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

OMB No 1545-0052

2009Department of the Treasury
Internal Revenue Service

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

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

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

Use the IRS label. Otherwise, print or type. See Specific Instructions.	Name of foundation JULIE AND BRIAN SIMMONS FOUNDATION		A Employer identification number 36-4382077
	Number and street (or P O box number if mail is not delivered to street address)	Room/suite	B Telephone number (312) 876-1840
	10 S. WACKER DRIVE CHICAGO, IL 60606		C If exemption application is pending, check here ☐
	City or town, state, and ZIP code		D 1. Foreign organizations, check here ☐ 2. Foreign organizations meeting the 85% test, check here and attach computation ☐
H Check type of organization: ☒ Section 501(c)(3) exempt private foundation ☐ Section 4947(a)(1) nonexempt charitable trust ☐ Other taxable private foundation			E If private foundation status was terminated under section 507(b)(1)(A), check here ☐
I Fair market value of all assets at end of year (from Part II, col. (c), line 16) \$ 1,239,221.		J Accounting method: ☒ Cash ☐ Accrual ☐ Other (specify)	F If the foundation is in a 60-month termination under section 507(b)(1)(B), check here ☐

Part I Analysis of Revenue and Expenses (The total of amounts in columns (b), (c), and (d) may not necessarily equal the amounts in column (a))		(a) Revenue and expenses per books	(b) Net investment income	(c) Adjusted net income	(d) Disbursements for charitable purposes (cash basis only)
1	Contributions, gifts, grants, etc., received			N/A	
2	Check ☒ if the foundation is not required to attach Sch. B				
3	Interest on savings and temporary cash investments	26,971.	26,971.		STATEMENT 1
4	Dividends and interest from securities	21,642.	21,642.		STATEMENT 2
5a	Gross rents				
b	Net rental income or (loss)				
6a	Net gain or (loss) from sale of assets not on line 10	9,229.			
b	Gross sales price for all assets on line 6a	481,071.			
7	Capital gain net income (from Part IV, line 2)		9,229.		
8	Net short-term capital gain				
9	Income modifications				
10a	Gross sales less returns and allowances				
b	Less: Cost of goods sold				
c	Gross profit or (loss)				
11	Other income	1,549.	<42,564.>		STATEMENT 3
12	Total. Add lines 11 through 12	59,391.	15,278.		
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	2,500.	2,500.		0.
c	Other professional fees	348.	348.		0.
17	Interest				
18	Taxes	458.	458.		0.
19	Depreciation and depletion				
20	Occupancy				
21	Travel, conferences, and meetings				
22	Printing and publications				
23	Other expenses	1,453.	0.		0.
24	Total operating and administrative expenses. Add lines 13 through 23	4,759.	3,306.		0.
25	Contributions, gifts, grants paid	46,500.			46,500.
26	Total expenses and disbursements. Add lines 24 and 25	51,259.	3,306.		46,500.
27	Subtract line 26 from line 12:				
a	Excess of revenue over expenses and disbursements	8,132.			
b	Net investment income (if negative, enter -0-)		11,972.		
c	Adjusted net income (if negative, enter -0-)			N/A	

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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			
	2 Savings and temporary cash investments	47,537.	72,917.	72,917.
	3 Accounts receivable ▶			
	Less: allowance for doubtful accounts ▶			
	4 Pledges receivable ▶			
	Less: allowance for doubtful accounts ▶			
	5 Grants receivable			
	6 Receivables due from officers, directors, trustees, and other disqualified persons			
	7 Other notes and loans receivable ▶			
	Less: allowance for doubtful accounts ▶			
	8 Inventories for sale or use			
	9 Prepaid expenses and deferred charges			
	10a Investments - U.S. and state government obligations			
	b Investments - corporate stock STMT 8	469,695.	425,183.	444,183.
	c Investments - corporate bonds STMT 9	332,379.	284,124.	269,095.
11 Investments - land, buildings, and equipment basis ▶				
Less accumulated depreciation ▶				
12 Investments - mortgage loans				
13 Investments - other				
14 Land, buildings, and equipment basis ▶				
Less accumulated depreciation ▶				
15 Other assets (describe ▶ STATEMENT 10)	377,507.	453,026.	453,026.	
16 Total assets (to be completed by all filers)	1,227,118.	1,235,250.	1,239,221.	
Liabilities	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 ▶ ☐			
	and complete lines 24 through 26 and lines 30 and 31.			
	24 Unrestricted			
	25 Temporarily restricted			
	26 Permanently restricted			
	Foundations that do not follow SFAS 117, check here ▶ ☒			
	and complete lines 27 through 31.			
	27 Capital stock, trust principal, or current funds	1,228,185.	1,236,317.	
28 Paid-in or capital surplus, or land, bldg., and equipment fund	0.	0.		
29 Retained earnings, accumulated income, endowment, or other funds	<1,067.>	<1,067.>		
30 Total net assets or fund balances	1,227,118.	1,235,250.		
31 Total liabilities and net assets/fund balances	1,227,118.	1,235,250.		

