



See a Social Security Number? Say Something!
Report Privacy Problems to <https://public.resource.org/privacy>
Or call the IRS Identity Theft Hotline at 1-800-908-4490



x3

Form **990-PF**

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

OMB No 1545-0052

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

, 2009, and ending

, 20

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 Nutting Foundation		A Employer identification number 31-1683582	
Number and street (or P O box number if mail is not delivered to street address) Room/suite 1500 Main Street		B Telephone number (see page 10 of the instructions) 304-233-0100	
City or town, state, and ZIP code Wheeling, WV 26003		C If exemption application is pending, check here <input type="checkbox"/>	
Check type of organization: <input checked="" type="checkbox"/> Section 501(c)(3) exempt private foundation Section 4947(a)(1) nonexempt charitable trust <input type="checkbox"/> Other taxable private foundation		D 1. Foreign organizations, check here <input type="checkbox"/> 2. Foreign organizations meeting the 85% test, check here and attach computation <input type="checkbox"/>	
Fair market value of all assets at end of year (from Part II, col. (c), line 16) \$ 7,851,047		E If private foundation status was terminated under section 507(b)(1)(A), check here <input type="checkbox"/>	
J Accounting method: <input checked="" type="checkbox"/> Cash <input 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) (see page 11 of the instructions))		(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 (attach schedule)				
2	Check <input type="checkbox"/> if the foundation is not required to attach Sch. B				
3	Interest on savings and temporary cash investments	2,155	2,155		
4	Dividends and interest from securities	111,291	111,291		
5a	Gross rents				
b	Net rental income or (loss)				
6a	Net gain or (loss) from sale of assets not on line 10	(15,924)			
b	Gross sales price for all assets on line 6a	350,664			
7	Capital gain net income (from Part IV, line 2)		-0-		
8	Net capital gain				
9	Income modification				
10a	Gross sales less return and allowances				
b	Less: Cost of goods sold				
c	Gross profit or (loss) (attach schedule)				
11	Net income (attach schedule)	13,095	13,095		
12	Total lines 1 through 11	110,617	126,541	N/A	
13	Compensation of officers, directors, trustees, etc.				
14	Other employee salaries and wages				
15	Pension plans, employee benefits				
16a	Legal fees (attach schedule)	653	653		
b	Accounting fees (attach schedule)	3,115	3,115		
c	Other professional fees (attach schedule)	960	960		
17	Interest				
18	Taxes (attach schedule) (see page 14 of the instructions)	5,200			
19	Depreciation (attach schedule) and depletion				
20	Occupancy				
21	Travel, conferences, and meetings				
22	Printing and publications				
23	Other expenses (attach schedule)	75,896	75,871		25
24	Total operating and administrative expenses. Add lines 13 through 23	85,824	80,599	N/A	25
25	Contributions, gifts, grants paid	517,500			517,500
26	Total expenses and disbursements. Add lines 24 and 25	603,324	80,599	N/A	517,525
27	Subtract line 26 from line 12:				
a	Excess of revenue over expenses and disbursements	(492,707)			
b	Net investment income (if negative, enter -0-)		45,942		
c	Adjusted net income (if negative, enter -0-)			N/A	

For Privacy Act and Paperwork Reduction Act Notice, see page 30 of the instructions.

Cat No 11289X

Form **990-PF** (2009)

