        | 10/05/09                      |                                                        | 216.91          | 110.35          | 106.56          |
| JOHNSON AND JOHNSON COM  | 5.0000   | 11/04/97                        | 12/16/09                      |                                                        | 324.99          | 150.17          | 174.82          |
|                          | 49.0000  | 02/25/03                        | 12/16/09                      |                                                        | 3,185.00        | 2,530.36        | 654.64          |
|                          | 22.0000  | 08/01/03                        | 12/16/09                      |                                                        | 1,430.01        | 1,106.60        | 323.41          |
| <b>Security Subtotal</b> |          |                                 |                               |                                                        | <b>4,940.00</b> | <b>3,787.13</b> | <b>1,152.87</b> |



Account No.  
53M-04165

Taxpayer No.  
25-6627678

Page  
16 of 37

THE MARC DAVID FOUNDATION

## 2009 ANNUAL STATEMENT SUMMARY

### 2009 CAPITAL GAIN AND LOSS TRANSACTIONS

| Security Description     | Quantity | Date Acquired<br>Cover of Short | Date Liquidated<br>Short Sale | Year-to-Date<br>Amortization/Accretion<br>Life-to-Date | Sales Price | Cost Basis | Gain or (Loss) |
|--------------------------|----------|---------------------------------|-------------------------------|--------------------------------------------------------|-------------|------------|----------------|
| LAUDER ESTEE COS INC A   | 32.0000  | 01/10/03                        | 10/05/09                      |                                                        | 1,165.73    | 848.00     | 317.73         |
|                          | 6.0000   | 01/10/03                        | 12/16/09                      |                                                        | 299.27      | 159.01     | 140.26         |
|                          | 113.0000 | 02/25/03                        | 12/16/09                      |                                                        | 5,636.29    | 3,214.85   | 2,421.44       |
|                          | 10.0000  | 08/01/03                        | 12/16/09                      |                                                        | 498.79      | 365.80     | 132.99         |
|                          | 12.0000  | 12/22/06                        | 12/16/09                      |                                                        | 598.54      | 489.84     | 108.70         |
| Security Subtotal        |          |                                 |                               |                                                        | 8,198.62    | 5,077.50   | 3,121.12       |
| MCDONALDS CORP COM       | 44.0000  | 11/04/97                        | 12/16/09                      |                                                        | 2,755.20    | 1,028.37   | 1,726.83       |
|                          | 30.0000  | 02/25/03                        | 12/16/09                      |                                                        | 1,878.56    | 389.70     | 1,488.86       |
| Security Subtotal        |          |                                 |                               |                                                        | 4,633.76    | 1,418.07   | 3,215.69       |
| MC GRAW HILL COMPANIES   | 80.0000  | 02/25/03                        | 12/16/09                      |                                                        | 2,767.96    | 2,203.55   | 564.41         |
|                          | 60.0000  | 08/01/03                        | 12/16/09                      |                                                        | 2,075.97    | 1,795.20   | 280.77         |
| Security Subtotal        |          |                                 |                               |                                                        | 4,843.93    | 3,998.75   | 845.18         |
| MICROSOFT CORP           | 60.0000  | 02/25/03                        | 10/05/09                      |                                                        | 1,472.36    | 1,414.52   | 57.84          |
|                          | 58.0000  | 02/25/03                        | 12/07/09                      |                                                        | 1,726.61    | 1,367.38   | 359.23         |
|                          | 224.0000 | 02/25/03                        | 12/16/09                      |                                                        | 6,800.86    | 5,280.92   | 1,519.94       |
|                          | 166.0000 | 02/24/04                        | 12/16/09                      |                                                        | 5,039.93    | 4,460.72   | 579.21         |
|                          | 127.0000 | 12/22/06                        | 12/16/09                      |                                                        | 3,855.85    | 3,780.79   | 75.06          |
|                          | 6.0000   | 04/10/08                        | 12/16/09                      |                                                        | 182.17      | 174.06     | 8.11           |
| Security Subtotal        |          |                                 |                               |                                                        | 19,077.78   | 16,478.39  | 2,599.39       |
| NEWS CORP CL A           | 92.0000  | 02/25/03                        | 10/05/09                      |                                                        | 1,057.98    | 944.84     | 113.14         |
|                          | 212.0000 | 02/25/03                        | 12/16/09                      |                                                        | 2,806.83    | 2,177.24   | 629.59         |
|                          | 52.0000  | 08/01/03                        | 12/16/09                      |                                                        | 688.46      | 669.76     | 18.70          |
| Security Subtotal        |          |                                 |                               |                                                        | 4,553.27    | 3,791.84   | 761.43         |
| NESTLE S A REP RG SH ADR | 190.0000 | 02/25/03                        | 12/16/09                      |                                                        | 9,157.76    | 3,898.81   | 5,258.95       |
|                          | 132.0000 | 08/01/03                        | 12/16/09                      |                                                        | 6,362.24    | 2,665.90   | 3,696.34       |
| Security Subtotal        |          |                                 |                               |                                                        | 15,520.00   | 6,564.71   | 8,955.29       |