Part III Analysis of Changes in Net Assets or Fund Balances

1 Total net assets or fund balances at beginning of year - Part II, column (a), line 30 (must agree with end-of-year figure reported on prior year's return)	1	1,227,118.
2 Enter amount from Part I, line 27a	2	8,132.
3 Other increases not included in line 2 (itemize) ▶	3	0.
4 Add lines 1, 2, and 3	4	1,235,250.
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	1,235,250.

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 DEUTSCHE BANK (SEE ATTACHED)	P	VARIOUS	VARIOUS
b DEUTSCHE BANK (SEE ATTACHED)	P	VARIOUS	VARIOUS
c DEUTSCHE CAPITAL GAIN DISTRIBUTION	P		
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 116,812.		105,375.	11,437.
b 364,228.		366,467.	<2,239.>
c 31.			31.
d			
e			

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) Gains (Col. (h) gain minus col. (k), but not less than -0-) or Losses (from col. (h))
a			11,437.
b			<2,239.>
c			31.
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	9,229.
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	90,000.	1,278,879.	.070374
2007	222,754.	1,305,056.	.170685
2006	211,440.	1,719,599.	.122959
2005	221,947.	1,746,430.	.127086
2004	246,056.	1,831,248.	.134365

2 Total of line 1, column (d)	2	.625469
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	.125094
4 Enter the net value of noncharitable-use assets for 2009 from Part X, line 5	4	735,852.
5 Multiply line 4 by line 3	5	92,051.
6 Enter 1% of net investment income (1% of Part I, line 27b)	6	120.
7 Add lines 5 and 6	7	92,171.
8 Enter qualifying distributions from Part XII, line 4 If line 8 is equal to or greater than line 7, check the box in Part VI, line 1b, and complete that part using a 1% tax rate. See the Part VI instructions.	8	46,500.

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 ☐ and enter "N/A" on line 1. Date of ruling or determination letter: _____ (attach copy of letter if necessary-see instructions)		1	239.
b Domestic foundations that meet the section 4940(e) requirements in Part V, check here ☐ and enter 1% of Part I, line 27b		2	0.
c All other domestic foundations enter 2% of line 27b. Exempt foreign organizations enter 4% of Part I, line 12, col. (b)		3	239.
2 Tax under section 511 (domestic section 4947(a)(1) trusts and taxable foundations only. Others enter -0-)		4	0.
3 Add lines 1 and 2		5	239.
4 Subtitle A (income) tax (domestic section 4947(a)(1) trusts and taxable foundations only. Others enter -0-)			
5 Tax based on investment income Subtract line 4 from line 3. If zero or less, enter -0-			
6 Credits/Payments:			
a 2009 estimated tax payments and 2008 overpayment credited to 2009	6a 1,321.	7	1,321.
b Exempt foreign organizations - tax withheld at source	6b	8	
c Tax paid with application for extension of time to file (Form 8868)	6c	9	
d Backup withholding erroneously withheld	6d	10	1,082.
7 Total credits and payments. Add lines 6a through 6d		11	0.
8 Enter any penalty for underpayment of estimated tax. Check here ☐ if Form 2220 is attached			
9 Tax due. If the total of lines 5 and 8 is more than line 7, enter amount owed			
10 Overpayment. If line 7 is more than the total of lines 5 and 8, enter the amount overpaid			
11 Enter the amount of line 10 to be: Credited to 2010 estimated tax ☐ 1,082. Refunded ☐			

