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Return of Private Foundation

or Section 4947(a)(1) Nonexempt Charitable Trust

Treated as a Private Foundation

2009

Department of the Treasury
Internal Revenue Service

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

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

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

Use the IRS label. Otherwise, print or type. See Specific Instructions	Name of foundation The Messner Foundation, Inc.		A Employer identification number 26-0581765
	Number and street (or P.O. box number if mail is not delivered to street address) Room/suite PO Box 292		B Telephone number 609-390-2545
	City or town, state, and ZIP code Tuckahoe, NJ 08250		C If exemption application is pending, check here <input type="checkbox"/>
			D 1. Foreign organizations, check here <input type="checkbox"/> 2. Foreign organizations meeting the 85% test, check here and attach computation <input type="checkbox"/>
H Check type of organization: <input checked="" type="checkbox"/> Section 501(c)(3) exempt private foundation <input type="checkbox"/> Section 4947(a)(1) nonexempt charitable trust <input type="checkbox"/> Other taxable private foundation			E If private foundation status was terminated under section 507(b)(1)(A), check here <input type="checkbox"/>
I Fair market value of all assets at end of year (from Part II, col. (c), line 16) \$ 8655563.		J Accounting method: <input type="checkbox"/> Cash <input checked="" type="checkbox"/> Accrual <input type="checkbox"/> Other (specify) _____	F If the foundation is in a 60-month termination under section 507(b)(1)(B), check here <input type="checkbox"/>

Part I Analysis of Revenue and Expenses (The total of amounts in columns (b), (c), and (d) may not necessarily equal the amounts in column (a).)		(a) Revenue and expenses per books	(b) Net investment income	(c) Adjusted net income	(d) Disbursements for charitable purposes (cash basis only)
1 Contributions, gifts, grants, etc., received				N/A	
2 Check <input checked="" type="checkbox"/> if the foundation is not required to attach Sch. B					
3 Interest on savings and temporary cash investments					
4 Dividends and interest from securities		289515.	289515.		Statement 1
5a Gross rents					
b Net rental income or (loss)					
6a Net gain or (loss) from sale of assets not on line 10		-397305.			
b Gross sales price for all assets on line 6a		2684089.			
7 Capital gain net income (from Part IV, line 2)			0.		
8 Net short-term capital gain					
9 Income modifications					
10a Gross sales less returns and allowances					
b Less Cost of goods sold					
c Gross profit or (loss)					
11 Other income		2080.	2080.		Statement 2
12 Total. Add lines 1 through 11		-105710.	291595.		
13 Compensation of officers, directors, trustees, etc		0.	0.		0.
14 Other employee salaries and wages					
15 Pension plans, employee benefits					
16a Legal fees		4750.	0.		4750.
b Accounting fees		5000.	2500.		2500.
c Other professional fees		37297.	37297.		0.
17 Interest					
18 Taxes		680.	680.		0.
19 Depreciation and depletion					
20 Occupancy					
21 Travel, conferences, and meetings					
22 Printing and publications					
23 Other expenses		1691.	0.		1691.
24 Total operating and administrative expenses. Add lines 13 through 23		49418.	40477.		8941.
25 Contributions, gifts, grants paid		335750.			335750.
26 Total expenses and disbursements. Add lines 24 and 25		385168.	40477.		344691.
27 Subtract line 26 from line 12:					
a Excess of revenue over expenses and disbursements		-490878.			
b Net investment income (if negative, enter -0-)			251118.		
c Adjusted net income (if negative, enter -0-)				N/A	

