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

Name of foundation

THE DAVID AND MEREDITH KAPLAN FOUNDATION

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

16130 VENTURA BLVD

Room/suite

City or town, state, and ZIP code

ENCINO, CA 91436

A Employer identification number

26-6166619

B Telephone number

(818) 981-2240

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

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

\$ 932,055. (Part I, column (d) must be on cash basis)

J Accounting method ☒ Cash ☐ Accrual☐ Other (specify)**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)

Revenue	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	888.	888.		STATEMENT 1
	4	Dividends and interest from securities	28,216.	25,920.		STATEMENT 2
	5a	Gross rents				
	b	Net rental income or (loss)				
	6a	Net gain or (loss) from sale of assets not on line 10	21,712.			
	b	Gross sales price for all assets on line 6a	463,328.			
	7	Capital gain net income (from Part IV, line 2)		21,712.		
	8	Net short-term capital gain				
	9	Income modifications				
	10a	Gross sales less returns and allowances				
Operating and Administrative Expenses	b	Less Cost of goods sold				
	c	Gross profit or (loss)				
	11	Other income				
	12	Total. Add lines 1 through 11	50,816.	48,520.		
	13	Compensation of officers, directors, trustees, etc	0.	0.		0.
	14	Other employee salaries and wages				
	15	Pension plans, employee benefits				
	16a	Legal fees				
	b	Accounting fees STMT 3	8,400.	1,260.		7,140.
	c	Other professional fees				
	17	Interest	26.	26.		0.
	18	Taxes STMT 4	837.	13.		35.
	19	Depreciation and depletion				
	20	Occupancy				
	21	Travel, conferences, and meetings				
	22	Printing and publications				
	23	Other expenses STMT 5	8,344.	8,313.		31.
	24	Total operating and administrative expenses. Add lines 13 through 23	17,607.	9,612.		7,206.
	25	Contributions, gifts, grants paid	281,900.			281,900.
	26	Total expenses and disbursements. Add lines 24 and 25	299,507.	9,612.		289,106.
	27	Subtract line 26 from line 12	<248,691.>			
	a	Excess of revenue over expenses and disbursements				
	b	Net investment income (if negative, enter -0-)		38,908.		
	c	Adjusted net income (if negative, enter -0-)			N/A	

Part II Balance Sheets		Attached schedules and amounts in the description column should be for end-of-year amounts only		Beginning of year	End of year	
		(a) Book Value	(b) Book Value	(c) Fair Market Value		
Assets	1 Cash - non-interest-bearing			477,499.	273,152.	273,152.
	2 Savings and temporary cash investments					
	3 Accounts receivable ▶					
	Less: allowance for doubtful accounts ▶					
	4 Pledges receivable ▶					
	Less: allowance for doubtful accounts ▶					
	5 Grants receivable					
	6 Receivables due from officers, directors, trustees, and other disqualified persons					
	7 Other notes and loans receivable ▶					
	Less: allowance for doubtful accounts ▶					
	8 Inventories for sale or use					
	9 Prepaid expenses and deferred charges					
	10a Investments - U S and state government obligations					
	b Investments - corporate stock					
	c Investments - corporate bonds					
Liabilities	11 Investments - land, buildings, and equipment basis ▶					
	Less: accumulated depreciation ▶					
	12 Investments - mortgage loans					
	13 Investments - other	STMT 6		356,316.	311,972.	658,903.
	14 Land, buildings, and equipment basis ▶					
	Less: accumulated depreciation ▶					
	15 Other assets (describe ▶)					
	16 Total assets (to be completed by all filers)			833,815.	585,124.	932,055.
	17 Accounts payable and accrued expenses					
	18 Grants payable					
19 Deferred revenue						
20 Loans from officers, directors, trustees, and other disqualified persons						
21 Mortgages and other notes payable						
22 Other liabilities (describe ▶)						
23 Total liabilities (add lines 17 through 22)			0.	0.		
Net Assets or Fund Balances	Foundations that follow SFAS 117, check here ▶ <input type="checkbox"/>					
	and complete lines 24 through 26 and lines 30 and 31.					
	24 Unrestricted					
	25 Temporarily restricted					
	26 Permanently restricted					
	Foundations that do not follow SFAS 117, check here ▶ <input checked="" type="checkbox"/>					
	and complete lines 27 through 31.					
	27 Capital stock, trust principal, or current funds			0.	0.	
28 Paid-in or capital surplus, or land, bldg, and equipment fund			0.	0.		
29 Retained earnings, accumulated income, endowment, or other funds			833,815.	585,124.		
30 Total net assets or fund balances			833,815.	585,124.		
31 Total liabilities and net assets/fund balances			833,815.	585,124.		

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	833,815.
2 Enter amount from Part I, line 27a	2	<248,691.>
3 Other increases not included in line 2 (itemize) ▶	3	0.
4 Add lines 1, 2, and 3	4	585,124.
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	585,124.

Part IV Capital Gains and Losses for Tax on Investment Income

(a) List and describe the kind(s) of property sold (e.g., real estate, 2-story brick warehouse, or common stock, 200 shs MLC Co.)		(b) How acquired P - Purchase D - Donation	(c) Date acquired (mo., day, yr.)	(d) Date sold (mo., day, yr.)
1a				
b SEE ATTACHED STATEMENT				
c				
d				
e				

(e) Gross sales price	(f) Depreciation allowed (or allowable)	(g) Cost or other basis plus expense of sale	(h) Gain or (loss) (e) plus (f) minus (g)
a			
b			
c			
d			
e 463,328.		441,616.	21,712.