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. ☐ \$ 0. (2) On foundation managers. ☐ \$ 0.		
e Enter the reimbursement (if any) paid by the foundation during the year for political expenditure tax imposed on foundation managers. ☐ \$ 0.		
2 Has the foundation engaged in any activities that have not previously been reported to the IRS? If "Yes," attach a detailed description of the activities.		X
3 Has the foundation made any changes, not previously reported to the IRS, in its governing instrument, articles of incorporation, or bylaws, or other similar instruments? If "Yes," attach a conformed copy of the changes		X
4a Did the foundation have unrelated business gross income of \$1,000 or more during the year?		X
b If "Yes," has it filed a tax return on Form 990-T for this year?		
5 Was there a liquidation, termination, dissolution, or substantial contraction during the year? If "Yes," attach the statement required by General Instruction T.		X
6 Are the requirements of section 508(e) (relating to sections 4941 through 4945) satisfied either: • By language in the governing instrument, or • By state legislation that effectively amends the governing instrument so that no mandatory directions that conflict with the state law remain in the governing instrument?	X	
7 Did the foundation have at least \$5,000 in assets at any time during the year? If "Yes," complete Part II, col. (c), and Part XV.	X	
8a Enter the states to which the foundation reports or with which it is registered (see instructions) ☐ IL		
b If the answer is "Yes" to line 7, has the foundation furnished a copy of Form 990-PF to the Attorney General (or designate) of each state as required by General Instruction G? If "No," attach explanation	X	
9 Is the foundation claiming status as a private operating foundation within the meaning of section 4942(j)(3) or 4942(j)(5) for calendar year 2009 or the taxable year beginning in 2009 (see instructions for Part XIV)? If "Yes," complete Part XIV		X
10 Did any persons become substantial contributors during the tax year? If "Yes," attach a schedule listing their names and addresses	X	

N/A

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Part VII-A Statements Regarding Activities (continued)

11	At any time during the year, did the foundation, directly or indirectly, own a controlled entity within the meaning of section 512(b)(13)? If "Yes," attach schedule (see instructions)	11		X
12	Did the foundation acquire a direct or indirect interest in any applicable insurance contract before August 17, 2008?	12		X
13	Did the foundation comply with the public inspection requirements for its annual returns and exemption application? Website address ► N/A	13		
14	The books are in care of ► BRIAN P. SIMMONS Located at ► 10 S. WACKER DR, NO. 3175, CHICAGO, IL	Telephone no. ► 312-876-1840 ZIP+4 ► 60606		
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?	☐ Yes ☒ No	
(2) Borrow money from, lend money to, or otherwise extend credit to (or accept it from) a disqualified person?	☐ Yes ☒ No	
(3) Furnish goods, services, or facilities to (or accept them from) a disqualified person?	☐ Yes ☒ No	
(4) Pay compensation to, or pay or reimburse the expenses of, a disqualified person?	☐ Yes ☒ No	
(5) Transfer any income or assets to a disqualified person (or make any of either available for the benefit or use of a disqualified person)?	☐ Yes ☒ No	
(6) Agree to pay money or property to a government official? (Exception. Check "No" if the foundation agreed to make a grant to or to employ the official for a period after termination of government service, if terminating within 90 days.)	☐ Yes ☒ No	
b If any answer is "Yes" to 1a(1)-(6), did any of the acts fail to qualify under the exceptions described in Regulations section 53.4941(d)-3 or in a current notice regarding disaster assistance (see 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
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? If "Yes," list the years ►	☐ Yes ☒ No	
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?	☐ Yes ☒ No	
b If "Yes," did it have excess business holdings in 2009 as a result of (1) any purchase by the foundation or disqualified persons after May 26, 1969; (2) the lapse of the 5-year period (or longer period approved by the Commissioner under section 4943(c)(7)) to dispose of holdings acquired by gift or bequest; or (3) the lapse of the 10-, 15-, or 20-year first phase holding period? (Use Schedule C, Form 4720, to determine if the foundation had excess business holdings in 2009.)	N/A	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