Part II Balance Sheets		Beginning of year (a) Book Value	End of year	
			(b) Book Value	(c) Fair Market Value
Assets	1 Cash - non-interest-bearing			
	2 Savings and temporary cash investments	598393.	616620.	616620.
	3 Accounts receivable ▶ Less: allowance for doubtful accounts ▶			
	4 Pledges receivable ▶ Less: allowance for doubtful accounts ▶			
	5 Grants receivable			
	6 Receivables due from officers, directors, trustees, and other disqualified persons			
	7 Other notes and loans receivable ▶ Less: allowance for doubtful accounts ▶			
	8 Inventories for sale or use			
	9 Prepaid expenses and deferred charges			
	10a Investments - U.S. and state government obligations			
	b Investments - corporate stock Stmt 8	9217652.	8710936.	8036719.
	c Investments - corporate bonds			
	11 Investments - land, buildings, and equipment: basis ▶ Less: accumulated depreciation ▶			
	12 Investments - mortgage loans			
	13 Investments - other Stmt 9	4613.	2224.	2224.
Liabilities	14 Land, buildings, and equipment: basis ▶ Less: accumulated depreciation ▶			
	15 Other assets (describe ▶)			
	16 Total assets (to be completed by all filers)	9820658.	9329780.	8655563.
	17 Accounts payable and accrued expenses	5000.	5000.	
	18 Grants payable			
	19 Deferred revenue			
	20 Loans from officers, directors, trustees, and other disqualified persons			
Net Assets or Fund Balances	21 Mortgages and other notes payable			
	22 Other liabilities (describe ▶)			
	23 Total liabilities (add lines 17 through 22)	5000.	5000.	
	Foundations that follow SFAS 117, check here ▶ <input checked="" type="checkbox"/> and complete lines 24 through 26 and lines 30 and 31.			
	24 Unrestricted	9815658.	9324780.	
	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	9815658.	9324780.	
	31 Total liabilities and net assets/fund balances	9820658.	9329780.	

Part III Analysis of Changes in Net Assets or Fund Balances

1 Total net assets or fund balances at beginning of year - Part II, column (a), line 30 (must agree with end-of-year figure reported on prior year's return)	1	9815658.
2 Enter amount from Part I, line 27a	2	-490878.
3 Other increases not included in line 2 (itemize) ▶	3	0.
4 Add lines 1, 2, and 3	4	9324780.
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	9324780.

Part IV Capital Gains and Losses for Tax on Investment Income

(a) List and describe the kind(s) of property sold (e.g., real estate, 2-story brick warehouse; or common stock, 200 shs. MLC Co.)	(b) How acquired P - Purchase D - Donation	(c) Date acquired (mo., day, yr.)	(d) Date sold (mo., day, yr.)
1a Fidelity - see attached summary	P	Various	Various
b Capital Gains Dividends			
c			
d			
e			

(e) Gross sales price	(f) Depreciation allowed (or allowable)	(g) Cost or other basis plus expense of sale	(h) Gain or (loss) (e) plus (f) minus (g)
a 2682465.		3081394.	-398929.
b 1624.			1624.
c			
d			
e			

Complete only for assets showing gain in column (h) and owned by the foundation on 12/31/69			(l) Gains (Col. (h) gain minus col. (k), but not less than -0-) or Losses (from col. (h))
(i) F.M.V. as of 12/31/69	(j) Adjusted basis as of 12/31/69	(k) Excess of col. (i) over col. (j), if any	
a			-398929.
b			1624.
c			
d			
e			

2 Capital gain net income or (net capital loss)	{ If gain, also enter in Part I, line 7 If (loss), enter -0- in Part I, line 7 }	2	-397305.
3 Net short-term capital gain or (loss) as defined in sections 1222(5) and (6): If gain, also enter in Part I, line 8, column (c). If (loss), enter -0- in Part I, line 8	{ }	3	N/A

Part V Qualification Under Section 4940(e) for Reduced Tax on Net Investment Income

(For optional use by domestic private foundations subject to the section 4940(a) tax on net investment income.)

If section 4940(d)(2) applies, leave this part blank.

Was the foundation liable for the section 4942 tax on the distributable amount of any year in the base period?

☐ Yes ☒ No

If "Yes," the foundation does not qualify under section 4940(e). Do not complete this part.

1 Enter the appropriate amount in each column for each year; see instructions before making any entries.

(a) Base period years Calendar year (or tax year beginning in)	(b) Adjusted qualifying distributions	(c) Net value of noncharitable-use assets	(d) Distribution ratio (col. (b) divided by col. (c))
2008	2244576.	9681417.	.231844
2007	196193.	4263863.	.046013
2006			
2005			
2004			

2 Total of line 1, column (d)	2	.277857
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	.138929
4 Enter the net value of noncharitable-use assets for 2009 from Part X, line 5	4	7841626.
5 Multiply line 4 by line 3	5	1089429.
6 Enter 1% of net investment income (1% of Part I, line 27b)	6	2511.
7 Add lines 5 and 6	7	1091940.
8 Enter qualifying distributions from Part XII, line 4 If line 8 is equal to or greater than line 7, check the box in Part VI, line 1b, and complete that part using a 1% tax rate. See the Part VI instructions.	8	344691.