Complete only for assets showing gain in column (h) and owned by the foundation on 12/31/69			(i) Gains (Col. (h) gain minus col. (k), but not less than -0-) or Losses (from col. (h))
(i) FMV as of 12/31/69	(j) Adjusted basis as of 12/31/69	(k) Excess of col. (i) over col. (j), if any	
a			
b			
c			
d			
e			21,712.

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	21,712.
3 Net short-term capital gain or (loss) as defined in sections 1222(5) and (6)	{ If gain, also enter in Part I, line 8, column (c) If (loss), enter -0- in Part I, line 8		3	N/A

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

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

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

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

☐ Yes ☒ No

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

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

(a) Base period years Calendar year (or tax year beginning in)	(b) Adjusted qualifying distributions	(c) Net value of noncharitable-use assets	(d) Distribution ratio (col. (b) divided by col. (c))
2008	230,262.	939,998.	.244960
2007	0.	2,699.	.000000
2006			
2005			
2004			

2 Total of line 1, column (d)	2	.244960
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	.122480
4 Enter the net value of noncharitable-use assets for 2009 from Part X, line 5	4	776,213.
5 Multiply line 4 by line 3	5	95,071.
6 Enter 1% of net investment income (1% of Part I, line 27b)	6	389.
7 Add lines 5 and 6	7	95,460.
8 Enter qualifying distributions from Part XII, line 4	8	289,106.

If line 8 is equal to or greater than line 7, check the box in Part VI, line 1b, and complete that part using a 1% tax rate. See the Part VI instructions.

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

1a	Exempt operating foundations described in section 4940(d)(2), check here <input type="checkbox"/> and enter "N/A" on line 1 Date of ruling or determination letter _____ (attach copy of letter if necessary-see instructions)		
b	Domestic foundations that meet the section 4940(e) requirements in Part V, check here <input checked="" type="checkbox"/> and enter 1% of Part I, line 27b	1	389.
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	389.
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	389.
6	Credits/Payments		
a	2009 estimated tax payments and 2008 overpayment credited to 2009	6a	400.
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	400.
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	11.
11	Enter the amount of line 10 to be Credited to 2010 estimated tax <input checked="" type="checkbox"/> 11. Refunded <input checked="" 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
1c Did the foundation file Form 1120-POL for this year?		X
d Enter the amount (if any) of tax on political expenditures (section 4955) imposed during the year (1) On the foundation <input checked="" type="checkbox"/> \$ 0. (2) On foundation managers <input checked="" type="checkbox"/> \$ 0.		
e Enter the reimbursement (if any) paid by the foundation during the year for political expenditure tax imposed on foundation managers <input checked="" type="checkbox"/> \$ 0.		
2 Has the foundation engaged in any activities that have not previously been reported to the IRS? If "Yes," attach a detailed description of the activities.		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 XIV.	X	
8a Enter the states to which the foundation reports or with which it is registered (see instructions) <input checked="" type="checkbox"/> CA		
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

Part VII-A Statements Regarding Activities (continued)

11	At any time during the year, did the foundation, directly or indirectly, own a controlled entity within the meaning of section 512(b)(13)? If "Yes," attach schedule (see instructions)		X
12	Did the foundation acquire a direct or indirect interest in any applicable insurance contract before August 17, 2008?		X
13	Did the foundation comply with the public inspection requirements for its annual returns and exemption application? Website address ► N/A	X	
14	The books are in care of ► WISHNOW, ROSS, WARSAVSKY & CO. Telephone no ► (818) 981-2240 Located at ► 16130 VENTURA BLVD., SUITE 320, ENCINO, CA ZIP+4 ► 91436		
15	Section 4947(a)(1) nonexempt charitable trusts filing Form 990-PF in lieu of Form 1041 - Check here and enter the amount of tax-exempt interest received or accrued during the year	► 15	N/A

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

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

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

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

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

☐ Yes ☒ No

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

☐ Yes ☒ No

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

☐ Yes ☒ No

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

☐ Yes ☒ No

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

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

N/A

5b

Organizations relying on a current notice regarding disaster assistance check here

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

N/A

☐ Yes ☐ No

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

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

6b

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
DAVID KAPLAN	TRUSTEE			
16130 VENTURA BLVD. #320				
ENCINO, CA 91436	2.00	0.	0.	0.
MEREDITH KAPLAN	TRUSTEE			
16130 VENTURA BLVD. #320				
ENCINO, CA 91436	2.00	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
N/A				
	0.00	0.	0.	0.

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	
	0.
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	
	0.
2	
All other program-related investments See instructions	
3 N/A	
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	338,608.
b	Average of monthly cash balances	1b	450,666.
c	Fair market value of all other assets	1c	
d	Total (add lines 1a, b, and c)	1d	789,274.
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	1,241.
3	Subtract line 2 from line 1d	3	788,033.
4	Cash deemed held for charitable activities. Enter 1 1/2% of line 3 (for greater amount, see instructions)	4	11,820.
5	Net value of noncharitable-use assets. Subtract line 4 from line 3. Enter here and on Part V, line 4	5	776,213.
6	Minimum investment return. Enter 5% of line 5	6	38,811.

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	38,811.
2a	Tax on investment income for 2009 from Part VI, line 5	2a	389.
b	Income tax for 2009 (This does not include the tax from Part VI)	2b	
c	Add lines 2a and 2b	2c	389.
3	Distributable amount before adjustments. Subtract line 2c from line 1	3	38,422.
4	Recoveries of amounts treated as qualifying distributions	4	0.
5	Add lines 3 and 4	5	38,422.
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	38,422.

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	289,106.
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	289,106.
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	389.
6	Adjusted qualifying distributions. Subtract line 5 from line 4	6	288,717.