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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
BRIAN P. SIMMONS	PRESIDENT			
10 S. WACKER DRIVE, SUITE 3175				
CHICAGO, IL 60606	1.00	0.	0.	0.
JULIE D. SIMMONS	V.P/ SECRETARY			
10 S. WACKER DRIVE, SUITE 3175				
CHICAGO, IL 60606	1.00	0.	0.	0.
PAIGE P. WALSH	ASST. TREASURER			
10 S. WACKER DRIVE, SUITE 3175				
CHICAGO, IL 60606	1.00	0.	0.	0.

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

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

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

0

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

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

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

0

Part IX-A Summary of Direct Charitable Activities

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

	Expenses
1 N/A	
2	
3	
4	

Part IX-B Summary of Program-Related Investments

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

	Amount
1 N/A	
2	
All other program-related investments. See instructions.	
3	

Total. Add lines 1 through 3

0.

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

1	Fair market value of assets not used (or held for use) directly in carrying out charitable, etc., purposes:		
a	Average monthly fair market value of securities	1a	682,399.
b	Average of monthly cash balances	1b	64,659.
c	Fair market value of all other assets	1c	
d	Total (add lines 1a, b, and c)	1d	747,058.
e	Reduction claimed for blockage or other factors reported on lines 1a and 1c (attach detailed explanation)	1e	0.
2	Acquisition indebtedness applicable to line 1 assets	2	0.
3	Subtract line 2 from line 1d	3	747,058.
4	Cash deemed held for charitable activities. Enter 1 1/2% of line 3 (for greater amount, see instructions)	4	11,206.
5	Net value of noncharitable-use assets. Subtract line 4 from line 3. Enter here and on Part V, line 4	5	735,852.
6	Minimum investment return. Enter 5% of line 5	6	36,793.

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	36,793.
2a	Tax on investment income for 2009 from Part VI, line 5	2a	239.
b	Income tax for 2009. (This does not include the tax from Part VI.)	2b	
c	Add lines 2a and 2b	2c	239.
3	Distributable amount before adjustments. Subtract line 2c from line 1	3	36,554.
4	Recoveries of amounts treated as qualifying distributions	4	0.
5	Add lines 3 and 4	5	36,554.
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	36,554.

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	46,500.
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	46,500.
5	Foundations that qualify under section 4940(e) for the reduced rate of tax on net investment income. Enter 1% of Part I, line 27b	5	0.
6	Adjusted qualifying distributions. Subtract line 5 from line 4	6	46,500.

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				36,554.
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	130,281.			
b From 2005	136,252.			
c From 2006	212,599.			
d From 2007	224,153.			
e From 2008	26,056.			
f Total of lines 3a through e	729,341.			
4 Qualifying distributions for 2009 from Part XII, line 4: ► \$ 46,500.				
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				36,554.
e Remaining amount distributed out of corpus	9,946.			
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	739,287.			
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	130,281.			
9 Excess distributions carryover to 2010. Subtract lines 7 and 8 from line 6a	609,006.			
10 Analysis of line 9:				
a Excess from 2005	136,252.			
b Excess from 2006	212,599.			
c Excess from 2007	224,153.			
d Excess from 2008	26,056.			
e Excess from 2009	9,946.			

N/A

- ☐ 4942(i)(3) or ☐ 4942(i)(5)

- (4) Gross investment income**

[illegible]

2009.03051 JULIE AND BRIAN SIMMONS FOU SIMMBR61

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

OMB No 1545-1709

► File a separate application for each return

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

Do not complete **Part II** unless you have already been granted an automatic 3-month extension on a previously filed Form 8868**Part I Automatic 3-Month Extension of Time.** Only submit original (no copies needed).A corporation required to file Form 990-T and requesting an automatic 6-month extension - check this box and complete Part I only ☐