Part VI Excise Tax Based on Investment Income (Section 4940(a), 4940(b), 4940(e), or 4948 - see instructions)

1a Exempt operating foundations described in section 4940(d)(2), check here <input type="checkbox"/> and enter "N/A" on line 1. Date of ruling or determination letter: _____ (attach copy of letter if necessary-see instructions)			
b Domestic foundations that meet the section 4940(e) requirements in Part V, check here <input type="checkbox"/> and enter 1% of Part I, line 27b		1	5022.
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	5022.
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	5022.
6 Credits/Payments:			
a 2009 estimated tax payments and 2008 overpayment credited to 2009	6a	8931.	
b Exempt foreign organizations - tax withheld at source	6b		
c Tax paid with application for extension of time to file (Form 8868)	6c		
d Backup withholding erroneously withheld	6d		
7 Total credits and payments. Add lines 6a through 6d	7	8931.	
8 Enter any penalty for underpayment of estimated tax. Check here <input type="checkbox"/> if Form 2220 is attached	8		
9 Tax due. If the total of lines 5 and 8 is more than line 7, enter amount owed	9		
10 Overpayment. If line 7 is more than the total of lines 5 and 8, enter the amount overpaid	10	3909.	
11 Enter the amount of line 10 to be: Credited to 2010 estimated tax <input type="checkbox"/> Refunded <input type="checkbox"/>	11	0.	

Part VII-A Statements Regarding Activities

	Yes	No
1a During the tax year, did the foundation attempt to influence any national, state, or local legislation or did it participate or intervene in any political campaign?		X
1b Did it spend more than \$100 during the year (either directly or indirectly) for political purposes (see instructions for definition)? If the answer is "Yes" to 1a or 1b, attach a detailed description of the activities and copies of any materials published or distributed by the foundation in connection with the activities.		X
c Did the foundation file Form 1120-POL for this year?		X
d Enter the amount (if any) of tax on political expenditures (section 4955) imposed during the year: (1) On the foundation. ► \$ 0. (2) On foundation managers. ► \$ 0.		
e Enter the reimbursement (if any) paid by the foundation during the year for political expenditure tax imposed on foundation managers. ► \$ 0.		
2 Has the foundation engaged in any activities that have not previously been reported to the IRS? If "Yes," attach a detailed description of the activities.		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? If "Yes," attach the statement required by General Instruction T.		X
6 Are the requirements of section 508(e) (relating to sections 4941 through 4945) satisfied either: • By language in the governing instrument, or • By state legislation that effectively amends the governing instrument so that no mandatory directions that conflict with the state law remain in the governing instrument?	X	
7 Did the foundation have at least \$5,000 in assets at any time during the year? If "Yes," complete Part II, col. (c), and Part XV.	X	
8a Enter the states to which the foundation reports or with which it is registered (see instructions) ► NJ		
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

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Part VII-A Statements Regarding Activities (continued)

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

Website address ► **N/A**

14 The books are in care of ► **The Foundation** Telephone no. ► **609-390-2545**
 Located at ► **PO Box 292, Tuckahoe, NJ** ZIP+4 ► **08250**

15 Section 4947(a)(1) nonexempt charitable trusts filing Form 990-PF in lieu of Form 1041 - Check here ► ☐
 and enter the amount of tax-exempt interest received or accrued during the year ► **15** **N/A**

Part VII-B Statements Regarding Activities for Which Form 4720 May Be Required

File Form 4720 if any item is checked in the "Yes" column, unless an exception applies.