Account No.  
53M-04165

Taxpayer No.  
25-6627678

Page  
17 of 37

THE MARC DAVID FOUNDATION

## 2009 ANNUAL STATEMENT SUMMARY

### 2009 CAPITAL GAIN AND LOSS TRANSACTIONS

| Security Description     | Quantity | Date Acquired<br>Cover of Short | Date Liquidated<br>Short Sale | Year-to-Date | Amortization/Accretion | Life-to-Date | Sales Price      | Cost Basis       | Gain or (Loss)   |
|--------------------------|----------|---------------------------------|-------------------------------|--------------|------------------------|--------------|------------------|------------------|------------------|
| OCCIDENTAL PETE CORP CAL | 5.0000   | 10/21/04                        | 10/05/09                      |              |                        |              | 377.43           | 143.76           | 233.67           |
|                          | 7.0000   | 10/10/05                        | 10/05/09                      |              |                        |              | 528.42           | 269.62           | 258.80           |
|                          | 65.0000  | 10/10/05                        | 12/16/09                      |              |                        |              | 5,215.17         | 2,503.66         | 2,711.51         |
| <b>Security Subtotal</b> |          |                                 |                               |              |                        |              | <b>6,121.02</b>  | <b>2,917.04</b>  | <b>3,203.98</b>  |
| PEABODY ENERGY CORP COM  | 60.0000  | 02/15/07                        | 12/16/09                      |              |                        |              | 2,674.16         | 2,277.52         | 396.64           |
|                          | 8.0000   | 08/17/07                        | 12/16/09                      |              |                        |              | 356.56           | 306.53           | 50.03            |
| <b>Security Subtotal</b> |          |                                 |                               |              |                        |              | <b>3,030.72</b>  | <b>2,584.05</b>  | <b>446.67</b>    |
| PHILIP MORRIS INTL INC   | 74.0000  | 02/25/03                        | 10/05/09                      |              |                        |              | 3,606.68         | 1,473.66         | 2,133.02         |
|                          | 323.0000 | 02/25/03                        | 12/16/09                      |              |                        |              | 16,272.90        | 6,432.38         | 9,840.52         |
|                          | 19.0000  | 08/01/03                        | 12/16/09                      |              |                        |              | 957.22           | 405.49           | 551.73           |
|                          | 121.0000 | 04/10/08                        | 12/16/09                      |              |                        |              | 6,096.04         | 5,930.67         | 165.37           |
| <b>Security Subtotal</b> |          |                                 |                               |              |                        |              | <b>26,932.84</b> | <b>14,242.20</b> | <b>12,690.64</b> |
| PEPSICO INC              | 50.0000  | 02/25/97                        | 10/05/09                      |              |                        |              | 3,033.94         | 1,594.47         | 1,439.47         |
|                          | 5.0000   | 02/25/97                        | 10/05/09                      |              |                        |              | 303.40           | 159.44           | 143.96           |
| <b>Security Subtotal</b> |          |                                 |                               |              |                        |              | <b>3,337.34</b>  | <b>1,753.91</b>  | <b>1,583.43</b>  |
| PRAXAIR INC              | 20.0000  | 03/24/06                        | 12/16/09                      |              |                        |              | 1,646.97         | 1,113.16         | 533.81           |
|                          | 37.0000  | 05/16/06                        | 12/16/09                      |              |                        |              | 3,046.90         | 2,061.30         | 985.60           |
|                          | 22.0000  | 12/22/06                        | 12/16/09                      |              |                        |              | 1,811.67         | 1,294.04         | 517.63           |
| <b>Security Subtotal</b> |          |                                 |                               |              |                        |              | <b>6,505.54</b>  | <b>4,468.50</b>  | <b>2,037.04</b>  |
| PROCTER & GAMBLE CO      | 39.0000  | 01/10/03                        | 10/05/09                      |              |                        |              | 2,203.05         | 1,679.92         | 523.13           |
|                          | 11.0000  | 01/10/03                        | 12/16/09                      |              |                        |              | 687.04           | 473.82           | 213.22           |
| <b>Security Subtotal</b> |          |                                 |                               |              |                        |              | <b>2,890.09</b>  | <b>2,153.74</b>  | <b>736.35</b>    |
| QUALCOMM INC             | 91.0000  | 11/30/06                        | 12/16/09                      |              |                        |              | 4,095.81         | 3,322.50         | 773.31           |
|                          | 8.0000   | 12/22/06                        | 12/16/09                      |              |                        |              | 360.07           | 302.32           | 57.75            |
| <b>Security Subtotal</b> |          |                                 |                               |              |                        |              | <b>4,455.88</b>  | <b>3,624.82</b>  | <b>831.06</b>    |