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

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

Type or print File by the due date for filing your return. See instructions	Name of Exempt Organization	Employer identification number
	JULIE AND BRIAN SIMMONS FOUNDATION	36-4382077
	Number, street, and room or suite no. If a P.O. box, see instructions. 10 S. WACKER DRIVE, NO. 3175	
	City, town or post office, state, and ZIP code. For a foreign address, see instructions CHICAGO, IL 60606	

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

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

BRIAN P. SIMMONS

- The books are in the care of ►
- 10 S. WACKER DR, NO. 3175 - CHICAGO, IL 60606**

Telephone No. ► **312-876-1840**

FAX No. ►

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

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

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

3a If this application is for Form 990-BL, 990-PF, 990-T, 4720, or 6069, enter the tentative tax, less any nonrefundable credits. See instructions.	3a	\$	295.
b If this application is for Form 990-PF or 990-T, enter any refundable credits and estimated tax payments made. Include any prior year overpayment allowed as a credit.	3b	\$	1,321.
c Balance Due. Subtract line 3b from line 3a. Include your payment with this form, or, if required, deposit with FTD coupon or, if required, by using EFTPS (Electronic Federal Tax Payment System). See instructions.	3c	\$	0.

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

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

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

2009 Tax Information Statement

Page 7 of 24

Account Number: 247316
 Recipient's Tax ID number: XX-XXX2077
 Payer's Federal ID number: 13-4941247
 Questions? (212)454-2603
☐ Corrected ☐ 2nd TIN notice

Payer's Name and Address
 DEUTSCHE BANK TRUST CO. AMERICA
 280 PARK AVENUE
 NEW YORK, NY 10017

2009 Form 1099-B: Proceeds from Broker and Barter Exchange Transactions

OMB No. 1545-0715

Reported to the IRS are Gross Proceeds less commissions and option premiums.

Number of shares (Box 5)	CUSIP (Box 1b)	Description (Box 7)	Date Acquired (Box 1a)	Date of Sale (Box 2)	Stocks, Bonds, etc. (Box 2)	Cost or other Basis (Box 4)	Net Gain or Loss (Box 4)	Federal Income Tax Withheld (Box 4)
Short Term Sales Reported on 1099-B								
212.8790	433565827	HIRTLE CALLAGHAN EMERGING MKTS PORTFOLIO	12/10/2009	12/23/2009	4,000.00	4,010.64	-10.64	0.00
1647.7860	433565835	HIRTLE CALLAGHAN INST INTL EQUITY PORTFOLIO	11/20/2009	12/23/2009	16,000.00	15,876.42	123.58	0.00
18.0350	433565207	HIRTLE CALLAGHAN TR GROWTH PORTFOLIO	09/17/2008	06/10/2009	174.22	209.57	-35.35	0.00
202.2190	433565207	HIRTLE CALLAGHAN TR GROWTH PORTFOLIO	09/16/2009	12/23/2009	2,367.99	2,197.52	170.47	0.00
7356.2480	433565405	HIRTLE CALLAGHAN TR INTL EQUITY PORTFOLIO	12/23/2008	11/20/2009	70,877.45	62,013.01	8,864.44	0.00
5.9390	433565306	HIRTLE CALLAGHAN TR SMALL CAP PORTFOLIO	09/16/2009	12/18/2009	62.83	62.55	0.28	0.00
140.5030	784924425	SSGA FDS EMERGING MKTS FD	08/10/2009	10/09/2009	2,661.13	2,373.09	288.04	0.00
1097.0470	784924425	SSGA FDS EMERGING MKTS FD	08/10/2009	12/10/2009	20,668.36	18,632.22	2,036.14	0.00
Total Short Term Sales Reported on 1099-B						116,811.98	105,375.02	11,436.96

Long Term 15% Sales Reported on 1099-B								
6277.0560	433565801	HIRTLE CALLAGHAN TR FIXED INCOME II PORTFOLIO	12/17/2001	03/03/2009	58,000.00	64,060.80	-6,060.80	0.00

This is important tax information and is being furnished to the Internal Revenue Service. If you are required to file a return, a negligence penalty or other sanction may be imposed on you if this income is taxable and the IRS determines that it has not been reported.