	Yes	No
1a During the year did the foundation (either directly or indirectly):		
(1) Engage in the sale or exchange, or leasing of property with a disqualified person?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	
(2) Borrow money from, lend money to, or otherwise extend credit to (or accept it from) a disqualified person?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	
(3) Furnish goods, services, or facilities to (or accept them from) a disqualified person?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	
(4) Pay compensation to, or pay or reimburse the expenses of, a disqualified person?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	
(5) Transfer any income or assets to a disqualified person (or make any of either available for the benefit or use of a disqualified person)?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	
(6) Agree to pay money or property to a government official? (Exception. Check "No" if the foundation agreed to make a grant to or to employ the official for a period after termination of government service, if terminating within 90 days.)	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	
b If any answer is "Yes" to 1a(1)-(6), did any of the acts fail to qualify under the exceptions described in Regulations section 53.4941(d)-3 or in a current notice regarding disaster assistance (see page 20 of the instructions)? Organizations relying on a current notice regarding disaster assistance check here ► <input type="checkbox"/>	1b	X
c Did the foundation engage in a prior year in any of the acts described in 1a, other than excepted acts, that were not corrected before the first day of the tax year beginning in 2009?	1c	X
2 Taxes on failure to distribute income (section 4942) (does not apply for years the foundation was a private operating foundation defined in section 4942(j)(3) or 4942(j)(5)):		
a At the end of tax year 2009, did the foundation have any undistributed income (lines 6d and 6e, Part XIII) for tax year(s) beginning before 2009? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No If "Yes," list the years ► _____, _____, _____		
b Are there any years listed in 2a for which the foundation is not applying the provisions of section 4942(a)(2) (relating to incorrect valuation of assets) to the year's undistributed income? (If applying section 4942(a)(2) to all years listed, answer "No" and attach statement - see instructions.) N/A	2b	
c If the provisions of section 4942(a)(2) are being applied to any of the years listed in 2a, list the years here. ► _____, _____, _____		
3a Did the foundation hold more than a 2% direct or indirect interest in any business enterprise at any time during the year? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No		
b If "Yes," did it have excess business holdings in 2009 as a result of (1) any purchase by the foundation or disqualified persons after May 26, 1969; (2) the lapse of the 5-year period (or longer period approved by the Commissioner under section 4943(c)(7)) to dispose of holdings acquired by gift or bequest; or (3) the lapse of the 10-, 15-, or 20-year first phase holding period? (Use Schedule C, Form 4720, to determine if the foundation had excess business holdings in 2009.) N/A	3b	
4a Did the foundation invest during the year any amount in a manner that would jeopardize its charitable purposes?	4a	X
b Did the foundation make any investment in a prior year (but after December 31, 1969) that could jeopardize its charitable purpose that had not been removed from jeopardy before the first day of the tax year beginning in 2009?	4b	X

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Part VII-B Statements Regarding Activities for Which Form 4720 May Be Required (continued)**5a** During the year did the foundation pay or incur any amount to:

(1) Carry on propaganda, or otherwise attempt to influence legislation (section 4945(e))?

☐ Yes ☒ No

(2) Influence the outcome of any specific public election (see section 4955); or to carry on, directly or indirectly, any voter registration drive?

☐ Yes ☒ No

(3) Provide a grant to an individual for travel, study, or other similar purposes?

☐ Yes ☒ No

(4) Provide a grant to an organization other than a charitable, etc., organization described in section 509(a)(1), (2), or (3), or section 4940(d)(2)?

☐ Yes ☒ No

(5) Provide for any purpose other than religious, charitable, scientific, literary, or educational purposes, or for the prevention of cruelty to children or animals?

☐ Yes ☒ No**b** If any answer is "Yes" to 5a(1)-(5), did any of the transactions fail to qualify under the exceptions described in Regulations section 53.4945 or in a current notice regarding disaster assistance (see instructions)?

N/A

5b

Organizations relying on a current notice regarding disaster assistance check here

▶ ☐**c** If the answer is "Yes" to question 5a(4), does the foundation claim exemption from the tax because it maintained expenditure responsibility for the grant?

N/A

☐ Yes ☐ No

If "Yes," attach the statement required by Regulations section 53.4945-5(d).

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

6b

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

X

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

7a At any time during the tax year, was the foundation a party to a prohibited tax shelter transaction?☐ Yes ☒ No**b** If yes, did the foundation receive any proceeds or have any net income attributable to the transaction?

N/A

7b

Part VIII Information About Officers, Directors, Trustees, Foundation Managers, Highly Paid Employees, and Contractors**1** List all officers, directors, trustees, foundation managers and their compensation.

(a) Name and address	(b) Title, and average hours per week devoted to position	(c) Compensation (If not paid, enter -0-)	(d) Contributions to employee benefit plans and deferred compensation	(e) Expense account, other allowances
See Statement 10		0.	0.	0.

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

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

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

0

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Part VIII Information About Officers, Directors, Trustees, Foundation Managers, Highly Paid Employees, and Contractors *(continued)***3** Five highest-paid independent contractors for professional services. If none, enter "NONE."

(a) Name and address of each person paid more than \$50,000	(b) Type of service	(c) Compensation
NONE		

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

0

Part IX-A Summary of Direct Charitable Activities

List the foundation's four largest direct charitable activities during the tax year. Include relevant statistical information such as the number of organizations and other beneficiaries served, conferences convened, research papers produced, etc.

	Expenses
1 N/A	
2	
3	
4	

Part IX-B Summary of Program-Related Investments

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

	Amount
1 N/A	
2	
All other program-related investments. See instructions.	
3	
Total. Add lines 1 through 3	0.