THE MARC DAVID FOUNDATION

Account No.  
53M-04165

Taxpayer No.  
25-6627678

Page  
18 of 37

## 2009 ANNUAL STATEMENT SUMMARY

### 2009 CAPITAL GAIN AND LOSS TRANSACTIONS

| Security Description             | Quantity | Date Acquired<br>Cover of Short | Date Liquidated<br>Short Sale | Year-to-Date | Amortization/Accretion<br>Life-to-Date | Sales Price       | Cost Basis        | Gain or (Loss)   |
|----------------------------------|----------|---------------------------------|-------------------------------|--------------|----------------------------------------|-------------------|-------------------|------------------|
| ROYAL DUTCH SHELL PLC            | 70.0000  | 02/25/03                        | 12/16/09                      |              |                                        | 4,194.99          | 2,760.80          | 1,434.19         |
|                                  | 23.0000  | 08/01/03                        | 12/16/09                      |              |                                        | 1,378.35          | 991.99            | 386.36           |
|                                  | 57.0000  | 10/27/08                        | 12/16/09                      |              |                                        | 3,415.93          | 2,633.88          | 782.05           |
|                                  |          | <b>Security Subtotal</b>        |                               |              |                                        | <b>8,989.27</b>   | <b>6,386.67</b>   | <b>2,602.60</b>  |
| TOTAL S.A. SP ADR                | 71.0000  | 03/02/05                        | 12/16/09                      |              |                                        | 4,538.33          | 4,131.94          | 406.39           |
|                                  | 50.0000  | 04/21/05                        | 12/16/09                      |              |                                        | 3,196.00          | 2,796.34          | 399.66           |
|                                  | 30.0000  | 10/10/05                        | 12/16/09                      |              |                                        | 1,917.60          | 1,897.76          | 19.84            |
|                                  | 4.0000   | 12/02/05                        | 12/16/09                      |              |                                        | 255.68            | 253.62            | 2.06             |
|                                  | 28.0000  | 10/27/08                        | 12/16/09                      |              |                                        | 1,789.77          | 1,284.11          | 505.66           |
|                                  |          | <b>Security Subtotal</b>        |                               |              |                                        | <b>11,697.38</b>  | <b>10,363.77</b>  | <b>1,333.61</b>  |
| TARGET CORP COM                  | 31.0000  | 01/10/03                        | 10/05/09                      |              |                                        | 1,447.97          | 964.11            | 483.86           |
|                                  | 2.0000   | 02/25/03                        | 10/05/09                      |              |                                        | 93.42             | 56.35             | 37.07            |
|                                  | 171.0000 | 02/25/03                        | 12/16/09                      |              |                                        | 8,192.86          | 4,818.48          | 3,374.38         |
|                                  | 6.0000   | 08/01/03                        | 12/16/09                      |              |                                        | 287.47            | 227.94            | 59.53            |
|                                  |          | <b>Security Subtotal</b>        |                               |              |                                        | <b>10,021.72</b>  | <b>6,066.88</b>   | <b>3,954.84</b>  |
| TRANSOCEAN LTD                   | 20.0000  | 07/11/06                        | 11/23/09                      |              |                                        | 1,703.47          | 1,602.08          | 101.39           |
|                                  | 5.0000   | 12/22/06                        | 11/23/09                      |              |                                        | 425.86            | 397.16            | 28.70            |
|                                  |          | <b>Security Subtotal</b>        |                               |              |                                        | <b>2,129.33</b>   | <b>1,999.24</b>   | <b>130.09</b>    |
| UNITED TECHS CORP COM            | 12.0000  | 05/16/06                        | 12/16/09                      |              |                                        | 844.66            | 781.89            | 62.77            |
| WAL-MART STORES INC              | 49.0000  | 12/22/06                        | 12/16/09                      |              |                                        | 2,631.25          | 2,236.36          | 394.89           |
| WALGREEN CO                      | 49.0000  | 02/25/03                        | 10/05/09                      |              |                                        | 1,873.71          | 1,365.88          | 507.83           |
|                                  | 157.0000 | 02/25/03                        | 12/16/09                      |              |                                        | 6,047.49          | 4,376.40          | 1,671.09         |
|                                  | 72.0000  | 08/01/03                        | 12/16/09                      |              |                                        | 2,773.37          | 2,119.68          | 653.69           |
|                                  | 12.0000  | 03/04/04                        | 12/16/09                      |              |                                        | 462.23            | 419.50            | 42.73            |
|                                  | 25.0000  | 04/10/08                        | 12/16/09                      |              |                                        | 962.99            | 910.75            | 52.24            |
|                                  |          | <b>Security Subtotal</b>        |                               |              |                                        | <b>12,119.79</b>  | <b>9,192.21</b>   | <b>2,927.58</b>  |
| Long Term Capital Gains Subtotal |          |                                 |                               |              |                                        | <b>271,705.00</b> | <b>186,391.56</b> | <b>85,313.44</b> |