g-r 14

YNE

Part II Balance Sheets		Attached schedules and amounts in the description column should be for end-of-year amounts only. (See instructions.)		
		Beginning of year	End of year	
		(a) Book Value	(b) Book Value	(c) Fair Market Value
Assets	1 Cash—non-interest-bearing			
	2 Savings and temporary cash investments	216,488	110,682	110,682
	3 Accounts receivable ▶			
	Less: allowance for doubtful accounts ▶			
	4 Pledges receivable ▶			
	Less: allowance for doubtful accounts ▶			
	5 Grants receivable			
	6 Receivables due from officers, directors, trustees, and other disqualified persons (attach schedule) (see page 16 of the instructions)			
	7 Other notes and loans receivable (attach schedule) ▶			
	Less: allowance for doubtful accounts ▶			
	8 Inventories for sale or use			
	9 Prepaid expenses and deferred charges			
	10a Investments—U.S. and state government obligations (attach schedule)			
	b Investments—corporate stock (attach schedule)	4,286,868	3,892,851	5,429,022
	c Investments—corporate bonds (attach schedule)			
	11 Investments—land, buildings, and equipment: basis ▶			
Liabilities	Less: accumulated depreciation (attach schedule) ▶			
	12 Investments—mortgage loans			
	13 Investments—other (attach schedule)	2,073,466	1,804,538	2,311,343
	14 Land, buildings, and equipment: basis ▶			
	Less: accumulated depreciation (attach schedule) ▶			
	15 Other assets (describe ▶)			
	16 Total assets (to be completed by all filers—see the instructions. Also, see page 1, item I)	6,576,822	5,808,071	7,851,047
	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 (attach schedule)			
	22 Other liabilities (describe ▶)			
	23 Total liabilities (add lines 17 through 22)	-0-	-0-	
Net Assets or Fund Balances	Foundations that follow SFAS 117, check here . . ▶ <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			
	28 Paid-in or capital surplus, or land, bldg., and equipment fund			
	29 Retained earnings, accumulated income, endowment, or other funds	6,576,822	5,808,071	
	30 Total net assets or fund balances (see page 17 of the instructions)	6,576,822	5,808,071	
	31 Total liabilities and net assets/fund balances (see page 17 of the instructions)	6,576,822	5,808,071	

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	6,576,822
2 Enter amount from Part I, line 27a	2	(492,707)
3 Other increases not included in line 2 (itemize) ▶	3	-0-
4 Add lines 1, 2, and 3	4	6,084,115
5 Decreases not included in line 2 (itemize) ▶ Partnership Schedule M-1 Items	5	276,044
6 Total net assets or fund balances at end of year (line 4 minus line 5)—Part II, column (b), line 30	6	5,808,071

Part IV Capital Gains and Losses for Tax on Investment Income

(a) List and describe the kind(s) of property sold (e.g., real estate, 2-story brick warehouse, or common stock, 200 shs. MLC Co.)		(b) How acquired P—Purchase D—Donation	(c) Date acquired (mo., day, yr.)	(d) Date sold (mo., day, yr.)
1a See Attached Schedule				
b				
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			(15,924)	
b				
c				
d				
e				
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			(15,924)	
b				
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
3 Net short-term capital gain or (loss) as defined in sections 1222(5) and (6):		{ If gain, also enter in Part I, line 8, column (c) (see pages 13 and 17 of the instructions). If (loss), enter -0- in Part I, line 8		3

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 page 18 of the instructions before making any entries.			
(a) Base period years Calendar year (or tax year beginning in)	(b) Adjusted qualifying distributions	(c) Net value of noncharitable-use assets	(d) Distribution ratio (col. (b) divided by col. (c))
2008	990,973	9,412,426	.105283
2007	696,025	13,425,958	.051842
2006	652,856	12,976,304	.050311
2005	424,396	13,060,921	.032494
2004	885,285	13,043,947	.067869
2 Total of line 1, column (d)			2
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
4 Enter the net value of noncharitable-use assets for 2009 from Part X, line 5			4
5 Multiply line 4 by line 3			5
6 Enter 1% of net investment income (1% of Part I, line 27b)			6
7 Add lines 5 and 6			7
8 Enter qualifying distributions from Part XII, line 4			8

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 on page 18.