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				38,422.
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				
e From 2008	184,054.			
f Total of lines 3a through e	184,054.			
4 Qualifying distributions for 2009 from Part XII, line 4 ▶ \$ 289,106.				
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				38,422.
e Remaining amount distributed out of corpus	250,684.			
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	434,738.			
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	434,738.			
10 Analysis of line 9				
a Excess from 2005				
b Excess from 2006				
c Excess from 2007				
d Excess from 2008	184,054.			
e Excess from 2009	250,684.			

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)

- 2 a** Enter the lesser of the adjusted net income from Part I or the minimum investment return from Part X for each year listed

b 85% of line 2a

c Qualifying distributions from Part XII,
line 4 for each year listed

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

e Qualifying distributions made directly for active conduct of exempt activities

Subtract line 2d from line 2c

- 3** Complete 3a, b, or c for the alternative test relied upon.

a "Assets" alternative test - enter
(1) Value of all assets

(2) Value of assets qualifying under section 4942(j)(3)(B)(i)

b "Endowment" alternative test - enter 2/3 of minimum investment return shown in Part X, line 6 for each year listed

c "Support" alternative test - enter

(1) Total support other than gross investment income (interest, dividends, rents, payments on securities loans (section 512(a)(5)), or royalties)

(2) Support from general public and 5 or more exempt organizations as provided in section 4942(j)(3)(B)(iii)

(3) Largest amount of support from an exempt organization

(4) Gross investment income

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

1 Information Regarding Foundation Managers:

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

SEE STATEMENT 7

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

NONE

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

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

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

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

c Any submission deadlines

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

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

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

[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
	<i>[Signature]</i>	4/22/10	Trustee

Paid Preparer's Use Only	Preparer's signature	Date	Check if self-employed <input type="checkbox"/>	Preparer's identifying number
	<i>MICHAEL WARSAVSKY</i>	4/20/10		556-98-4434

Firm's name (or yours if self-employed), address, and ZIP code	EIN	Phone no
WISHNOW, ROSS, WARSAVSKY & COMPANY 16130 VENTURA BLVD., SUITE 320 ENCINO, CALIFORNIA 91436		(818) 981-2240

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	BEAR STEARNS (SEE SCHEDULE ATTACHED)	P	VARIOUS	VARIOUS
b	BEAR STEARNS (SEE SCHEDULE ATTACHED)	P	VARIOUS	VARIOUS
c	1,310 SHS ISHARES TRUST BARCLAYS	P	VARIOUS	VARIOUS
d	2,520 SHS PROSHARES ULTRASHORT	P	VARIOUS	VARIOUS
e	165 SHS SIERRA BANCORP	P	VARIOUS	VARIOUS
f	BEAR STEARNS (SEE SCHEDULE ATTACHED)	P	VARIOUS	VARIOUS
g				
h				
i				
j				
k				
l				
m				
n				
o				

(e) Gross sales price	(f) Depreciation allowed (or allowable)	(g) Cost or other basis plus expense of sale	(h) Gain or (loss) (e) plus (f) minus (g)
a 124,268.		124,840.	<572.>
b 17,224.		16,166.	1,058.
c 131,429.		131,429.	0.
d 78,261.		78,261.	0.
e 1,559.		1,559.	0.
f 110,587.		89,361.	21,226.
g			
h			
i			
j			
k			
l			
m			
n			
o			

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

(i) F.M.V. as of 12/31/69	(j) Adjusted basis as of 12/31/69	(k) Excess of col (i) over col (j), if any	(l) Losses (from col (h)) Gains (excess of col (h) gain over col (k), but not less than "-0-")
a			<572.>
b			1,058.
c			0.
d			0.
e			0.
f			21,226.
g			
h			
i			
j			
k			
l			
m			
n			
o			

2 Capital gain net income or (net capital loss) { If gain, also enter in Part I, line 7 If (loss), enter "-0-" in Part I, line 7 }	2	21,712.
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

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

SOURCE	AMOUNT
BEAR STEARNS #720-12639	7.
CITY NATIONAL BANK	779.
NORTHERN TRUST	102.
TOTAL TO FORM 990-PF, PART I, LINE 3, COLUMN A	888.

FORM 990-PF DIVIDENDS AND INTEREST FROM SECURITIES STATEMENT 2

SOURCE	GROSS AMOUNT	CAPITAL GAINS DIVIDENDS	COLUMN (A) AMOUNT
BEAR STEARNS #720-12639	2,802.	0.	2,802.
BEAR STEARNS #720-12639 - SHORT DIVIDENDS	<4,137.>	0.	<4,137.>
ICG ADVISORS #879-57345	29,551.	0.	29,551.
TOTAL TO FM 990-PF, PART I, LN 4	28,216.	0.	28,216.

FORM 990-PF ACCOUNTING FEES STATEMENT 3

DESCRIPTION	(A) EXPENSES PER BOOKS	(B) NET INVEST- MENT INCOME	(C) ADJUSTED NET INCOME	(D) CHARITABLE PURPOSES
ACCOUNTING FEES	8,400.	1,260.		7,140.
TO FORM 990-PF, PG 1, LN 16B	8,400.	1,260.		7,140.

FORM 990-PF TAXES STATEMENT 4

DESCRIPTION	(A) EXPENSES PER BOOKS	(B) NET INVEST- MENT INCOME	(C) ADJUSTED NET INCOME	(D) CHARITABLE PURPOSES
FEDERAL TAXES	789.	0.		0.
FOREIGN TAXES	13.	13.		0.
FRANCHISE TAX BOARD	10.	0.		10.
TAXES AND LICENSES	25.	0.		25.
TO FORM 990-PF, PG 1, LN 18	837.	13.		35.

