



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



Form **990-PF****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 (77)

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 TRUST UW FOREST L. GARRISON		A Employer identification number 55-6013642
	Number and street (or P.O. box number if mail is not delivered to street address)	Room/suite	B Telephone number (see page 10 of the instructions) 304-348-8400
	United Bank, Trustee P.O. Box 393		
	City or town, state, and ZIP code Charleston, WV 25322-0393		
H Check type of organization <input checked="" type="checkbox"/> Section 501(c)(3) exempt private foundation <input type="checkbox"/> Section 4947(a)(1) nonexempt charitable trust <input type="checkbox"/> Other taxable private foundation			C If exemption application is pending, check here <input type="checkbox"/> D 1. Foreign organizations, check here <input type="checkbox"/> 2. Foreign organizations meeting the 85% test, check here and attach computation <input type="checkbox"/>
I Fair market value of all assets at end of year (from Part II, col. (c), line 16) \$ 1,634,916		J Accounting method: <input checked="" type="checkbox"/> Cash <input type="checkbox"/> Accrual <input type="checkbox"/> Other (specify) _____ (Part I, column (d) must be on cash basis)	
		E If private foundation status was terminated under section 507(b)(1)(A), check here <input type="checkbox"/> 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)
Revenue	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				
	4 Dividends and interest from securities	52,691	52,691		
	5a Gross rents				
	b Net rental income or (loss)				
	6a Net gain or (loss) from sale of assets not on line 10	(99,749)			
	b Gross sales price for all assets on line 6a 1,427,299				
	7 Capital gain net income (from Part IV, line 2)		0		
	8 Net short-term capital gain			14,483	
	9 Income modifications				
	10a Gross sales less returns and allowances				
b Less: Cost of goods sold					
c Gross profit or (loss) (attach schedule)	0				
11 Other income (attach schedule)					
12 Total. Add lines 1 through 11	(47,058)	52,691	14,483		
Operating and Administrative Expenses	13 Compensation of officers, directors, trustees, etc.	14,279	13,565		714
	14 Other employee salaries and wages				
	15 Pension plans, employee benefits				
	16a Legal fees (attach schedule)	2,550	2,550		
	b Accounting fees (attach schedule)				
	c Other professional fees (attach schedule)				
	17 Interest				
	18 Taxes (attach schedule) (see page 14 of the instructions)	400			
	19 Depreciation (attach schedule) and depletion				
	20 Occupancy				
	21 Travel, conferences, and meetings				
	22 Printing and publications				
	23 Other expenses (attach schedule)				
	24 Total operating and administrative expenses. Add lines 13 through 23	17,229	16,115	0	714
	25 Contributions, gifts, grants paid	59,468			59,468
26 Total expenses and disbursements. Add lines 24 and 25	76,697	16,115	0	60,182	
27 Subtract line 26 from line 12:					
a Excess of revenue over expenses and disbursements	(123,755)				
b Net investment income (if negative, enter -0-)		36,576			
c Adjusted net income (if negative, enter -0-)			14,483		

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

Form **990-PF** (2009)

RECEIVED MAY 12 2010

SCANNED MAY 21 2010

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	317,367	119,375	119,375
	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 15 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)	200,003	200,002	198,844
	b Investments—corporate stock (attach schedule)			
	c Investments—corporate bonds (attach schedule)	413,408	286,858	300,216
Liabilities	11 Investments—land, buildings, and equipment: basis ▶			
	Less: accumulated depreciation (attach schedule) ▶			
	12 Investments—mortgage loans			
	13 Investments—other (attach schedule)	800,991	1,004,764	1,016,481
	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)	1,731,769	1,610,999	1,634,916
	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 type="checkbox"/> and complete lines 27 through 31.			
	27 Capital stock, trust principal, or current funds	931,127	931,127	
	28 Paid-in or capital surplus, or land, bldg, and equipment fund			
	29 Retained earnings, accumulated income, endowment, or other funds	800,642	679,872	
	30 Total net assets or fund balances (see page 17 of the instructions)	1,731,769	1,610,999	
	31 Total liabilities and net assets/fund balances (see page 17 of the instructions)	1,731,769	1,610,999	