Part VI Excise Tax Based on Investment Income (Section 4940(a), 4940(b), 4940(e), or 4948—see page 18 of the 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		459
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		459
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		459
6	Credits/Payments:			
a	2009 estimated tax payments and 2008 overpayment credited to 2009	6a		4,348
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 O.R. OVERPAYMENT [3,889]	7		459
8	Enter any penalty for underpayment of estimated tax. Check here <input type="checkbox"/> if Form 2220 is attached	8		-0-
9	Tax due. If the total of lines 5 and 8 is more than line 7, enter amount owed	9		-0-
10	Overpayment. If line 7 is more than the total of lines 5 and 8, enter the amount overpaid	10		-0-
11	Enter the amount of line 10 to be: Credited to 2010 estimated tax Refunded	11		-0-

Part VII-A Statements Regarding Activities

	Yes	No
1a During the tax year, did the foundation attempt to influence any national, state, or local legislation or did it participate or intervene in any political campaign?		<input checked="" type="checkbox"/>
b Did it spend more than \$100 during the year (either directly or indirectly) for political purposes (see page 19 of the instructions for definition)? <i>If the answer is "Yes" to 1a or 1b, attach a detailed description of the activities and copies of any materials published or distributed by the foundation in connection with the activities.</i>		<input checked="" type="checkbox"/>
c Did the foundation file Form 1120-POL for this year?		<input checked="" type="checkbox"/>
d Enter the amount (if any) of tax on political expenditures (section 4955) imposed during the year: (1) On the foundation. ► \$ <u>N/A</u> (2) On foundation managers. ► \$ <u>N/A</u>		
e Enter the reimbursement (if any) paid by the foundation during the year for political expenditure tax imposed on foundation managers. ► \$ <u>N/A</u>		
2 Has the foundation engaged in any activities that have not previously been reported to the IRS? <i>If "Yes," attach a detailed description of the activities.</i>		<input checked="" type="checkbox"/>
3 Has the foundation made any changes, not previously reported to the IRS, in its governing instrument, articles of incorporation, or bylaws, or other similar instruments? <i>If "Yes," attach a conformed copy of the changes</i>		<input checked="" type="checkbox"/>
4a Did the foundation have unrelated business gross income of \$1,000 or more during the year?		<input checked="" type="checkbox"/>
b If "Yes," has it filed a tax return on Form 990-T for this year? <u>N/A</u>		<input checked="" type="checkbox"/>
5 Was there a liquidation, termination, dissolution, or substantial contraction during the year? <i>If "Yes," attach the statement required by General Instruction T.</i>		<input checked="" type="checkbox"/>
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?	<input checked="" type="checkbox"/>	
7 Did the foundation have at least \$5,000 in assets at any time during the year? <i>If "Yes," complete Part II, col. (c), and Part XV</i>	<input checked="" type="checkbox"/>	
8a Enter the states to which the foundation reports or with which it is registered (see page 19 of the instructions) ► <u>West Virginia</u>		
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 <i>General Instruction G</i> ? <i>If "No," attach explanation</i>	<input checked="" type="checkbox"/>	
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 on page 27)? <i>If "Yes," complete Part XIV</i>		<input checked="" type="checkbox"/>
10 Did any persons become substantial contributors during the tax year? <i>If "Yes," attach a schedule listing their names and addresses</i>		<input checked="" type="checkbox"/>

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 page 20 of the instructions)	11		✓
12	Did the foundation acquire a direct or indirect interest in any applicable insurance contract before August 17, 2008?	12		✓
13	Did the foundation comply with the public inspection requirements for its annual returns and exemption application? Website address ► <u>N/A</u>	13	✓	
14	The books are in care of ► <u>Robert M. Nutting, President</u> Telephone no. ► <u>304-233-0100</u> Located at ► <u>The Nutting Foundation, 1500 Main Street, Wheeling, WV</u> ZIP+4 ► <u>26003-2826</u>			
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

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 checked="" type="checkbox"/> Yes <input 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)? . . .	1b	✓
Organizations relying on a current notice regarding disaster assistance check here ► <input type="checkbox"/>		
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	✓
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 ► 20____, 20____, 20____, 20____		
b Are there any years listed in 2a for which the foundation is not applying the provisions of section 4942(a)(2) (relating to incorrect valuation of assets) to the year's undistributed income? (If applying section 4942(a)(2) to all years listed, answer "No" and attach statement—see page 20 of the instructions.) . . . <u>N/A</u> . . .	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. ► 20____, 20____, 20____, 20____		
3a Did the foundation hold more than a 2% direct or indirect interest in any business enterprise at any time during the year? <input checked="" type="checkbox"/> Yes <input 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? (<i>Use Schedule C, Form 4720, to determine if the foundation had excess business holdings in 2009.</i>)	3b	✓
4a Did the foundation invest during the year any amount in a manner that would jeopardize its charitable purposes?	4a	✓
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	✓