Account No.  
53M-04165

Taxpayer No.  
25-6627678

Page  
19 of 37

THE MARC DAVID FOUNDATION

## 2009 ANNUAL STATEMENT SUMMARY

### 2009 CAPITAL GAIN AND LOSS TRANSACTIONS

| Security Description            | Quantity | Date Acquired<br>Cover of Short | Date Liquidated<br>Short Sale | Year-to-Date | Amortization/Accretion<br>Life-to-Date | Sales Price | Cost Basis | Gain or (Loss) |
|---------------------------------|----------|---------------------------------|-------------------------------|--------------|----------------------------------------|-------------|------------|----------------|
| <b>LONG TERM CAPITAL LOSSES</b> |          |                                 |                               |              |                                        |             |            |                |
| ALTRIA GROUP INC                | 29.0000  | 04/10/08                        | 12/16/09                      |              |                                        | 571.34      | 627.56     | (56.22)        |
| ABB LTD SPON ADR                | 138.0000 | 10/01/07                        | 10/05/09                      |              |                                        | 2,700.80    | 3,750.03   | (1,049.23)     |
|                                 | 83.0000  | 10/01/07                        | 11/24/09                      |              |                                        | 1,580.31    | 2,255.46   | (675.15)       |
|                                 | 57.0000  | 04/10/08                        | 11/24/09                      |              |                                        | 1,085.28    | 1,532.16   | (446.88)       |
| Security Subtotal               |          |                                 |                               |              |                                        | 5,366.39    | 7,537.65   | (2,171.26)     |
| AMERIPRISE FINL INC             | 13.0000  | 10/28/05                        | 01/20/09                      |              |                                        | 246.00      | 477.44     | (231.44)       |
|                                 | 72.0000  | 10/28/05                        | 01/21/09                      |              |                                        | 1,360.67    | 2,644.29   | (1,283.62)     |
| Security Subtotal               |          |                                 |                               |              |                                        | 1,606.67    | 3,121.73   | (1,515.06)     |
| AMER EXPRESS COMPANY            | 6.0000   | 08/01/03                        | 10/05/09                      |              |                                        | 198.41      | 227.66     | (29.25)        |
|                                 | 28.0000  | 01/14/04                        | 10/05/09                      |              |                                        | 925.94      | 1,182.87   | (256.93)       |
|                                 | 62.0000  | 01/14/04                        | 12/16/09                      |              |                                        | 2,574.79    | 2,619.23   | (44.44)        |
|                                 | 14.0000  | 12/22/06                        | 12/16/09                      |              |                                        | 581.40      | 849.52     | (268.12)       |
|                                 | 6.0000   | 04/10/08                        | 12/16/09                      |              |                                        | 249.18      | 269.58     | (20.40)        |
| Security Subtotal               |          |                                 |                               |              |                                        | 4,529.72    | 5,148.86   | (619.14)       |
| AUTOMATIC DATA PROC             | 20.0000  | 12/22/06                        | 12/16/09                      |              |                                        | 861.63      | 887.22     | (25.59)        |
| BANK OF AMERICA CORP            | 12.0000  | 11/04/03                        | 12/16/09                      |              |                                        | 184.44      | 457.57     | (273.13)       |
|                                 | 56.0000  | 11/04/03                        | 12/16/09                      |              |                                        | 860.72      | 2,135.25   | (1,274.53)     |
|                                 | 122.0000 | 01/14/04                        | 12/16/09                      |              |                                        | 1,875.15    | 4,831.12   | (2,955.97)     |
|                                 | 36.0000  | 10/20/06                        | 12/16/09                      |              |                                        | 553.32      | 1,919.33   | (1,366.01)     |
|                                 | 45.0000  | 12/22/06                        | 12/16/09                      |              |                                        | 691.66      | 2,390.40   | (1,698.74)     |
|                                 | 7.0000   | 04/10/08                        | 12/16/09                      |              |                                        | 107.60      | 263.20     | (155.60)       |
| Security Subtotal               |          |                                 |                               |              |                                        | 4,272.89    | 11,996.87  | (7,723.98)     |
| CATERPILLAR INC DEL             | 43.0000  | 07/11/06                        | 10/05/09                      |              |                                        | 2,160.26    | 3,141.78   | (981.52)       |
|                                 | 39.0000  | 07/11/06                        | 12/16/09                      |              |                                        | 2,290.43    | 2,849.54   | (559.11)       |
|                                 | 45.0000  | 12/22/06                        | 12/16/09                      |              |                                        | 2,642.80    | 2,728.04   | (85.24)        |
| Security Subtotal               |          |                                 |                               |              |                                        | 7,093.49    | 8,719.36   | (1,625.87)     |