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Part X Minimum Investment Return (All domestic foundations must complete this part. Foreign foundations, see instructions.)

1	Fair market value of assets not used (or held for use) directly in carrying out charitable, etc., purposes:		
a	Average monthly fair market value of securities	1a	7470725.
b	Average of monthly cash balances	1b	490317.
c	Fair market value of all other assets	1c	
d	Total (add lines 1a, b, and c)	1d	7961042.
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	7961042.
4	Cash deemed held for charitable activities. Enter 1 1/2% of line 3 (for greater amount, see instructions)	4	119416.
5	Net value of noncharitable-use assets. Subtract line 4 from line 3. Enter here and on Part V, line 4	5	7841626.
6	Minimum investment return. Enter 5% of line 5	6	392081.

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	392081.
2a	Tax on investment income for 2009 from Part VI, line 5	2a	5022.
b	Income tax for 2009. (This does not include the tax from Part VI.)	2b	
c	Add lines 2a and 2b	2c	5022.
3	Distributable amount before adjustments. Subtract line 2c from line 1	3	387059.
4	Recoveries of amounts treated as qualifying distributions	4	0.
5	Add lines 3 and 4	5	387059.
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	387059.

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	344691.
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	344691.
5	Foundations that qualify under section 4940(e) for the reduced rate of tax on net investment income. Enter 1% of Part I, line 27b	5	0.
6	Adjusted qualifying distributions. Subtract line 5 from line 4	6	344691.

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

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Part XIII Undistributed Income (see instructions)

	(a) Corpus	(b) Years prior to 2008	(c) 2008	(d) 2009
1 Distributable amount for 2009 from Part XI, line 7				387059.
2 Undistributed income, if any, as of the end of 2009				
a Enter amount for 2008 only			0.	
b Total for prior years:		0.		
3 Excess distributions carryover, if any, to 2009:				
a From 2004				
b From 2005				
c From 2006				
d From 2007				99932.
e From 2008				1767123.
f Total of lines 3a through e	1867055.			
4 Qualifying distributions for 2009 from Part XII, line 4: ► \$	344691.			
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				344691.
e Remaining amount distributed out of corpus	0.			
5 Excess distributions carryover applied to 2009 (If an amount appears in column (d), the same amount must be shown in column (a).)	42368.			42368.
6 Enter the net total of each column as indicated below:				
a Corpus. Add lines 3f, 4c, and 4e. Subtract line 5	1824687.			
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	1824687.			
10 Analysis of line 9:				
a Excess from 2005				
b Excess from 2006				
c Excess from 2007				57564.
d Excess from 2008				1767123.
e Excess from 2009				

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

N/A

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

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

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

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

[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

Date _____

➤ Title

Preparer's
signature

Frank Pelosi

Date
04

Check if self-employed	
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Preparer's identifying number

Firm's name (or yours
if self-employed),
address, and ZIP code

Capaldi Reynolds & Pelosi, PA
332 Tilton Road
Northfield, NJ 08225

EIN ▶

Phone no. (609) 641-4000

Form **990-PF** (2009)