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))?		<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No	
(2) Influence the outcome of any specific public election (see section 4955); or to carry on, directly or indirectly, any voter registration drive?		<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No	
(3) Provide a grant to an individual for travel, study, or other similar purposes?		<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No	
(4) Provide a grant to an organization other than a charitable, etc., organization described in section 509(a)(1), (2), or (3), or section 4940(d)(2)? (see page 22 of the instructions)		<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> 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?		<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> 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 page 22 of the instructions)?		Organizations relying on a current notice regarding disaster assistance check here <input checked="" type="checkbox"/>		
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?		If "Yes," attach the statement required by Regulations section 53.4945–5(d). <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No		
6a Did the foundation, during the year, receive any funds, directly or indirectly, to pay premiums on a personal benefit contract?		If "Yes" to 6b, file Form 8870. <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No		
b Did the foundation, during the year, pay premiums, directly or indirectly, on a personal benefit contract?		If "Yes" to 6b, file Form 8870. <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No		
7a At any time during the tax year, was the foundation a party to a prohibited tax shelter transaction?		<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No		
b If yes, did the foundation receive any proceeds or have any net income attributable to the transaction?		<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No		

Part VIII Information About Officers, Directors, Trustees, Foundation Managers, Highly Paid Employees, and Contractors**1 List all officers, directors, trustees, foundation managers and their compensation (see page 22 of the instructions).**

(a) Name and address	(b) Title, and average hours per week devoted to position	(c) Compensation (If not paid, enter -0-)	(d) Contributions to employee benefit plans and deferred compensation	(e) Expense account, other allowances
Robert M. Nutting 1500 Main Street, Wheeling, WV 26003	President- 2	-0-	-0-	-0-
William O. Nutting 1500 Main Street, Wheeling, WV 26003	Secretary- .5	-0-	-0-	-0-

2 Compensation of five highest-paid employees (other than those included on line 1—see page 23 of the instructions). If none, enter "NONE."

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

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

Part VIII Information About Officers, Directors, Trustees, Foundation Managers, Highly Paid Employees, and Contractors *(continued)***3 Five highest-paid independent contractors for professional services** (see page 23 of the instructions). If none, enter "NONE."

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

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 _____	NONE

2 _____	

3 _____	

4 _____	

Part IX-B Summary of Program-Related Investments (see page 24 of the instructions)

Describe the two largest program-related investments made by the foundation during the tax year on lines 1 and 2	Amount
1 _____	NONE

2 _____	

All other program-related investments. See page 24 of the instructions	
3 _____	

Total. Add lines 1 through 3	▶

Part X Minimum Investment Return (All domestic foundations must complete this part. Foreign foundations, see page 24 of the 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	5,191,534
b	Average of monthly cash balances	1b	250,057
c	Fair market value of all other assets (see page 24 of the instructions)	1c	2,311,343
d	Total (add lines 1a, b, and c)	1d	7,752,934
e	Reduction claimed for blockage or other factors reported on lines 1a and 1c (attach detailed explanation)	1e	
2	Acquisition indebtedness applicable to line 1 assets	2	-0-
3	Subtract line 2 from line 1d	3	7,752,934
4	Cash deemed held for charitable activities. Enter 1 1/2 % of line 3 (for greater amount, see page 25 of the instructions)	4	116,294
5	Net value of noncharitable-use assets. Subtract line 4 from line 3. Enter here and on Part V, line 4	5	7,636,640
6	Minimum investment return. Enter 5% of line 5	6	381,832