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	1,731,769
2 Enter amount from Part I, line 27a	2	(123,755)
3 Other increases not included in line 2 (itemize) ▶ Adj. for acc. int.	3	2,985
4 Add lines 1, 2, and 3	4	1,610,999
5 Decreases not included in line 2 (itemize) ▶	5	
6 Total net assets or fund balances at end of year (line 4 minus line 5)—Part II, column (b), line 30	6	1,610,999

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 shares 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			0	
b				
c				
d				
e				
Complete only for assets showing gain in column (h) and owned by the foundation on 12/31/69				
(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	(l) Gains (Col. (h) gain minus col. (k), but not less than -0-) or Losses (from col. (h))	
a				
b				
c				
d				
e				
2 Capital gain net income or (net capital loss) $\left\{ \begin{array}{l} \text{If gain, also enter in Part I, line 7} \\ \text{If (loss), enter -0- in Part I, line 7} \end{array} \right\}$		2	(99,749)	
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	14,483	

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.

(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	96,701	1,731,091	0.0559
2007	72,040	1,919,921	0.0375
2006	71,005	1,837,605	0.0386
2005	68,049	1,793,140	0.0379
2004	66,122	1,780,032	0.0371
2 Total of line 1, column (d)			2 0.2070
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 .0414
4 Enter the net value of noncharitable-use assets for 2009 from Part X, line 5			4 1,535,244
5 Multiply line 4 by line 3			5 63,559
6 Enter 1% of net investment income (1% of Part I, line 27b)			6 366
7 Add lines 5 and 6			7 63,925
8 Enter qualifying distributions from Part XII, line 4			8 59,468

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 type="checkbox"/> and enter 1% of Part I, line 27b	1	732
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	
3	Add lines 1 and 2	3	732
4	Subtitle A (income) tax (domestic section 4947(a)(1) trusts and taxable foundations only. Others enter -0-)	4	
5	Tax based on investment income. Subtract line 4 from line 3. If zero or less, enter -0-	5	732
6	Credits/Payments:		
a	2009 estimated tax payments and 2008 overpayment credited to 2009	6a	1,690
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	1,690
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	0
10	Overpayment. If line 7 is more than the total of lines 5 and 8, enter the amount overpaid	10	958
11	Enter the amount of line 10 to be: Credited to 2010 estimated tax 958 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?		x
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>		x
c Did the foundation file Form 1120-POL for this year?		x
d Enter the amount (if any) of tax on political expenditures (section 4955) imposed during the year (1) On the foundation. ▶ \$ 0 (2) On foundation managers. ▶ \$ 0		
e Enter the reimbursement (if any) paid by the foundation during the year for political expenditure tax imposed on foundation managers. ▶ \$ 0		
2 Has the foundation engaged in any activities that have not previously been reported to the IRS? <i>If "Yes," attach a detailed description of the activities.</i>		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? <i>If "Yes," attach a conformed copy of the changes</i>		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? <i>If "Yes," attach the statement required by General Instruction T.</i>		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? <i>If "Yes," complete Part II, col. (c), and Part XV</i>	x	
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 General Instruction G? <i>If "No," attach explanation</i>	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 on page 27)? <i>If "Yes," complete Part XIV</i>		x
10 Did any persons become substantial contributors during the tax year? <i>If "Yes," attach a schedule listing their names and addresses</i>		x

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		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	x	
14	The books are in care of ▶ United Bank, Trustee Telephone no. ▶ 304-348-8400 Located at ▶ United Center, Charleston, WV ZIP+4 ▶ 25301			
15	Section 4947(a)(1) nonexempt charitable trusts filing Form 990-PF in lieu of Form 1041—Check here ▶ <input type="checkbox"/> 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 type="checkbox"/> Yes <input checked="" type="checkbox"/> No		
(4) Pay compensation to, or pay or reimburse the expenses of, a disqualified person? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No		
(5) Transfer any income or assets to a disqualified person (or make any of either available for the benefit or use of a disqualified person)? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No		
(6) Agree to pay money or property to a government official? (Exception. Check "No" if the foundation agreed to make a grant to or to employ the official for a period after termination of government service, if terminating within 90 days.) <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No		
b If any answer is "Yes" to 1a(1)–(6), did any of the acts fail to qualify under the exceptions described in Regulations section 53.4941(d)-3 or in a current notice regarding disaster assistance (see page 20 of the instructions)? Organizations relying on a current notice regarding disaster assistance check here ▶ <input type="checkbox"/>	1b	
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 ▶ 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)	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 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.)	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