2009 Tax Information Statement

Account Number: 247316
 Recipient's Tax ID number: XX-XXX2077
 Payer's Federal ID number: 13-4941247
 Questions? (212)454-2603
☐ Corrected ☐ 2nd TIN notice

Recipient's Name and Address
 BRIAN AND JULIE SIMMONS
 FOUNDATION
 1500 N. LAKESHORE DRIVE - APT 18A
 CHICAGO, IL 60606

Payer's Name and Address
 DEUTSCHE BANK TRUST CO. AMERICA
 280 PARK AVENUE
 NEW YORK, NY 10017

Number of shares (Box 5)	CUSIP (Box 1b)	Description (Box 7)	Date Acquired	Date of Sale	Stocks, Bonds, etc. (Box 2)	Cost or Other Basis	Net Gain or Loss	Federal Income Tax Withheld (Box 4)
406.5040	433565801	HIRTLE CALLAGHAN TR FIXED INCOME II PORTFOLIO	12/17/2001	08/27/2009	4,000.00	4,138.21	-138.21	0.00
348.4320	433565603	HIRTLE CALLAGHAN TR FIXED INCOME PORTFOLIO	05/16/2001	08/27/2009	3,000.00	3,439.02	-439.02	0.00
799.0870	433565603	HIRTLE CALLAGHAN TR FIXED INCOME PORTFOLIO	05/16/2001	12/23/2009	7,000.00	7,886.99	-886.99	0.00
2052.3580	433565207	HIRTLE CALLAGHAN TR GROWTH PORTFOLIO	11/17/2004	06/10/2009	19,825.78	21,811.33	-1,785.55	0.00
1968.5040	433565207	HIRTLE CALLAGHAN TR GROWTH PORTFOLIO	11/07/2001	08/10/2009	20,000.00	20,728.34	-728.34	0.00
1447.8760	433565207	HIRTLE CALLAGHAN TR GROWTH PORTFOLIO	11/07/2001	08/27/2009	15,000.00	14,677.84	322.16	0.00
224.7860	433565207	HIRTLE CALLAGHAN TR GROWTH PORTFOLIO	09/07/2004	12/23/2009	2,632.01	2,200.46	431.55	0.00
1445.0870	433565884	HIRTLE CALLAGHAN TR HIGH YIELD BD PORTFOLIO	09/24/2001	12/23/2009	10,000.00	11,060.30	-1,060.30	0.00
1041.6670	433565405	HIRTLE CALLAGHAN TR INTL EQUITY PORTFOLIO	07/30/2001	10/09/2009	10,000.00	13,824.89	-3,824.89	0.00
11266.4730	433565405	HIRTLE CALLAGHAN TR INTL EQUITY PORTFOLIO	12/30/2002	11/20/2009	108,552.47	90,935.74	17,616.73	0.00
1792.8290	433565306	HIRTLE CALLAGHAN TR SMALL CAP PORTFOLIO	09/27/2001	08/27/2009	18,000.00	21,454.96	-3,454.96	0.00
982.1140	433565306	HIRTLE CALLAGHAN TR SMALL CAP PORTFOLIO	09/27/2001	12/18/2009	10,179.17	9,515.30	863.87	0.00

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2009 Tax Information Statement

Page 9 of 24

Account Number: 247316
 Recipient's Tax ID number: XX-XXX2077
 Payer's Federal ID number: 13-4941247
 Questions? (212)454-2603
☐ Corrected ☐ 2nd TIN notice

Recipient's Name and Address
 BRIAN AND JULIE SIMMONS
 FOUNDATION
 1500 N. LAKESHORE DRIVE - APT 18A
 CHICAGO, IL 60606

Payer's Name and Address
 DEUTSCHE BANK TRUST CO. AMERICA
 280 PARK AVENUE
 NEW YORK, NY 10017