THE MARC DAVID FOUNDATION

Account No.  
53M-04165

Taxpayer No.  
25-6627678

Page  
20 of 37

## 2009 ANNUAL STATEMENT SUMMARY

### 2009 CAPITAL GAIN AND LOSS TRANSACTIONS

| Security Description   | Quantity | Date Acquired<br>Cover of Short | Date Liquidated<br>Short Sale | Amortization/Accretion<br>Year-to-Date | Life-to-Date | Sales Price      | Cost Basis       | Gain or (Loss)     |
|------------------------|----------|---------------------------------|-------------------------------|----------------------------------------|--------------|------------------|------------------|--------------------|
| CISCO SYSTEMS INC COM  | 38.0000  | 02/07/08                        | 10/05/09                      |                                        |              | 870.27           | 874.02           | (3.75)             |
|                        | 68.0000  | 04/10/08                        | 12/16/09                      |                                        |              | 1,594.77         | 1,635.39         | (40.62)            |
|                        |          |                                 |                               |                                        |              | <u>2,465.04</u>  | <u>2,509.41</u>  | <u>(44.37)</u>     |
|                        |          |                                 |                               |                                        |              |                  |                  |                    |
| ENTERGY CORP NEW       | 32.0000  | 02/07/08                        | 12/16/09                      |                                        |              | 2,646.01         | 3,370.94         | (724.93)           |
|                        | 5.0000   | 04/10/08                        | 12/16/09                      |                                        |              | 413.44           | 544.20           | (130.76)           |
|                        |          |                                 |                               |                                        |              | <u>3,059.45</u>  | <u>3,915.14</u>  | <u>(855.69)</u>    |
|                        |          |                                 |                               |                                        |              |                  |                  |                    |
| EXELON CORPORATION     | 41.0000  | 02/07/08                        | 12/16/09                      |                                        |              | 2,071.26         | 3,118.85         | (1,047.59)         |
|                        | 5.0000   | 04/10/08                        | 12/16/09                      |                                        |              | 252.59           | 414.20           | (161.61)           |
|                        |          |                                 |                               |                                        |              | <u>2,323.85</u>  | <u>3,533.05</u>  | <u>(1,209.20)</u>  |
|                        |          |                                 |                               |                                        |              |                  |                  |                    |
| FLUOR CORP NEW DEL COM | 71.0000  | 05/01/06                        | 12/16/09                      |                                        |              | 3,109.75         | 3,381.51         | (271.76)           |
|                        |          |                                 |                               |                                        |              |                  |                  |                    |
| GENL DYNAMICS CORP COM | 40.0000  | 04/23/08                        | 12/16/09                      |                                        |              | 2,791.52         | 3,510.41         | (718.89)           |
|                        | 25.0000  | 05/07/08                        | 12/16/09                      |                                        |              | 1,744.70         | 2,256.00         | (511.30)           |
|                        |          |                                 |                               |                                        |              | <u>4,536.22</u>  | <u>5,766.41</u>  | <u>(1,230.19)</u>  |
|                        |          |                                 |                               |                                        |              |                  |                  |                    |
| GENERAL ELECTRIC       | 181.0000 | 02/25/03                        | 02/09/09                      |                                        |              | 1,956.29         | 4,229.55         | (2,273.26)         |
|                        | 350.0000 | 02/25/03                        | 12/16/09                      |                                        |              | 5,512.53         | 8,178.70         | (2,666.17)         |
|                        | 56.0000  | 08/01/03                        | 12/16/09                      |                                        |              | 882.00           | 1,597.12         | (715.12)           |
|                        | 186.0000 | 12/22/06                        | 12/16/09                      |                                        |              | 2,929.52         | 7,008.48         | (4,078.96)         |
|                        | 14.0000  | 04/10/08                        | 12/16/09                      |                                        |              | 220.50           | 513.66           | (293.16)           |
|                        |          |                                 |                               |                                        |              | <u>11,500.84</u> | <u>21,527.51</u> | <u>(10,026.67)</u> |
|                        |          |                                 |                               |                                        |              |                  |                  |                    |
| HALLIBURTON COMPANY    | 35.0000  | 06/06/06                        | 10/05/09                      |                                        |              | 926.07           | 1,291.29         | (365.22)           |
|                        | 15.0000  | 07/11/06                        | 10/05/09                      |                                        |              | 396.90           | 557.17           | (160.27)           |
|                        | 89.0000  | 07/11/06                        | 12/16/09                      |                                        |              | 2,661.92         | 3,305.88         | (643.96)           |
|                        | 90.0000  | 12/22/06                        | 12/16/09                      |                                        |              | 2,691.82         | 2,849.72         | (157.90)           |
|                        | 22.0000  | 02/07/08                        | 12/16/09                      |                                        |              | 658.00           | 742.01           | (84.01)            |
|                        |          |                                 |                               |                                        |              | <u>7,334.71</u>  | <u>8,746.07</u>  | <u>(1,411.36)</u>  |