Part XI Distributable Amount (see page 25 of the 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	381,832
2a	Tax on investment income for 2009 from Part VI, line 5	2a	459
b	Income tax for 2009. (This does not include the tax from Part VI.)	2b	
c	Add lines 2a and 2b	2c	459
3	Distributable amount before adjustments. Subtract line 2c from line 1	3	381,373
4	Recoveries of amounts treated as qualifying distributions	4	-0-
5	Add lines 3 and 4	5	381,373
6	Deduction from distributable amount (see page 25 of the instructions)	6	-0-
7	Distributable amount as adjusted. Subtract line 6 from line 5. Enter here and on Part XIII, line 1	7	381,373

Part XII Qualifying Distributions (see page 25 of the 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	517,525
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	-0-
3	Amounts set aside for specific charitable projects that satisfy the:		
a	Suitability test (prior IRS approval required)	3a	-0-
b	Cash distribution test (attach the required schedule)	3b	-0-
4	Qualifying distributions. Add lines 1a through 3b. Enter here and on Part V, line 8, and Part XIII, line 4	4	517,525
5	Foundations that qualify under section 4940(e) for the reduced rate of tax on net investment income. Enter 1% of Part I, line 27b (see page 26 of the instructions)	5	459
6	Adjusted qualifying distributions. Subtract line 5 from line 4	6	517,066

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

Part XIII Undistributed Income (see page 26 of the instructions)

	(a) Corpus	(b) Years prior to 2008	(c) 2008	(d) 2009
1 Distributable amount for 2009 from Part XI, line 7				381,373
2 Undistributed income, if any, as of the end of 2009:				
a Enter amount for 2008 only			508,549	
b Total for prior years: 20 __, 20 __, 20 __		-0-		
3 Excess distributions carryover, if any, to 2009:				
a From 2004				
b From 2005				
c From 2006				
d From 2007				
e From 2008				
f Total of lines 3a through e	-0-			
4 Qualifying distributions for 2009 from Part XII, line 4: ► \$ 517,525				
a Applied to 2008, but not more than line 2a			508,549	
b Applied to undistributed income of prior years (Election required—see page 26 of the instructions)		-0-		
c Treated as distributions out of corpus (Election required—see page 26 of the instructions)	-0-			
d Applied to 2009 distributable amount				8,976
e Remaining amount distributed out of corpus	-0-			
5 Excess distributions carryover applied to 2009 (If an amount appears in column (d), the same amount must be shown in column (a).)	-0-			-0-
6 Enter the net total of each column as indicated below:				
a Corpus. Add lines 3f, 4c, and 4e. Subtract line 5	-0-			
b Prior years' undistributed income. Subtract line 4b from line 2b		-0-		
c Enter the amount of prior years' undistributed income for which a notice of deficiency has been issued, or on which the section 4942(a) tax has been previously assessed		-0-		
d Subtract line 6c from line 6b. Taxable amount—see page 27 of the instructions		-0-		
e Undistributed income for 2008. Subtract line 4a from line 2a. Taxable amount—see page 27 of the instructions			-0-	
f Undistributed income for 2009. Subtract lines 4d and 5 from line 1. This amount must be distributed in 2010				372,397
7 Amounts treated as distributions out of corpus to satisfy requirements imposed by section 170(b)(1)(F) or 4942(g)(3) (see page 27 of the instructions)	-0-			
8 Excess distributions carryover from 2004 not applied on line 5 or line 7 (see page 27 of the instructions)	-0-			
9 Excess distributions carryover to 2010. Subtract lines 7 and 8 from line 6a	-0-			
10 Analysis of line 9:				
a Excess from 2005				
b Excess from 2006				
c Excess from 2007				
d Excess from 2008				
e Excess from 2009				

Part XIV Private Operating Foundations (see page 27 of the instructions and Part VII-A, question 9)