FORM 990-PF OTHER EXPENSES STATEMENT 5

DESCRIPTION	(A) EXPENSES PER BOOKS	(B) NET INVEST- MENT INCOME	(C) ADJUSTED NET INCOME	(D) CHARITABLE PURPOSES
BANK CHARGES	37.	6.		31.
MANAGEMENT FEES	8,307.	8,307.		0.
TOTAL TO FORM 990-PF, PG 1, LN 23	8,344.	8,313.		31.

FORM 990-PF OTHER INVESTMENTS STATEMENT 6

DESCRIPTION	VALUATION METHOD	BOOK VALUE	FAIR MARKET VALUE
SECURITIES - BEAR STEARNS	COST	62,896.	409,903.
SECURITIES - ICG ADVISORS	COST	249,076.	249,000.
TOTAL TO FORM 990-PF, PART II, LINE 13		311,972.	658,903.

FORM 990-PF PART XV - LINE 1A
LIST OF FOUNDATION MANAGERS STATEMENT 7

NAME OF MANAGER

DAVID KAPLAN
MEREDITH KAPLAN

THE DAVID & MEREDITH KAPLAN FOUNDATION
GRANTS AND CONTRIBUTIONS PAID
26-6166619
December 31, 2009

RECIPIENT NAME	RELATIONSHIP	PURPOSE OF GRANT OR CONTRIBUTION	ORG STATUS	AMOUNT
AMERICAN ISRAEL EDUCATION FOUNDATION	None	Contribution	Public Charity	30,000
AVIVA FAMILY & CHILDREN'S SERVICES	None	Contribution	Public Charity	1,000
CEDARS SINAI SPORTS SPECTACULAR	None	Contribution	Public Charity	5,000
CENTER FOR EARLY EDUCATION	None	Contribution	Public Charity	100,900
MARLBOROUGH SCHOOL	None	Contribution	School	20,000
THE FOOD ALLERGY & ANAPHYLAXIS	None	Contribution	Public Charity	5,000
THE HELPING HANDS OF LA	None	Contribution	Public Charity	5,000
THE JEWISH FEDERATION	None	Contribution	Public Charity	10,000
THE PAINTED TURTLE	None	Contribution	Public Charity	10,000
TOURETTE SYNDROME ASSOCIATES, INC	None	Contribution	Public Charity	2,500
UNIVERSITY OF MICHIGAN	None	Contribution	Public Charity	40,000
WILSHIRE BOULEVARD TEMPLE	None	Contribution	Public Charity	50,000
ZIMMER CHILDREN'S MUSEUM	None	Contribution	Public Charity	2,500
				<u>\$ 281,900</u>

THE DAVID AND MEREDITH KAPLAN FOUNDATION
2009 GAIN/LOSS SCHEDULE
JP MORGAN CLEARING CORP ACCT # 720-12639

Security Type	Description	Quantity	Acquired Date	Acquired Price	Cost	Sale Date	Sale Price	Proceeds	\$ Gain/Loss (ST)	\$ Gain/Loss (LT)	Acct Type
stock	DEERE & CO	35	10/21/2008	38 07685714	1,332.69	1/5/2009	43 3197143	1,516.19	183.50	0.00	cash
stock	DEERE & CO	65	10/22/2008	34 83692308	2,284.40	1/5/2009	43 3196923	2,815.78	551.38	0.00	cash
options	CALL DEERE & CO JAN 035 **** EXP 01/17/09	-1	11/24/2008	2 8946	(289.46)	1/5/2009	8.85	(885.00)	(595.54)	0.00	cash
stock	SPDR GOLD TR GOLD SHS	60	7/21/2008	95 13033333	5,707.82	1/15/2009	79 0561667	4,743.37	(964.45)	0.00	cash
stock	ISHARES SILVER TR ISHARES	150	7/21/2008	18 26413333	2,739.62	1/15/2009	10 2266	1,533.99	(1,205.63)	0.00	cash
stock	SPDR S&P 500 ETF TR UNIT SER I S&P DEPOSITARY RECEIPT	55	12/8/2008	90 60145455	4,983.08	1/15/2009	81 8085455	4,499.47	(483.61)	0.00	cash
stock	KRAFT FOODS INC CL A	110	10/17/2008	28 95827273	3,185.41	3/5/2009	21 1011818	2,321.13	(864.28)	0.00	cash
stock	***BARCLAYS BK PLC IPATH EXH TRADED NTS LKD TO GS CRUDE OIL TOTAL RETURN IDX	100	12/19/2008	22.95	2,295.00	3/5/2009	17.341	1,734.10	(560.90)	0.00	cash
stock	***BARCLAYS BK PLC IPATH EXH TRADED NTS LKD TO GS CRUDE OIL TOTAL RETURN IDX	100	12/22/2008	22 8063	2,280.63	3/5/2009	17.341	1,734.10	(546.53)	0.00	cash
stock	***BARCLAYS BK PLC IPATH EXH TRADED NTS LKD TO GS CRUDE OIL TOTAL RETURN IDX	100	12/23/2008	21.25	2,125.00	3/5/2009	17.3411	1,734.11	(390.89)	0.00	cash
stock	W & T OFFSHORE INC	470	8/5/2008	37 06293617	17,419.58	3/5/2009	57 5712766	2,705.85	(14,713.73)	0.00	cash
mutual	**VAN ECK FUNDS INTL INVESTORS GOLD FUND CL A	148 368	7/30/2008	16 8836946	2,505.00	3/5/2009	12 1922517	1,808.94	(696.06)	0.00	cash
mutual	**VAN ECK FUNDS INTL INVESTORS GOLD FUND CL A	133 087	8/5/2008	15 06759753	2,005.00	3/5/2009	12 1922039	1,622.38	(382.62)	0.00	cash
stock	CONOCOPHILLIPS	250	12/12/2008	51 3068	12,826.70	3/12/2009	36 6112	9,152.80	(3,673.90)	0.00	cash
stock	CONOCOPHILLIPS	50	12/26/2008	48 6134	2,430.67	3/12/2009	36 6112	1,830.56	(600.11)	0.00	cash
stock	***CADBURY PLC SPONSORED ADR	40	3/4/2009	28 95425	1,158.17	3/23/2009	30 65475	1,226.19	68.02	0.00	cash
stock	SPDR GOLD TR GOLD SHS	50	7/21/2008	95 1302	4,756.51	3/23/2009	93 4794	4,673.97	(82.54)	0.00	cash
stock	KRAFT FOODS INC CL A	20	10/17/2008	28 9585	579.17	3/23/2009	22 2595	445.19	(133.98)	0.00	cash
stock	***SCHLUMBERGER LTD	25	12/9/2008	43 3432	1,083.58	3/23/2009	44 2096	1,105.24	21.66	0.00	cash
stock	ISHARES SILVER TR ISHARES	100	7/21/2008	18 2641	1,826.41	3/23/2009	13 6399	1,363.99	(462.42)	0.00	cash
stock	***ULTRA PETROLEUM CORP	20	12/11/2008	39 081	781.62	3/23/2009	40 6595	813.19	31.57	0.00	cash
stock	BURLINGTON NORTHERN SANTA FE CORP	35	12/12/2008	70 74571429	2,476.10	3/23/2009	57 6565714	2,017.98	(458.12)	0.00	cash
options	CALL BURLINGTN NO MAR 065 **** EXP 03/21/09	-2	2/26/2009	0 93765	(187.53)	3/23/2009	0	0.00	187.53	0.00	cash
stock	APPLE INC	10	1/9/2009	90 861	908.61	4/15/2009	117 054	1,170.54	261.93	0.00	cash
stock	APACHE CORP	15	12/23/2008	71 022	1,065.33	4/15/2009	65 7706667	986.56	(78.77)	0.00	cash
stock	***CADBURY PLC SPONSORED ADR	25	3/4/2009	28 954	723.85	4/15/2009	30 688	767.20	43.35	0.00	cash
stock	***GOLDCORP INC NEW	40	12/8/2008	24 02625	961.05	4/15/2009	29 874	1,194.96	233.91	0.00	cash
stock	SPDR GOLD TR GOLD SHS	50	7/21/2008	95 1304	4,756.52	4/15/2009	87 4276	4,371.38	(385.14)	0.00	cash
stock	HALLIBURTON CO	135	12/30/2008	17 12362963	2,311.69	4/15/2009	17 6034074	2,376.46	64.77	0.00	cash
stock	HALLIBURTON CO	20	1/13/2009	18 2715	365.43	4/15/2009	17 6035	352.07	(13.36)	0.00	cash
stock	KRAFT FOODS INC CL A	15	10/17/2008	28 958	434.37	4/15/2009	22 326	334.89	(99.48)	0.00	cash