Number of Shares (Box 5)	CUSIP (Box 1b)	Description (Box 7)	Date Acquired	Date of Sale	Stocks, Bonds, etc. (Box 2)	Cost or Other Basis	Net Gain or Loss	Federal Income Tax Withheld (Box 4)
493.1780	433565306	HIRTLE CALLAGHAN TR SMALL CAP PORTFOLIO	09/27/2001	12/21/2009	5,277.00	4,877.53	399.47	0.00
3531.7860	433566108	HIRTLE CALLAGHAN TR VALUE PORTFOLIO	08/27/2001	08/10/2009	35,000.00	50,168.90	-15,168.90	0.00
984.2520	433565108	HIRTLE CALLAGHAN TR VALUE PORTFOLIO	11/07/2001	08/27/2009	10,000.00	12,795.28	-2,795.28	0.00
183.8240	433565108	HIRTLE CALLAGHAN TR VALUE PORTFOLIO	11/07/2001	12/23/2009	2,000.00	2,389.71	-389.71	0.00
17.8920	784924425	SSGA FDS EMERGING MKTS FD	12/19/2007	10/09/2009	338.87	530.48	-191.61	0.00
1349.4060	784924425	SSGA FDS EMERGING MKTS FD	09/27/2001	12/10/2009	25,422.81	10,180.49	15,242.32	0.00
Total Long Term 15% Sales Reported on 1099-B					364,228.11	366,466.57	-2,238.46	0.00

This is important tax information and is being furnished to the Internal Revenue Service. If you are required to file a return, a negligence penalty or other sanction may be imposed on you if this income is taxable and the IRS determines that it has not been reported.

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

SOURCE	AMOUNT
FROM K-1: VOGEN FUNDING	26,930.
JPMORGAN	17.
WILLIAM BLAIR	24.
TOTAL TO FORM 990-PF, PART I, LINE 3, COLUMN A	26,971.

FORM 990-PF DIVIDENDS AND INTEREST FROM SECURITIES STATEMENT 2

SOURCE	GROSS AMOUNT	CAPITAL GAINS DIVIDENDS	COLUMN (A) AMOUNT
DEUTSCHE BANK	21,642.	0.	21,642.
TOTAL TO FM 990-PF, PART I, LN 4	21,642.	0.	21,642.

FORM 990-PF OTHER INCOME STATEMENT 3

DESCRIPTION	(A) REVENUE PER BOOKS	(B) NET INVEST- MENT INCOME	(C) ADJUSTED NET INCOME
FROM K-1: VOGEN FUNDING, LP	<42,679.>	<42,679.>	
NONDIVIDEND DISTRIBUTION	115.	115.	
FROM K-1: VOGEN FUNDING, LP - BOOK			
INCOME	43,940.	0.	
OTHER INCOME	173.	0.	
TOTAL TO FORM 990-PF, PART I, LINE 11	1,549.	<42,564.>	

FORM 990-PF	ACCOUNTING FEES			STATEMENT	4
DESCRIPTION	(A) EXPENSES PER BOOKS	(B) NET INVEST- MENT INCOME	(C) ADJUSTED NET INCOME	(D) CHARITABLE PURPOSES	
ACCOUNTING FEES	2,500.	2,500.			0.
TO FORM 990-PF, PG 1, LN 16B	2,500.	2,500.			0.

FORM 990-PF	OTHER PROFESSIONAL FEES			STATEMENT	5
DESCRIPTION	(A) EXPENSES PER BOOKS	(B) NET INVEST- MENT INCOME	(C) ADJUSTED NET INCOME	(D) CHARITABLE PURPOSES	
AGENCY FEES	348.	348.			0.
TO FORM 990-PF, PG 1, LN 16C	348.	348.			0.

FORM 990-PF	TAXES			STATEMENT	6
DESCRIPTION	(A) EXPENSES PER BOOKS	(B) NET INVEST- MENT INCOME	(C) ADJUSTED NET INCOME	(D) CHARITABLE PURPOSES	
FOREIGN TAXES	458.	458.			0.
TO FORM 990-PF, PG 1, LN 18	458.	458.			0.