1a	If the foundation has received a ruling or determination letter that it is a private operating foundation, and the ruling is effective for 2009, enter the date of the ruling	N/A				
b	Check box to indicate whether the foundation is a private operating foundation described in section 4942(j)(3) or 4942(j)(5)					
2a	Enter the lesser of the adjusted net income from Part I or the minimum investment return from Part X for each year listed	Tax year (a) 2009	Prior 3 years (b) 2008 (c) 2007 (d) 2006			(e) Total
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 $\frac{2}{3}$ 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 page 28 of 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).)
	None
b	List any managers of the foundation who own 10% or more of the stock of a corporation (or an equally large portion of the ownership of a partnership or other entity) of which the foundation has a 10% or greater interest.
	None
2	Information Regarding Contribution, Grant, Gift, Loan, Scholarship, etc., Programs:
	Check here <input checked="" type="checkbox"/> 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 page 28 of the 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:
	N/A
b	The form in which applications should be submitted and information and materials they should include:
	N/A
c	Any submission deadlines:
	N/A
d	Any restrictions or limitations on awards, such as by geographical areas, charitable fields, kinds of institutions, or other factors:
	N/A

Part XV **Supplementary Information** (continued)**3 Grants and Contributions Paid During the Year or Approved for Future Payment**

Recipient Name and address (home or business)	If recipient is an individual, show any relationship to any foundation manager or substantial contributor	Foundation status of recipient	Purpose of grant or contribution	Amount
a <i>Paid during the year</i> See Attached				517,500
Total			▶ 3a	517,500
b <i>Approved for future payment</i> N/A				
Total			▶ 3b	

Enter gross amounts unless otherwise indicated.

(See worksheet in line 13 instructions on page 28 to verify calculations)

[illegible]

<p>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?</p> <p>a Transfers from the reporting foundation to a noncharitable exempt organization of:</p> <p>(1) Cash</p> <p>(2) Other assets</p> <p>b Other transactions:</p> <p>(1) Sales of assets to a noncharitable exempt organization</p> <p>(2) Purchases of assets from a noncharitable exempt organization</p> <p>(3) Rental of facilities, equipment, or other assets</p> <p>(4) Reimbursement arrangements</p> <p>(5) Loans or loan guarantees</p> <p>(6) Performance of services or membership or fundraising solicitations</p> <p>c Sharing of facilities, equipment, mailing lists, other assets, or paid employees</p> <p>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.</p>	<table border="1"> <thead> <tr> <th></th> <th>Yes</th> <th>No</th> </tr> </thead> <tbody> <tr> <td>1a(1)</td> <td></td> <td>✓</td> </tr> <tr> <td>1a(2)</td> <td></td> <td>✓</td> </tr> <tr> <td>1b(1)</td> <td></td> <td>✓</td> </tr> <tr> <td>1b(2)</td> <td></td> <td>✓</td> </tr> <tr> <td>1b(3)</td> <td></td> <td>✓</td> </tr> <tr> <td>1b(4)</td> <td></td> <td>✓</td> </tr> <tr> <td>1b(5)</td> <td></td> <td>✓</td> </tr> <tr> <td>1b(6)</td> <td></td> <td>✓</td> </tr> <tr> <td>1c</td> <td></td> <td>✓</td> </tr> </tbody> </table>		Yes	No	1a(1)		✓	1a(2)		✓	1b(1)		✓	1b(2)		✓	1b(3)		✓	1b(4)		✓	1b(5)		✓	1b(6)		✓	1c		✓
	Yes	No																													
1a(1)		✓																													
1a(2)		✓																													
1b(1)		✓																													
1b(2)		✓																													
1b(3)		✓																													
1b(4)		✓																													
1b(5)		✓																													
1b(6)		✓																													
1c		✓																													

[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 8/24/15 President _____
Title _____

Paid Preparer's Use Only	Preparer's signature	Date	Check if self-employed <input type="checkbox"/>	Preparer's identifying number (see Signature on page 30 of the instructions)
	Firm's name (or yours if self-employed), address, and ZIP code	EIN		Phone no.