THE DAVID AND MEREDITH KAPLAN FOUNDATION
2009 GAIN/LOSS SCHEDULE
JP MORGAN CLEARING CORP ACCT # 720-12639

Security Type	Description	Quantity	Acquired Date	Acquired Price	Cost	Sale Date	Sale Price	Proceeds	\$ Gain/Loss (ST)	\$ Gain/Loss (LT)	Acct Type
stock	LKD ROGERS INTL COMMODITY INDX TOT RETURN	60	12/19/2008	5.953	357.18	4/15/2009	6.11516667	366.91	9.73	0.00	cash
stock	***SCHLUMBERGER LTD	25	12/9/2008	43.3432	1,083.58	4/15/2009	44.4164	1,110.41	26.83	0.00	cash
stock	ISHARES SILVER TR ISHARES	25	7/21/2008	18.264	456.60	4/15/2009	12.4096	310.24	(146.36)	0.00	cash
stock	WELLS FARGO & CO	156	1/26/2009	16.23858974	2,533.22	4/15/2009	18.270641	2,850.22	317.00	0.00	cash
options	CALL WELLS FARGO MAY 025 **** EXP	-1	4/13/2009	0.4982	(49.82)	4/15/2009	0.45	(45.00)	4.82	0.00	cash
options	CALL SPDR GOLD TR APR 098 **** EXP	-10	4/1/2009	0.44499	(444.99)	4/20/2009	0	0.00	444.99	0.00	cash
options	CALL SPDR GOLD TR MAY 092 **** EXP	-10	4/17/2009	0.54498	(544.98)	4/24/2009	1.4355	(1,435.50)	(890.52)	0.00	cash
stock	WELLS FARGO & CO	19	1/26/2009	16.23842105	308.53	5/15/2009	24.9884211	474.78	166.25	0.00	cash
stock	WELLS FARGO & CO	175	1/27/2009	16.47857143	2,883.75	5/15/2009	24.9886286	4,373.01	1,489.26	0.00	cash
stock	WELLS FARGO & CO	271	2/23/2009	11.3304797	3,070.56	5/15/2009	24.9885978	6,771.91	3,701.35	0.00	cash
options	CALL BB&T CORP MAY22 50**** EXP	-1	4/23/2009	1.4499	(144.99)	5/18/2009	0	0.00	144.99	0.00	cash
options	CALL SPDR GOLD TR MAY 092 **** EXP	-1	4/30/2009	0.3999	(39.99)	5/18/2009	0	0.00	39.99	0.00	cash
options	CALL WELLS FARGO MAY 025 **** EXP	-27	4/13/2009	0.4982	(1,345.14)	5/18/2009	0	0.00	1,345.14	0.00	cash
options	CALL BB&T CORP JUN22 50**** EXP	-2	5/21/2009	0.82665	(165.33)	6/19/2009	0.27505	(55.01)	110.32	0.00	cash
options	CALL SCHLUMBERGER JUN 055 **** EXP	-2	5/27/2009	1.63065	(326.13)	6/19/2009	0.69355	(138.71)	187.42	0.00	cash
options	CALL BURLINGTN NO JUN 075 **** EXP	-1	5/22/2009	0.6408	(64.08)	6/19/2009	0.1674	(16.74)	47.34	0.00	cash
options	CALL CONTINENTAL JUN 030 PBW EXP	-2	5/28/2009	1.19885	(239.77)	6/22/2009	0	0.00	239.77	0.00	cash
options	CALL EOG RESOURCE JUN 075 **** EXP	-1	5/28/2009	2.0866	(208.66)	6/22/2009	0	0.00	208.66	0.00	cash
options	CALL HALLIBURTON JUN 023 **** EXP	-2	5/27/2009	0.59785	(119.57)	6/22/2009	0	0.00	119.57	0.00	cash
options	CALL HALLIBURTON JUN 023 **** EXP	-6	5/28/2009	0.89283333	(535.70)	6/22/2009	0	0.00	535.70	0.00	cash
options	CALL ULT PET CORP JUN 048 **** EXP	-3	5/28/2009	0.9833	(294.99)	6/22/2009	0	0.00	294.99	0.00	cash
options	CALL WELLS FARGO JUN 028 **** EXP	-22	5/20/2009	0.75440455	(1,659.69)	6/22/2009	0	0.00	1,659.69	0.00	cash
options	CALL XTO ENERGY JUN 045 **** EXP	-2	5/28/2009	0.87495	(174.99)	6/22/2009	0	0.00	174.99	0.00	cash
stock	UNION PACIFIC CORP	75	5/21/2009	46.5052	3,487.89	7/17/2009	56.7589333	4,256.92	769.03	0.00	cash
options	CALL BURLINGTN NO JUL 080 **** EXP	-1	6/24/2009	0.5498	(54.98)	7/20/2009	0	0.00	54.98	0.00	cash
options	CALL EOG RESOURCE AUG 080 **** EXP	-1	7/23/2009	0.6998	(69.98)	8/24/2009	0	0.00	69.98	0.00	cash