Account No.  
53M-04165

Taxpayer No.  
25-6627678

Page  
21 of 37

THE MARC DAVID FOUNDATION

## 2009 ANNUAL STATEMENT SUMMARY

### 2009 CAPITAL GAIN AND LOSS TRANSACTIONS

| Security Description     | Quantity | Date Acquired<br>Cover of Short | Date Liquidated<br>Short Sale | Year-to-Date<br>Amortization/Accretion<br>Life-to-Date | Sales Price     | Cost Basis       | Gain or (Loss)    |
|--------------------------|----------|---------------------------------|-------------------------------|--------------------------------------------------------|-----------------|------------------|-------------------|
| HSBC HLDG PLC SP ADR     | 39.0000  | 09/28/04                        | 10/05/09                      |                                                        | 2,160.15        | 3,094.27         | (934.12)          |
|                          | 9.0000   | 09/28/04                        | 12/16/09                      |                                                        | 522.11          | 714.07           | (191.96)          |
|                          | 55.0000  | 07/06/05                        | 12/16/09                      |                                                        | 3,190.67        | 4,390.82         | (1,200.15)        |
|                          | 24.0000  | 12/22/06                        | 12/16/09                      |                                                        | 1,392.29        | 2,173.92         | (781.63)          |
|                          | 5.0000   | 04/10/08                        | 12/16/09                      |                                                        | 290.06          | 421.55           | (131.49)          |
| <b>Security Subtotal</b> |          |                                 |                               |                                                        | <b>7,555.28</b> | <b>10,794.63</b> | <b>(3,239.35)</b> |
| INTEL CORP               | 40.0000  | 10/21/97                        | 10/05/09                      |                                                        | 763.58          | 863.14           | (99.56)           |
|                          | 39.0000  | 10/21/97                        | 12/16/09                      |                                                        | 757.36          | 841.57           | (84.21)           |
|                          | 237.0000 | 12/22/06                        | 12/16/09                      |                                                        | 4,602.42        | 4,791.81         | (189.39)          |
|                          | 51.0000  | 04/10/08                        | 12/16/09                      |                                                        | 990.40          | 1,124.55         | (134.15)          |
| <b>Security Subtotal</b> |          |                                 |                               |                                                        | <b>7,113.76</b> | <b>7,621.07</b>  | <b>(507.31)</b>   |
| JPMORGAN CHASE & CO      | 25.0000  | 01/24/00                        | 10/05/09                      |                                                        | 1,084.53        | 1,252.94         | (168.41)          |
| MC GRAW HILL COMPANIES   | 21.0000  | 04/10/08                        | 12/16/09                      |                                                        | 726.59          | 783.93           | (57.34)           |
| MEDTRONIC INC COM        | 67.0000  | 07/19/07                        | 12/16/09                      |                                                        | 2,929.19        | 3,483.09         | (553.90)          |
|                          | 58.0000  | 10/25/07                        | 12/16/09                      |                                                        | 2,535.73        | 2,759.51         | (223.78)          |
| <b>Security Subtotal</b> |          |                                 |                               |                                                        | <b>5,464.92</b> | <b>6,242.60</b>  | <b>(777.68)</b>   |
| MERCK&CO INC             | 22.0000  | 11/04/97                        | 10/05/09                      |                                                        | 693.43          | 936.66           | (243.23)          |
| MICROCHIP TECHNOLOGY INC | 45.0000  | 01/10/07                        | 12/16/09                      |                                                        | 1,310.92        | 1,572.40         | (261.48)          |
|                          | 63.0000  | 01/11/07                        | 12/16/09                      |                                                        | 1,835.31        | 2,260.64         | (425.33)          |
| <b>Security Subtotal</b> |          |                                 |                               |                                                        | <b>3,146.23</b> | <b>3,833.04</b>  | <b>(686.81)</b>   |
| NEWS CORP CL A           | 13.0000  | 01/10/03                        | 10/05/09                      |                                                        | 149.49          | 157.38           | (7.89)            |
|                          | 68.0000  | 07/06/05                        | 12/16/09                      |                                                        | 900.30          | 1,094.28         | (193.98)          |
|                          | 79.0000  | 12/22/06                        | 12/16/09                      |                                                        | 1,045.94        | 1,701.66         | (655.72)          |
|                          | 21.0000  | 04/10/08                        | 12/16/09                      |                                                        | 278.03          | 395.85           | (117.82)          |
| <b>Security Subtotal</b> |          |                                 |                               |                                                        | <b>2,373.76</b> | <b>3,349.17</b>  | <b>(975.41)</b>   |



THE MARC DAVID FOUNDATION

Account No.  
53M-04165

Taxpayer No.  
25-6627678

Page  
22 of 37

## 2009 ANNUAL STATEMENT SUMMARY

### 2009 CAPITAL GAIN AND LOSS TRANSACTIONS

| Security Description     | Quantity | Date Acquired<br>Cover of Short | Date Liquidated<br>Short Sale | Amortization/Accretion<br>Year-to-Date | Life-to-Date | Sales Price | Cost Basis | Gain or (Loss) |
|--------------------------|----------|---------------------------------|-------------------------------|----------------------------------------|--------------|-------------|------------|----------------|
| NOVO NORDISK A S ADR     | 4.0000   | 04/30/08                        | 12/16/09                      |                                        |              | 260.08      | 274.98     | (14.90)        |
|                          | 7.0000   | 05/08/08                        | 12/16/09                      |                                        |              | 455.15      | 469.44     | (14.29)        |
|                          | 6.0000   | 05/09/08                        | 12/16/09                      |                                        |              | 390.13      | 404.38     | (14.25)        |
|                          | 8.0000   | 05/12/08                        | 12/16/09                      |                                        |              | 520.19      | 541.92     | (21.73)        |
|                          | 20.0000  | 05/01/08                        | 12/16/09                      |                                        |              | 1,300.44    | 1,370.61   | (70.17)        |
|                          | 5.0000   | 05/02/08                        | 12/16/09                      |                                        |              | 325.11      | 335.92     | (10.81)        |
|                          | 1.0000   | 05/05/08                        | 12/16/09                      |                                        |              | 65.02       | 68.27      | (3.25)         |
|                          | 26.0000  | 05/06/08                        | 12/16/09                      |                                        |              | 1,690.57    | 1,776.45   | (85.88)        |
|                          | 39.0000  | 05/07/08                        | 12/16/09                      |                                        |              | 2,535.86    | 2,606.81   | (70.95)        |
|                          |          | Security Subtotal               |                               |                                        |              | 7,542.55    | 7,848.78   | (306.23)       |
| PRUDENTIAL FINANCIAL INC | 16.0000  | 03/27/07                        | 10/05/09                      |                                        |              | 783.83      | 1,451.30   | (667.47)       |
|                          | 6.0000   | 03/27/07                        | 12/16/09                      |                                        |              | 309.65      | 544.24     | (234.59)       |
|                          | 45.0000  | 08/17/07                        | 12/16/09                      |                                        |              | 2,322.39    | 3,958.98   | (1,636.59)     |
|                          | 5.0000   | 04/10/08                        | 12/16/09                      |                                        |              | 258.05      | 397.45     | (139.40)       |
|                          |          | Security Subtotal               |                               |                                        |              | 3,673.92    | 6,351.97   | (2,678.05)     |
| PEABODY ENERGY CORP COM  | 27.0000  | 02/15/07                        | 10/05/09                      |                                        |              | 987.16      | 1,024.87   | (37.71)        |
|                          | 39.0000  | 07/19/07                        | 12/16/09                      |                                        |              | 1,738.20    | 1,744.00   | (5.80)         |
|                          |          | Security Subtotal               |                               |                                        |              | 2,725.36    | 2,768.87   | (43.51)        |
| ROYAL DUTCH SHELL PLC    | 31.0000  | 06/27/05                        | 12/16/09                      |                                        |              | 1,857.78    | 2,001.31   | (143.53)       |
|                          | 14.0000  | 12/22/06                        | 12/16/09                      |                                        |              | 838.99      | 971.60     | (132.61)       |
|                          | 5.0000   | 04/10/08                        | 12/16/09                      |                                        |              | 299.64      | 363.70     | (64.06)        |
|                          |          | Security Subtotal               |                               |                                        |              | 2,996.41    | 3,336.61   | (340.20)       |
| SCHLUMBERGER LTD         | 69.0000  | 08/28/08                        | 12/16/09                      |                                        |              | 4,396.75    | 6,783.02   | (2,386.27)     |
| TOTAL S.A. SP ADR        | 21.0000  | 12/22/06                        | 12/16/09                      |                                        |              | 1,342.32    | 1,483.86   | (141.54)       |