FORM 990-PF	OTHER EXPENSES			STATEMENT	7
DESCRIPTION	(A) EXPENSES PER BOOKS	(B) NET INVEST- MENT INCOME	(C) ADJUSTED NET INCOME	(D) CHARITABLE PURPOSES	
BANK FEES	470.	0.			0.
MANAGEMENT FEES	264.	0.			0.
FILING FEES	719.	0.			0.
TO FORM 990-PF, PG 1, LN 23	1,453.	0.			0.

FORM 990-PF	CORPORATE STOCK	STATEMENT	8
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DESCRIPTION	BOOK VALUE	FAIR MARKET VALUE
HIRTLE CALLAGHAN TR VL EQ PORT	93,122.	83,444.
HIRTLE CALLAGHAN TR GR EQ PORT	83,662.	104,381.
HIRTLE CALLAGHAN SM CAP EQ	17,198.	18,843.
HIRTLE CALLAGHAN TR INTL EQ	163,625.	165,678.
SSGA EMERGING MARKETS	0.	0.
DIVIDEND RECEIVABLE	0.	0.
HIRTLE CALLAGHAN REAL ESATE SECURITIES PROTFOLIO	25,486.	28,987.
HIRTLE CALLAGHAN EMERGING MKTS PORTFOLIO	42,090.	42,850.
TOTAL TO FORM 990-PF, PART II, LINE 10B	425,183.	444,183.

FORM 990-PF	CORPORATE BONDS	STATEMENT	9
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DESCRIPTION	BOOK VALUE	FAIR MARKET VALUE
HIRTLE CALLAGHAN TR FXD INC PT	144,112.	130,591.
HIRTLE CALLAGHAN TR FXD INC II PT	87,357.	86,675.
HIRTLE CALLAGHAN TR HI YLD BD PT	52,655.	51,829.
TOTAL TO FORM 990-PF, PART II, LINE 10C	284,124.	269,095.

FORM 990-PF	OTHER ASSETS	STATEMENT	10
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DESCRIPTION	BEGINNING OF YR BOOK VALUE	END OF YEAR BOOK VALUE	FAIR MARKET VALUE
INVESTMENT IN VOGEN FUNDING LP	189,039.	223,932.	223,932.
INVESTMENT IN ASLAN REALTY III	188,468.	229,094.	229,094.
TO FORM 990-PF, PART II, LINE 15	377,507.	453,026.	453,026.

FORM 990-PF

GRANTS AND CONTRIBUTIONS
PAID DURING THE YEAR

STATEMENT 11

RECIPIENT NAME AND ADDRESS	RECIPIENT RELATIONSHIP AND PURPOSE OF GRANT	RECIPIENT STATUS	AMOUNT
SSA (SCHOOL OF SOCIAL SERVICE ADMINISTRATION - UNIVERSITY OF CHICAGO) - 969 E 16TH ST CHICAGO, IL 60637	NONE GENERAL FUND	PUBLIC CHARITY	10,000.
THE ART INSTITUTE OF CHICAGO 111 S MICHIGAN AVE CHICAGO, IL 60603	NONE GENERAL FUND	PUBLIC CHARITY	5,000.
LUPUS FOUNDATION OF AMERICA 740 N RUSH ST CHICAGO, IL 60611	NONE GENERAL FUND	PUBLIC CHARITY	10,000.
CHICAGO CARES 300 W ADAMS, SUITE 300 CHICAGO, IL 60606	NONE GENERAL FUND	PUBLIC CHARITY	10,000.
THE WETLANDS INVITATIVE 53 W JACKSON BLVD, SUITE 1015 CHICAGO, IL 60604	NONE GENERAL FUND	PUBLIC CHARITY	1,000.
THE SHEDD AQUARIUM 1200 S LAKE SHORE DR CHICAGO, IL 60605	NONE GENERAL FUND	PUBLIC CHARITY	2,500.
THE SCONSET TRUST P.O. BOX 821 SIASCONSET, MA 02564	NONE GENERAL FUND	PUBLIC CHARITY	5,000.
TUCKERNUCK LAND TRUST, INC. 6 ASH LAND P.O. BOX 1093 NANTUCKET, MA 02554	NONE GENERAL FUND	PUBLIC CHARITY	3,000.
TOTAL TO FORM 990-PF, PART XV, LINE 3A			46,500.