THE DAVID AND MEREDITH KAPLAN FOUNDATION
2009 GAIN/LOSS SCHEDULE
JP MORGAN CLEARING CORP ACCT # 720-12639

Security Type	Description	Quantity	Acquired Date	Acquired Price	Cost	Sale Date	Sale Price	Proceeds	\$ Gain/Loss (ST)	\$ Gain/Loss (LT)	Acct Type
options	CALL SPDR GOLD TR AUG 097 **** EXP	-11	7/23/2009	0.54537273	(599.91)	8/24/2009	0	0.00	599.91	0.00	cash
options	CALL BURLINGTON NO AUG 085 **** EXP	-1	7/21/2009	0.3998	(39.99)	8/24/2009	0	0.00	39.98	0.00	cash
stock	SPDR GOLD TR GOLD SHS	5	7/21/2008	95.13	475.65	8/31/2009	93.288	486.44	0.00	(9.21)	cash
stock	SPDR GOLD TR GOLD SHS	45	7/22/2008	93.46822222	4,205.98	8/31/2009	93.2873333	4,197.93	0.00	(8.05)	cash
stock	BB&T CORP	45	4/23/2009	21.55155556	969.82	9/9/2009	26.768	1,204.56	234.74	0.00	cash
stock	BURLINGTON NORTHERN SANTA FE CORP	50	12/12/2008	70.7456	3,537.28	9/9/2009	83.5678	4,178.39	641.11	0.00	cash
stock	APACHE CORP	55	12/23/2008	71.02163636	3,906.19	9/18/2009	94.1627273	5,178.95	1,272.76	0.00	cash
stock	EOG RES INC	50	1/9/2009	67.12	3,356.00	9/18/2009	80.4478	4,022.39	666.39	0.00	cash
stock	EOG RES INC	50	1/12/2009	63.894	3,194.70	9/18/2009	80.4476	4,022.38	827.68	0.00	cash
options	CALL BB&T CORP SEP 030 **** EXP	-2	8/14/2009	0.4894	(97.88)	9/21/2009	0	0.00	97.88	0.00	cash
stock	EOG RES INC	50	1/22/2009	62.4868	3,124.34	9/21/2009	81.0524	4,052.62	928.28	0.00	cash
options	CALL EOG RESOURCE SEP 080 **** EXP	-1	8/26/2009	0.4998	(49.98)	9/21/2009	0.4998	(49.98)	0.00	0.00	cash
options	CALL WELLS FARGO SEP 030 **** EXP	-22	8/24/2009	0.32487727	(714.73)	9/21/2009	0	0.00	714.73	0.00	cash
options	CALL BURLINGTON NO SEP 090 **** EXP	-1	8/24/2009	0.6498	(64.98)	9/21/2009	0	0.00	64.98	0.00	cash
stock	SPDR GOLD TR GOLD SHS	30	7/22/2008	93.466	2,803.98	9/28/2009	97.105	2,913.15	0.00	109.17	cash
stock	SPDR GOLD TR GOLD SHS	65	7/23/2008	91.3	5,934.50	9/28/2009	97.1047692	6,311.81	0.00	377.31	cash
options	CALL TRANSOCEAN OCT 090 **** EXP	-2	9/29/2009	0.868	(173.60)	10/16/2009	1.25745	(251.49)	(77.89)	0.00	cash
options	CALL SCHLUMBERGER OCT 070 **** EXP	-2	9/11/2009	0.2749	(54.98)	10/19/2009	0	0.00	54.98	0.00	cash
options	CALL WELLS FARGO OCT 031 **** EXP	-8	9/21/2009	0.3937	(314.96)	10/19/2009	0	0.00	314.96	0.00	cash
options	CALL WELLS FARGO OCT 031 **** EXP	-14	9/22/2009	0.40387143	(565.42)	10/19/2009	0	0.00	565.42	0.00	cash
stock	BURLINGTON NORTHERN SANTA FE CORP	100	12/12/2008	70.7456	7,074.56	11/20/2009	85.3976	8,539.76	1,465.20	0.00	cash
options	CALL HALLIBURTON NOV 034 **** EXP	-4	10/21/2009	0.287425	(114.97)	11/23/2009	0	0.00	114.97	0.00	cash
options	CALL HALLIBURTON NOV 034 **** EXP	-4	10/22/2009	0.287425	(114.97)	11/23/2009	0	0.00	114.97	0.00	cash
options	CALL TRANSOCEAN NOV 095 **** EXP	-2	10/16/2009	2.23585	(447.17)	11/23/2009	0	0.00	447.17	0.00	cash
options	CALL SCHLUMBERGER NOV 075 **** EXP	-2	10/16/2009	0.8749	(174.98)	11/23/2009	0	0.00	174.98	0.00	cash