Account No.  
53M-04165

Taxpayer No.  
25-6627678

Page  
23 of 37

THE MARC DAVID FOUNDATION

## 2009 ANNUAL STATEMENT SUMMARY

### 2009 CAPITAL GAIN AND LOSS TRANSACTIONS

| Security Description              | Quantity | Date Acquired<br>Cover of Short   | Date Liquidated<br>Short Sale | Year-to-Date | Amortization/Accretion<br>Life-to-Date | Sales Price | Cost Basis | Gain or (Loss) |
|-----------------------------------|----------|-----------------------------------|-------------------------------|--------------|----------------------------------------|-------------|------------|----------------|
| TEXAS INSTRUMENTS                 | 36.0000  | 11/30/06                          | 10/05/09                      |              |                                        | 818.99      | 1,068.32   | (249.33)       |
|                                   | 37.0000  | 11/30/06                          | 12/16/09                      |              |                                        | 956.52      | 1,098.00   | (141.48)       |
|                                   | 24.0000  | 12/22/06                          | 12/16/09                      |              |                                        | 620.44      | 687.12     | (66.68)        |
|                                   | 101.0000 | 09/05/07                          | 12/16/09                      |              |                                        | 2,611.06    | 3,566.53   | (955.47)       |
|                                   | 93.0000  | 10/25/07                          | 12/16/09                      |              |                                        | 2,404.24    | 2,900.69   | (496.45)       |
|                                   | 16.0000  | 04/10/08                          | 12/16/09                      |              |                                        | 413.63      | 480.96     | (67.33)        |
|                                   |          | Security Subtotal                 |                               |              |                                        | 7,824.88    | 9,801.62   | (1,976.74)     |
| TRANSOCEAN LTD                    | 10.0000  | 07/19/07                          | 11/23/09                      |              |                                        | 851.75      | 1,071.33   | (219.58)       |
|                                   | 12.0000  | 07/19/07                          | 12/16/09                      |              |                                        | 1,014.21    | 1,285.60   | (271.39)       |
|                                   | 17.0000  | 04/10/08                          | 12/16/09                      |              |                                        | 1,436.80    | 2,497.81   | (1,061.01)     |
|                                   |          | Security Subtotal                 |                               |              |                                        | 3,302.76    | 4,854.74   | (1,551.98)     |
| UNITED TECHS CORP COM             | 27.0000  | 05/16/06                          | 10/05/09                      |              |                                        | 1,624.07    | 1,759.26   | (135.19)       |
| WAL-MART STORES INC               | 38.0000  | 08/01/03                          | 12/16/09                      |              |                                        | 2,040.56    | 2,101.79   | (61.23)        |
| WALGREEN CO                       | 22.0000  | 12/22/06                          | 12/16/09                      |              |                                        | 847.42      | 1,032.39   | (184.97)       |
| WEATHERFORD INTL LTD              | 208.0000 | 07/13/07                          | 02/09/09                      |              |                                        | 2,612.86    | 5,627.39   | (3,014.53)     |
|                                   |          | Long Term Capital Losses Subtotal |                               |              |                                        | 127,720.35  | 175,982.69 | (48,262.34)    |
| NET LONG TERM CAPITAL GAIN (LOSS) |          |                                   |                               |              |                                        |             |            | 37,051.10      |
| TOTAL CAPITAL GAINS AND LOSSES    |          |                                   |                               |              |                                        | 472,598.78  | 423,440.15 | 49,158.63      |
| TOTAL REPORTABLE GROSS PROCEEDS   |          |                                   |                               |              |                                        | 472,598.78  |            |                |
| DIFFERENCE                        |          |                                   |                               |              |                                        | 0.00 *      |            |                |

Note: Capital gains and losses in this statement are not reported to the IRS.