Messner Foundation, Inc
Net Gain or (Loss) from Sale of Assets

EIN 26-0581765

		Date Acquired	Date Sold	Sale Price	Cost Basis	Gain or (Loss)
200.000	Apple Inc	Various	03/23/09	21,298.04	20,119.70	1,178.34
50.000	Apple Inc	08/17/09	09/15/09	8,586.77	8,038.50	548.27
200.000	Archer Daniels Midland	11/19/08	03/23/09	5,788.40	4,919.30	869.10
1,500.000	Barclays BI iPath Crude Oil	Various	06/09/09	37,493.73	31,726.05	5,767.68
100.000	Boeing Co	12/22/08	06/09/09	5,142.02	4,074.82	1,067.20
14,535.037	Calvert Income Fund	Various	02/24/09	197,676.50	236,000.00	(38,323.50)
1,000.000	Chesapeake Energy Corp	Various	09/16/09	26,614.41	25,170.09	1,444.32
100,000.000	CIT Gr Mtn 7.625% 11/30/12	11/28/07	07/13/09	60,500.00	100,313.54	(39,813.54)
623.000	CIT Group Inc New	12/10/09	12/17/09	18,681.51	22,862.13	(4,180.62)
	CIT Group Inc - Cash in lieu	12/22/09	12/22/09	6.71	0.00	6.71
1,500.000	Citi Group Inc	Various	11/30/09	6,381.83	59,562.50	(53,180.67)
100.000	CME Group Inc	10/30/07	11/30/09	32,029.67	65,508.00	(33,478.33)
200,000.000	Deutsche Bank	11/21/08	12/28/09	255,600.00	200,000.00	55,600.00
300.000	Diamond Offshore Drilling	Various	05/08/09	23,944.70	22,001.07	1,943.63
100.000	Diamond Offshore Drilling	Various	06/09/09	9,090.08	7,343.47	1,746.61
25,000.000	Discover Bank	08/25/08	11/30/09	25,000.00	25,000.00	0.00
808.570	Dodge & Cox Stock	Various	01/20/09	53,799.59	100,000.00	(46,200.41)
500.000	Dryships Inc	Various	11/30/09	3,036.92	25,024.33	(21,987.41)
200.000	Expeditors Intl	08/31/09	09/21/09	7,160.73	6,408.00	752.73
1,241.620	FBR Focus Fund	Various	11/25/09	49,875.88	60,000.00	(10,124.12)
100,000.000	Fed Home Loan Mtg Corp 6% 7/2/14	11/15/07	07/02/09	100,000.00	104,858.33	(4,858.33)
100,000.000	Fed Home Loan Mtg Corp 6% 8/14/17	11/06/07	08/14/09	100,000.00	103,394.86	(3,394.86)
200,000.000	Fed Home Loan Mtg Corp 6% 6/15/17	10/24/07	06/15/09	200,000.00	207,433.33	(7,433.33)
200.000	FMC Corp	11/06/08	05/08/09	9,922.12	8,218.00	1,704.12
400.000	Franklin Res Inc	Various	09/16/09	38,882.16	37,678.30	1,203.86
600.000	Freeport McMoran Copper & Gold	Various	05/05/09	28,828.93	24,581.16	4,247.77
300.000	Freeport McMoran Copper & Gold	Various	08/12/09	19,171.13	13,860.15	5,310.98
200.000	Goldman Sachs Group	Various	09/15/09	34,487.95	33,370.00	1,117.95
150.000	Google	Various	06/09/09	65,174.32	61,274.00	3,900.32
40,000.000	Heller Financial Inc NT 7.375%	10/17/08	11/02/09	40,000.00	41,939.17	(1,939.17)
100,000.000	HSBC Bk USA	11/08/07	11/25/09	100,000.00	99,750.00	250.00
250.000	Ishares TR Dow Jones	02/15/08	12/02/09	10,679.22	15,265.50	(4,586.28)
400.000	Joy Global Inc	Various	08/12/09	16,886.12	14,842.11	2,044.01
200.000	Joy Global Inc	08/31/09	09/16/09	8,390.12	7,668.00	722.12
200.000	Loews Corp	02/24/09	03/23/09	4,668.45	3,995.04	673.41
14,958.521	Loomis Sayles Bond Instl	Various	02/25/09	153,140.26	200,035.00	(46,894.74)
350.000	Mastercard Inc	Various	09/02/09	72,720.13	69,719.02	3,001.11
500.000	Mattel Inc	12/22/08	06/09/09	8,052.49	7,372.10	680.39
300.000	Metavante Tech	Various	08/24/09	9,441.75	6,846.00	2,595.75
1,750.000	Microsoft	Various	06/09/09	38,526.00	37,525.41	1,000.59
300.000	Occidental Petroleum Corp	Various	06/09/09	20,672.38	19,304.80	1,367.58
300.000	Oracle Corp	02/10/09	06/09/09	6,308.15	5,254.34	1,053.81
1,200.000	Petroleo Brasileiro SA Petrobras	Various	05/08/09	48,052.92	36,317.30	11,735.62
22,526.365	Pimco Real Return Cl D	Various	02/24/09	215,577.31	248,400.00	(32,822.69)
100.000	Praxair Inc	05/21/09	08/27/09	7,819.89	7,069.80	750.09
500.000	Research in Motion Ltd	Various	05/08/09	37,102.04	34,588.00	2,514.04
150.000	Research in Motion Ltd	Various	08/27/09	11,606.80	10,792.60	814.20

Messner Foundation, Inc.