THE DAVID AND MEREDITH KAPLAN FOUNDATION
2009 GAIN/LOSS SCHEDULE
JP MORGAN CLEARING CORP ACCT # 720-12639

Security Type	Description	Quantity	Acquired Date	Acquired Price	Cost	Sale Date	Sale Price	Proceeds	\$ Gain/Loss (ST)	\$ Gain/Loss (LT)	Acct Type
options	CALL WELLS FARGO NOV 032 **** EXP	-22	10/16/2009	0.78486364	(1,726.70)	11/23/2009	0	0.00	1,726.70	0.00	cash
options	CALL XTO ENERGY NOV 046 **** EXP	-2	10/27/2009	0.6749	(134.98)	11/23/2009	0	0.00	134.98	0.00	cash
options	CALL BURLINGTON NOV 085 **** EXP	-1	10/23/2009	0.4498	(44.98)	11/23/2009	0.4498	(44.98)	0.00	0.00	cash
stock	BURLINGTON NORTHERN SANTA FE CORP	25	12/12/2008	70.7456	1,768.64	11/24/2009	98.0028	2,450.07	681.43	0.00	cash
stock	XTO ENERGY INC	70	12/11/2008	39.239	2,746.73	12/15/2009	47.6387143	3,334.71	0.00	587.98	cash
stock	XTO ENERGY INC	75	1/8/2009	38.0232	2,851.74	12/15/2009	47.6388	3,572.91	721.17	0.00	cash
stock	XTO ENERGY INC	35	1/9/2009	37.77171429	1,322.01	12/15/2009	47.6388571	1,667.36	345.35	0.00	cash
stock	XTO ENERGY INC	35	1/12/2009	35.94285714	1,258.00	12/15/2009	47.6388571	1,667.36	409.36	0.00	cash
stock	XTO ENERGY INC	35	1/21/2009	35.68114286	1,248.84	12/15/2009	47.6385714	1,667.35	418.51	0.00	cash
options	CALL PWRSHS QQQ DEC 045 **** EXP	-2	12/8/2009	0.1049	(20.98)	12/16/2009	0.15505	(31.01)	(10.03)	0.00	cash
stock	POWERSHARES QQQ TRUST SERIES 1	35	12/4/2009	44.17971429	1,546.29	12/17/2009	43.726	1,530.41	(15.88)	0.00	cash
options	CALL BB&T CORP DEC 028 **** EXP	-2	10/23/2009	0.5749	(114.98)	12/21/2009	0	0.00	114.98	0.00	cash
options	CALL CONTINENTAL DEC 045 PBW EXP	-2	11/3/2009	0.7262	(145.24)	12/21/2009	0	0.00	145.24	0.00	cash
options	CALL GOLDCORP DEC 045 **** EXP	-2	12/9/2009	0.1049	(20.98)	12/21/2009	0	0.00	20.98	0.00	cash
options	CALL TRANSOCEAN DEC 090 **** EXP	-1	12/3/2009	0.3395	(33.95)	12/21/2009	0	0.00	33.95	0.00	cash
options	CALL TRANSOCEAN DEC 090 **** EXP	-1	12/4/2009	0.5722	(57.22)	12/21/2009	0	0.00	57.22	0.00	cash
					141,006.28			141,492.11	(571.37)	1,057.20	
stock	DECKERS OUTDOOR CORP	-40	9/23/2008	110.78625	(4,431.45)	1/15/2009	56.134	(2,245.36)	2,186.09	0.00	short
stock	DECKERS OUTDOOR CORP	-30	10/10/2008	82.305	(2,469.15)	1/15/2009	56.134	(1,684.02)	785.13	0.00	short
stock	DECKERS OUTDOOR CORP	-35	10/29/2008	73.09657143	(2,558.38)	1/15/2009	56.134	(1,964.69)	593.69	0.00	short
stock	DECKERS OUTDOOR CORP	-35	10/30/2008	75.34657143	(2,637.13)	1/15/2009	56.134	(1,964.69)	672.44	0.00	short
stock	DECKERS OUTDOOR CORP	-70	10/31/2008	84.01585714	(5,881.11)	1/15/2009	56.1337143	(3,929.36)	1,951.75	0.00	short
stock	WYNN RESORTS LTD	-100	9/5/2008	87.8061	(8,780.61)	1/15/2009	34.2623	(3,426.23)	5,354.38	0.00	short
stock	WYNN RESORTS LTD	-15	10/16/2008	52.258	(783.87)	1/15/2009	34.262	(513.93)	269.94	0.00	short
stock	WYNN RESORTS LTD	-15	10/17/2008	54.27333333	(814.10)	1/15/2009	34.262	(513.93)	300.17	0.00	short
stock	WYNN RESORTS LTD	-135	10/29/2008	42.60896296	(5,752.21)	1/15/2009	34.2622963	(4,625.41)	1,126.80	0.00	short
stock	WYNN RESORTS LTD	-60	10/30/2008	46.375	(2,782.50)	1/15/2009	34.2623333	(2,055.74)	726.76	0.00	short