2009 FORM 990-PF
 NUTTING FOUNDATION
 FEIN: 31-1683582

	(a) Revenue And Expenses	(b) Net Investment Income	(d) Disbursements For Charitable Purposes
<u>Part I, Line 11- Other Income</u>			
Partnership other income- miscellaneous income	\$3,094	\$3,094	
Partnership other income- section 1202 gain	10,001	10,001	
Total Other Income	<u>\$13,095</u>	<u>\$13,095</u>	
<u>Part I, Line 16(a)- Legal Fees</u>			
Partnership legal fees	<u>\$653</u>	<u>\$653</u>	<u>\$0</u>
<u>Part I, Line 16(b)- Accounting Fees</u>			
Partnership audit fees	<u>\$3,115</u>	<u>\$3,115</u>	<u>\$0</u>
<u>Part I, Line 16(c)- Other Professional Fees</u>			
Investment trust fees	<u>\$960</u>	<u>\$960</u>	<u>\$0</u>
<u>Part I, Line 18- Taxes</u>			
Tax on investment income	<u>\$5,200</u>		
<u>Part I, Line 23, Other Expenses</u>			
Miscellaneous- WV annual report fee	\$25	\$0	\$25
Partnership management expenses	74,500	74,500	0
Partnership miscellaneous expenses	1,345	1,345	0
Miscellaneous- investment fees	26	26	0
Total Other Expenses	<u>\$75,896</u>	<u>\$75,871</u>	<u>\$25</u>

2009 FORM 990-PF
 NUTTING FOUNDATION
 FEIN: 31-1683582

Part II, Line 10b, Investments-Corporate Stock

<u>Corporation Name</u>	<u>Number Of Shares At 12/31/09</u>	<u>Book Value At 12/31/09</u>	<u>Fair Market Value At 12/31/09</u>
IShares Trust-Russell 2000 Index	10,000	\$472,119	\$624,400
Standard & Poor's Depository Receipts-SPDR Trust	22,350	2,886,830	2,490,684
United Bankshares, Inc.	17,000	300,448	339,490
The Nutting Company, Inc.	225	22,500	1,812,825
Chunghwa Telecom Co. LTD ADR	3	44	56
Harbor International Fund	2,944.536	210,910	161,567
Total		<u>\$3,892,851</u>	<u>\$5,429,022</u>

* Book value above represents value recorded at time of receipt of donated securities.

Part II, Line 13, Investments-Other

	<u>Partnership % At 12/31/09</u>	<u>Book Value At 12/31/09</u>	<u>Fair Market Value At 12/31/09</u>
Partnership in Birchmere Ventures II, LP	3.235720%	\$799,887	\$1,118,243
Partnership in Birchmere Ventures III, LP	2.784091%	540,718	637,631
Investment in Avista Capital Partners Offshore Feeder Fund		463,933	555,469
Total		<u>\$1,804,538</u>	<u>\$2,311,343</u>

Book value above represents capital account balance at 12/31/09 per Schedule K-1.

Part IV, Line 1a, Capital Gains and Losses for Tax on Investment Income

(a) Property Sold	(b) How Acquired P/D	(c) Date Acquired	(d) Date Sold	(e) Gross Sales Price	(f) Deprec. Allowed	(g) Cost/ Basis	(h) Gain/ (Loss)	(i) FMV 12/31/69	(j) Adjusted Basis 12/31/69	(k) Col.(i) Over Col.(j)	(l) Gains/ (Losses)
Publicly Traded Securities				350,664		394,017	(43,353)				(43,353)
Partnership Long-Term Capital Gain	P						44,704				44,704
Partnership Long-Term Capital Loss	P						(17,275)				(17,275)
Total Line 1a							<u>(15,924)</u>				<u>(15,924)</u>