EIN 26-0581765

Net Gain or (Loss) from Sale of Assets

		Date Acquired	Date Sold	Sale Price	Cost Basis	Gain or (Loss)
100.000	Research in Motion Ltd	Various	09/15/09	7,849.39	7,253.80	595.59
500.000	Schering Plough Corp	Various	03/23/09	12,117.73	11,393.50	724.23
200.000	Schlumberger Limited	Various	08/27/09	11,560.54	10,224.67	1,335.87
200.000	Sears Hldgs Corp	Various	08/25/09	13,153.80	24,816.00	(11,662.20)
200.000	Sherwin Williams	01/08/08	08/12/09	12,344.88	10,950.00	1,394.88
100.000	Transocean Limited	07/07/09	08/27/09	7,867.58	6,719.60	1,147.98
300.000	United Technologies	Various	09/15/09	18,318.95	20,079.90	(1,760.95)
100.000	United Technologies	10/06/08	09/15/09	6,109.26	5,101.99	1,007.27
100.000	United Technologies	07/07/09	09/15/09	6,109.26	4,984.00	1,125.26
100.000	United Technologies	11/19/08	09/15/09	6,109.26	4,744.99	1,364.27
550.000	Vail Resorts	Various	05/05/09	15,921.05	13,478.43	2,442.62
200.000	Vail Resorts	10/02/08	05/05/09	5,781.85	6,611.33	(829.48)
10,166.011	Vanguard Global Equity	Various	02/24/09	101,116.81	225,000.00	(123,883.19)
300.000	Visa Inc	Various	06/09/09	20,569.04	19,541.90	1,027.14
21,953.651	Western Asset Core Plus	Various	02/24/09	183,717.06	225,070.00	(41,352.94)
				2,682,464.59	3,081,393.93	(398,929.34)

Form 990-PF	Dividends and Interest from Securities	Statement	1
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Source	Gross Amount	Capital Gains Dividends	Column (A) Amount
Fidelity - Dividend Income	174359.	1624.	172735.
Fidelity - Interest Income	116780.	0.	116780.
Total to Fm 990-PF, Part I, ln 4	291139.	1624.	289515.

Form 990-PF	Other Income	Statement	2
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Description	(a) Revenue Per Books	(b) Net Invest- ment Income	(c) Adjusted Net Income
Fidelity - Royalty Trust Income	1278.	1278.	
Fidelity - Return of Capital	802.	802.	
Total to Form 990-PF, Part I, line 11	2080.	2080.	

Form 990-PF	Legal Fees	Statement	3
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Description	(a) Expenses Per Books	(b) Net Invest- ment Income	(c) Adjusted Net Income	(d) Charitable Purposes
Ford Flower & Hasbrouck	2875.	0.		2875.
Perskie Mairone Brog & Baylinson	1875.	0.		1875.
To Fm 990-PF, Pg 1, ln 16a	4750.	0.		4750.

Form 990-PF	Accounting Fees			Statement 4
Description	(a) Expenses Per Books	(b) Net Invest- ment Income	(c) Adjusted Net Income	(d) Charitable Purposes
Capaldi Reynolds & Pelosi	5000.	2500.		2500.
To Form 990-PF, Pg 1, ln 16b	5000.	2500.		2500.

Form 990-PF	Other Professional Fees			Statement 5
Description	(a) Expenses Per Books	(b) Net Invest- ment Income	(c) Adjusted Net Income	(d) Charitable Purposes
Investment Advisory Fees	37297.	37297.		0.
To Form 990-PF, Pg 1, ln 16c	37297.	37297.		0.

Form 990-PF	Taxes			Statement 6
Description	(a) Expenses Per Books	(b) Net Invest- ment Income	(c) Adjusted Net Income	(d) Charitable Purposes
Foreign Tax	680.	680.		0.
To Form 990-PF, Pg 1, ln 18	680.	680.		0.

Form 990-PF	Other Expenses			Statement 7
Description	(a) Expenses Per Books	(b) Net Invest- ment Income	(c) Adjusted Net Income	(d) Charitable Purposes
Insurance	1661.	0.		1661.
CRI filing fee	30.	0.		30.
To Form 990-PF, Pg 1, ln 23	1691.	0.		1691.

Form 990-PF	Corporate Stock	Statement	8
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Description	Book Value	Fair Market Value
Fidelity Investments	8710936.	8036719.
Total to Form 990-PF, Part II, line 10b	8710936.	8036719.

Form 990-PF	Other Investments	Statement	9
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Description	Valuation Method	Book Value	Fair Market Value
Dividends Receivable	COST	2224.	2224.
Total to Form 990-PF, Part II, line 13		2224.	2224.