THE DAVID AND MEREDITH KAPLAN FOUNDATION
2009 GAIN/LOSS SCHEDULE
JP MORGAN CLEARING CORP ACCT # 720-12639

Security Type	Description	Quantity	Acquired Date	Acquired Price	Cost	Sale Date	Sale Price	Proceeds	\$ Gain/Loss (ST)	\$ Gain/Loss (LT)	Acct Type
stock	WYNN RESORTS LTD	-120	10/31/2008	55 21841667	(6,826 21)	1/15/2009	34 2623333	(4,111 48)	2,514 73	0 00	short
stock	WYNN RESORTS LTD	-50	11/13/2008	47 3996	(2,369 98)	1/15/2009	34 2624	(1,713 12)	656 86	0 00	short
stock	WYNN RESORTS LTD	-60	11/24/2008	36 93266667	(2,215 96)	1/15/2009	34 2623333	(2,055 74)	160 22	0 00	short
stock	CHIPOTLE MEXICAN GRILL INC COMMON STOCK	-70	8/26/2008	67 53542857	(4,727 48)	1/22/2009	49 5814286	(3,470 70)	1,256 78	0 00	short
stock	PANERA BREAD CO CL A	-25	10/31/2008	43 5128	(1,087 82)	1/22/2009	46 184	(1,154 60)	(66 78)	0 00	short
stock	AMERISTAR CASINOS INC	-125	9/3/2008	17 07016	(2,133 77)	1/23/2009	8 77704	(1,097 13)	1,036 64	0 00	short
stock	ISLE CAPRI CASINOS INC	-70	9/19/2008	7 86328571	(550 43)	1/23/2009	2 963	(207 41)	343 02	0 00	short
stock	PANERA BREAD CO CL A	-50	10/31/2008	43 5128	(2,175 64)	1/23/2009	47 8172	(2,390 86)	(215 22)	0 00	short
stock	PANERA BREAD CO CL A	-35	10/31/2008	43 51285714	(1,522 95)	1/30/2009	47 0411429	(1,646 44)	(123 49)	0 00	short
stock	PANERA BREAD CO CL A	-45	12/2/2008	43 88844444	(1,974 98)	1/30/2009	47 0411111	(2,116 85)	(141 87)	0 00	short
stock	PANERA BREAD CO CL A	-60	12/9/2008	44 662	(2,679 72)	1/30/2009	47 0411667	(2,822 47)	(142 75)	0 00	short
stock	PANERA BREAD CO CL A	-60	12/4/2008	48 85666667	(2,931 34)	1/30/2009	47 0413333	(2,822 48)	108 86	0 00	short
stock	PROSHARES ULTRASHORT S&P500 ETF	-175	1/23/2009	81 33057143	(14,232 85)	2/26/2009	94 5084571	(16,538 98)	(2,306 13)	0 00	short
stock	PROSHARES ULTRASHORT S&P500 ETF	-20	1/26/2009	78 4895	(1,569 79)	2/26/2009	94 5085	(1,890 17)	(320 38)	0 00	short
stock	PROSHARES ULTRASHORT S&P500 ETF	-10	1/29/2009	76 499	(764 99)	2/26/2009	94 508	(945 08)	(180 09)	0 00	short
stock	PROSHARES ULTRASHORT S&P500 ETF	-10	1/30/2009	79 923	(799 23)	2/26/2009	94 509	(945 09)	(145 86)	0 00	short
stock	PROSHARES ULTRASHORT QQQ ETF	-45	2/2/2009	57 45755556	(2,585 59)	3/5/2009	66 0437778	(2,971 97)	(386 38)	0 00	short
stock	PROSHARES ULTRASHORT QQQ ETF	-50	2/3/2009	57 2996	(2,864 98)	3/5/2009	66 0438	(3,302 19)	(437 21)	0 00	short
stock	PROSHARES ULTRASHORT QQQ ETF	-60	4/8/2009	43 50966667	(2,610 58)	5/15/2009	39 153	(2,349 18)	261 40	0 00	short
stock	PROSHARES ULTRASHORT QQQ ETF	-50	4/22/2009	39 563	(1,978 15)	5/15/2009	39 153	(1,957 65)	20 50	0 00	short
stock	PROSHARES ULTRASHORT QQQ ETF	-100	4/23/2009	40 8783	(4,087 83)	5/15/2009	39 1531	(3,915 31)	172 52	0 00	short
stock	PROSHARES ULTRASHORT QQQ ETF	-75	4/28/2009	38 33613333	(2,875 21)	5/15/2009	39 1530667	(2,936 48)	(61 27)	0 00	short
stock	PROSHARES ULTRASHORT MSCI EMERGING MARKETS ETF	-30	2/9/2009	48 283	(1,448 49)	5/28/2009	22 2866667	(668 60)	779 89	0 00	short
stock	PROSHARES ULTRASHORT FTSE/XINHUA CHINA 25 ETF	-160	2/2/2009	43 0138125	(6,882 21)	5/28/2009	15 05125	(2,408 20)	4,474 01	0 00	short

	(110,586 69)		(85,361 54)	21,225 15	0 00
Total	52,130 57	20,653 78	1,057 20		
Short sales	89,361 54				
Options	2,953 42				
Gross sales	144,445 53				