2009 Form 990-PF
NUTTING FOUNDATION
FEIN: 31-1683582

Part XV, 3a – Grants and Contributions Paid During The Year

<u>Recipient Name and Address</u>	<u>If Recipient is Individual – Show Relationship</u>	<u>Foundation Status of Recipient</u>	<u>Purpose of Contribution</u>	<u>Amount</u>
West Virginia University Foundation, Inc. One Waterfront Place – 7 th FL P. O. Box 1650 Morgantown, WV 26507-1650	N/A	Exempt	To support the Ogden Seminar Series presented by the School of Journalism	\$ 10,000
West Virginia University Foundation, Inc. One Waterfront Place – 7 th FL P. O. Box 1650 Morgantown, WV 26507-1650	N/A	Exempt	To support the development of <i>The Nutting Gallery</i> in the Ericson Center	100,000
The Nature Conservancy of WV P. O. Box 250 Elkins, WV 26241	N/A	Exempt	For general operating use of recipient organization	10,000
Saint Albans School Mount St. Alban Washington, D.C. 20016-5095	N/A	Exempt	For general operating use of recipient organization	5,000
Williams College Development Office 75 Park Street Williamstown, MA 01267-2114	N/A	Exempt	For general operating use of recipient organization	5,000
Williams College Development Office 75 Park Street Williamstown, MA 01267-2114	N/A	Exempt	For general operating use of recipient organization	15,000
Phillips Exeter Academy 20 Main Street Exeter, NH 03833	N/A	Exempt	For general operating use of recipient organization	5,000
Harvard College Fund 124 Mount Auburn Street Cambridge, MA 02138-5795	N/A	Exempt	For general operating use of recipient organization	2,500

<u>Recipient Name and Address</u>	<u>If Recipient is Individual – Show Relationship</u>	<u>Foundation Status of Recipient</u>	<u>Purpose of Contribution</u>	<u>Amount</u>
Texas Heart Institute Texas Medical Center, MC3-117 Post Office Box 20345 Houston, TX 77225-0345	N/A	Exempt	For Research and/or Greatest Need	5,000
West Liberty University Foundation 201 Shaw Hall P.O. Box 295 West Liberty, WV 26074-0295	N/A	Exempt	Designated for the 2009-2010 Annual Fund to support the Arts & Ideas program	10,000
West Liberty University Foundation 201 Shaw Hall P.O. Box 295 West Liberty, WV 26074-0295	N/A	Exempt	To be used to support student participation in athletics	2,500
The UCLA Foundation/Law Fund c/o UCLA School of Law 405 Hilgard Avenue Box 951476 Los Angeles, CA 90095-1476	N/A	Exempt	For general operating use of recipient organization	2,500
Hotchkiss Fund c/o The Hotchkiss School P. O. Box 800 Lakeville, CT 06039-0800	N/A	Exempt	For general operating use of recipient organization	2,500
WV Independent Colleges and Universities 900 Lee Street, Suite 910 Charleston, WV 25301	N/A	Exempt	Designated for Bethany College Annual Fund 2009-2010	15,000
The Pittsburgh Foundation Donor Services Officer Five PPG Place, Suite 250 Pittsburgh, PA 15222-5414	N/A	Exempt	Designated for the Robert M. Nutting Family Fund	120,000
The T. Rowe Price Program for Charitable Giving 4515 Painters Mill Road Owings Mills, MD 21117-4903	N/A	Exempt	Designated for The Nutting Charitable Gift Fund	120,000
Carnegie Museums of Pittsburgh 4400 Forbes Avenue Pittsburgh, PA 15213-4080	N/A	Exempt	For general operating use of recipient organization	5,000

<u>Recipient Name and Address</u>	<u>If Recipient is Individual – Show Relationship</u>	<u>Foundation Status of Recipient</u>	<u>Purpose of Contribution</u>	<u>Amount</u>
West Liberty University Office of Development 201 Shaw Hall P.O. Box 295 West Liberty, WV 26074-0295	N/A	Exempt	Designated for use to be determined by the Athletics Director	5,000
WV Independent Colleges and Universities 900 Lee Street, Suite 910 Charleston, WV 25301	N/A	Exempt	Designated for the Circle of Vision scholarship program	10,000
Williams College 75 Park Street Williamstown, MA 01267-2114	N/A	Exempt	Designated to support the fund recognizing Professor Frederick Rudolph	2,500
Wheeling Country Day School Eight Park Road Wheeling, WV 26003	N/A	Exempt	Designated 17,500 for The Nutting Endowment Fund and 7,500 to the Annual Giving 2009-2010	25,000
The Community Foundation for the Ohio Valley, Inc P.O. Box 670 Wheeling, WV 26003	N/A	Exempt	Designated for The Nutting Fund	15,000
The Linsly School 60 Knox Lane Wheeling, WV 26003	N/A	Exempt	For general operating use of recipient organization	25,000
TOTAL				<u>\$517,500</u>