\* Difference reflects items that are included in the reportable gross proceeds section of your statement but are not included in the gain/loss section (e.g., liquidation of fractional shares and the proceeds from certain tender offers). It also reflects items that are included in the gain/loss section of your statement but not in the reportable gross proceeds section (e.g., option premium received).

**Application for Extension of Time To File an  
Exempt Organization Return**

OMB No. 1545-1709

► File a separate application for each return.

- If you are filing for an Automatic 3-Month Extension, complete only Part I and check this box ☒ **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](http://www.irs.gov/efile) and click on e-file for Charities & Nonprofits.

|                                                                                     |                                                                                                                           |                                                     |
|-------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------|
| Type or print<br><br>File by the due date for filing your return. See instructions. | Name of Exempt Organization<br><b>THE MARC DAVID FOUNDATION<br/>C/O MR. MARC BERMAN</b>                                   | Employer identification number<br><b>25-6627678</b> |
|                                                                                     | Number, street, and room or suite no. If a P.O. box, see instructions.<br><b>P.O. Box 645</b>                             |                                                     |
|                                                                                     | City, town or post office, state, and ZIP code. For a foreign address, see instructions.<br><b>SPRING HOUSE, PA 19477</b> |                                                     |
|                                                                                     |                                                                                                                           |                                                     |

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

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

**MR. MARC BERMAN**

- The books are in the care of ►
- 180 NEW BRITIAN BOULEVARD - CHALFONT, PA 18914**

Telephone No. ► **(215) 569-5599**

FAX No. ►

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

- 1 I request an automatic 3-month (6-months for a corporation required to file Form 990-T) extension of time until **August 15, 2010**, to file the exempt organization return for the organization named above. The extension is for the organization's return for:
- ☒ calendar year **2009** or
- ☐ tax year beginning \_\_\_\_\_, and ending \_\_\_\_\_.

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

|                                                                                                                                                                                                                        |    |    |    |
|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----|----|----|
| 3a If this application is for Form 990-BL, 990-PF, 990-T, 4720, or 6069, enter the tentative tax, less any nonrefundable credits. See instructions.                                                                    | 3a | \$ | 0. |
| b If this application is for Form 990-PF or 990-T, enter any refundable credits and estimated tax payments made. Include any prior year overpayment allowed as a credit.                                               | 3b | \$ | 0. |
| c Balance Due. Subtract line 3b from line 3a. Include your payment with this form, or, if required, deposit with FTD coupon or, if required, by using EFTPS (Electronic Federal Tax Payment System). See instructions. | 3c | \$ | 0. |

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

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

Form 8868 (Rev. 4-2009)

- If you are filing for an **Additional (Not Automatic) 3-Month Extension**, complete only **Part II** and check this box ☒ **X**

**Note.** Only complete Part II if you have already been granted an automatic 3-month extension on a previously filed Form 8868.

- If you are filing for an **Automatic 3-Month Extension**, complete only **Part I** (on page 1)

|                                                                                                                        |                                                                                                                          |                                                     |
|------------------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------|
| <b>Part II</b> <b>Additional (Not Automatic) 3-Month Extension of Time.</b> Only file the original (no copies needed). |                                                                                                                          |                                                     |
| Type or print<br>File by the extended due date for filing the return. See instructions.                                | Name of Exempt Organization<br><b>THE MARC DAVID FOUNDATION<br/>C/O MR. MARC BERMAN</b>                                  | Employer identification number<br><b>25-6627678</b> |
|                                                                                                                        | Number, street, and room or suite no. If a P.O. box, see instructions<br><b>P.O. Box 645</b>                             | For IRS use only                                    |
|                                                                                                                        | City, town or post office, state, and ZIP code. For a foreign address, see instructions<br><b>SPRING HOUSE, PA 19477</b> |                                                     |

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

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

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

**MR. MARC BERMAN**

- The books are in the care of **180 NEW BRITIAN BOULEVARD - CHALFONT, PA 18914**  
 Telephone No **(215) 569-5599** FAX No \_\_\_\_\_
- If the organization does not have an office or place of business in the United States, check this box ☐
- If this is for a Group Return, enter the organization's four digit Group Exemption Number (GEN) \_\_\_\_\_. If this is for the whole group, check this box ☐. If it is for part of the group, check this box ☐ and attach a list with the names and EINs of all members the extension is for \_\_\_\_\_
- 4 I request an additional 3-month extension of time until **November 15, 2010**
- 5 For calendar year **2009**, or other tax year beginning \_\_\_\_\_, and ending \_\_\_\_\_
- 6 If this tax year is for less than 12 months, check reason: ☐ Initial return ☐ Final return ☐ Change in accounting period
- 7 State in detail why you need the extension  
**ADDITIONAL TIME IS NEEDED TO FILE A COMPLETE AND ACCURATE RETURN.**

|                                                                                                                                                                                                                                            |           |                  |
|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------|------------------|
| <b>8a</b> 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.                                                                                 | <b>8a</b> | \$ <b>640.</b>   |
| <b>b</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. | <b>8b</b> | \$ <b>1,275.</b> |
| <b>c Balance Due.</b> Subtract line 8b from line 8a. Include your payment with this form, or, if required, deposit with FTD coupon or, if required, by using EFTPS (Electronic Federal Tax Payment System). See instructions.              | <b>8c</b> | \$ <b>0.</b>     |

### 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 **▶**

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