Form 990-PF	Part VIII - List of Officers, Directors Trustees and Foundation Managers	Statement	10
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Name and Address	Title and Avrg Hrs/Wk	Compensation	Employee Ben Plan	Expense Contrib	Account
Harold Messner P.O. Box 292 Tuckahoe, NJ 08250	Trustee 1.00	0.	0.	0.	
Elaine Messner P.O. Box 292 Tuckahoe, NJ 08250	Trustee 1.00	0.	0.	0.	
Leslie Kohler P.O. Box 292 Tuckahoe, NJ 08250	Trustee 1.00	0.	0.	0.	
Brenda Cacossa P.O. Box 292 Tuckahoe, NJ 08250	Trustee 1.00	0.	0.	0.	
Laura Messner P.O. Box 292 Tuckahoe, NJ 08250	Trustee 1.00	0.	0.	0.	
Totals included on 990-PF, Page 6, Part VIII		0.	0.	0.	

Form 990-PF	Part XV - Line 1a List of Foundation Managers	Statement 11
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Name of Manager

Harold Messner
Elaine Messner

Form 990-PF	Grants and Contributions Paid During the Year	Statement 12
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Recipient Name and Address	Recipient Relationship and Purpose of Grant	Recipient Status	Amount
Atlantic Christian School 121 W. New York Ave. Somers Point, NJ 08244	None Contribution to 501(c)(3) Organization		10000.
Atlantic City Rescue Mission 2009 Bacharach Blvd Atlantic City, NJ 08401	None Contribution to 501(c)(3) Organization		125000.
Beacon Animal Rescue 701 Butter Road Oceanview, NJ 08230	None Contribution to 501(c)(3) Organization		2500.
Covenant House New Jersey, Inc. 330 Washington Street Newark, NJ 07102	None Contribution to 501(c)(3) Organization		25000.
Feed the Children P.O. Box 36 Oklahoma City, OK 73101	None Contribution to 501(c)(3) Organization		10000.
Friends of Jean Webster S. Pennsylvania & Pacific Avenues Atlantic City, NJ 08401	None Contribution to 501(c)(3) Organization		30000.

Holy Redeemer Visiting Nurse and Hospice 6727 Delilah Road Egg Harbor Township, NJ 08234	None Contribution to 501(c)(3) Organization	10000.
Larry Benson Memorial Scholarship Foundation 216 Main Street, Route 50 Corbin City, NJ 08270	None Contribution to 501(c)(3) Organization	2500.
Society of St. Vincent de Paul 642 Market Street Camden, NJ 08102	None Contribution to 501(c)(3) Organization	5000.
St. Jude's Children's Hospital 262 Danny Thomas Place Memphis, TN 38105	None Contribution to 501(c)(3) Organization	20000.
Sunshine Foundation 1041 Mill Creek Drive Feasterville, PA 19053	None Contribution to 501(c)(3) Organization	2500.
The Salvation Army 22 S. Texas Avenue Atlantic City, NJ 08401	None Contribution to 501(c)(3) Organization	10000.
Upper Township Rescue Squad 2028 Tuckahoe Road Petersburg, NJ 08270	None Contribution to 501(c)(3) Organization	5000.
Children's Hospital Foundation 34th Street and Civic Center Blvd. Philadelphia, PA 19104	None Contribution to 501(c)(3) Organization	10000.
Lifeguard Inc. P.O. Box 767 Rio Grande, NJ 08242	None Contribution to 501(c)(3) Organization	2500.
Corbin City Baptist Church 212 Main Street Corbin City, NJ 08270	None Contribution to 501(c)(3) Organization	10750.

Stockton College Foundation P.O. Box 195, K-204 Pomona, NJ 08240	None Contribution to 501(c)(3) Organization	5000.
Church of the Resurrection 200 W Tuckahoe Road Marmora, NJ 08223	None Contribution to 501(c)(3) Organization	15000.
First United Methodist Church 126 N Green Street Tuckerton, NJ 08087	None Contribution to 501(c)(3) Organization	5000.
Cape Human Resources Inc. 406 Monroe Ave Woodbine, NJ 08270	None Contribution to 501(c)(3) Organization	15000.
South Seaville United Methodist Church 115 Corsons Tavern Road Oceanview, NJ 08230	None Contribution to 501(c)(3) Organization	10000.
Marantha Ministries 950 Tilton Road Northfield, NJ 08225	None Contribution to 501(c)(3) Organization	2500.
Eric Johnson House 44 South Street Morristown, NJ 07960	None Contribution to 501(c)(3) Organization	2500.
Total to Form 990-PF, Part XV, line 3a		335750.