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)? (see page 22 of the instructions). ☐ 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 page 22 of the instructions)? Organizations relying on a current notice regarding disaster assistance check here ☐ **5b**
- 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? ☐ Yes ☐ No
If "Yes," attach the statement required by Regulations section 53.4945–5(d)
- 6a** Did the foundation, during the year, receive any funds, directly or indirectly, to pay premiums on a personal benefit contract? ☐ Yes ☒ No
- b** Did the foundation, during the year, pay premiums, directly or indirectly, on a personal benefit contract? ☐ Yes ☒ No
If "Yes" to 6b, file Form 8870. **6b** x
- 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? ☐ Yes ☒ No **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** (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
United Bank, Trustee P.O. Box 393, Charleston, WV 25322	Trustee--as needed	14,279	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 0

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 **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 (see page 23 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 N/A	
2	
All other program-related investments. See page 24 of the instructions	
3	
Total. Add lines 1 through 3	0

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	1,371,469
b	Average of monthly cash balances	1b	187,154
c	Fair market value of all other assets (see page 24 of the instructions)	1c	
d	Total (add lines 1a, b, and c)	1d	1,558,623
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	
3	Subtract line 2 from line 1d	3	1,558,623
4	Cash deemed held for charitable activities. Enter 1½% of line 3 (for greater amount, see page 25 of the instructions)	4	23,379
5	Net value of noncharitable-use assets. Subtract line 4 from line 3. Enter here and on Part V, line 4	5	1,535,244
6	Minimum investment return. Enter 5% of line 5	6	76,762

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	76,762
2a	Tax on investment income for 2009 from Part VI, line 5	2a	732
b	Income tax for 2009. (This does not include the tax from Part VI.)	2b	
c	Add lines 2a and 2b	2c	732
3	Distributable amount before adjustments. Subtract line 2c from line 1	3	76,030
4	Recoveries of amounts treated as qualifying distributions	4	
5	Add lines 3 and 4	5	76,030
6	Deduction from distributable amount (see page 25 of the instructions)	6	15,206
7	Distributable amount as adjusted. Subtract line 6 from line 5. Enter here and on Part XIII, line 1	7	60,824

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	59,468
b	Program-related investments—total from Part IX-B	1b	
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	59,468
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	
6	Adjusted qualifying distributions. Subtract line 5 from line 4	6	59,468

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				60,824
2 Undistributed income, if any, as of the end of 2009:				
a Enter amount for 2008 only			46,984*	
b Total for prior years: 20____, 20____, 20____				
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: ► \$ 59,468				
a Applied to 2008, but not more than line 2a			46,984*	
b Applied to undistributed income of prior years (Election required—see page 26 of the instructions)				
c Treated as distributions out of corpus (Election required—see page 26 of the instructions)				
d Applied to 2009 distributable amount				12,484*
e Remaining amount distributed out of corpus				
5 Excess distributions carryover applied to 2009 (If an amount appears in column (d), the same amount must be shown in column (a).)				
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				
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				48,340
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)				
8 Excess distributions carryover from 2004 not applied on line 5 or line 7 (see page 27 of the instructions)				
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				

*Corrected from previous year's return

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 ▶

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

	Tax year				(e) Total
	(a) 2009	(b) 2008	(c) 2007	(d) 2006	
2a Enter the lesser of the adjusted net income from Part I or the minimum investment return from Part X for each year listed					0
b 85% of line 2a	0	0	0	0	0
c Qualifying distributions from Part XII, line 4 for each year listed					0
d Amounts included in line 2c not used directly for active conduct of exempt activities . .					0
e Qualifying distributions made directly for active conduct of exempt activities. Subtract line 2d from line 2c	0	0	0	0	0
3 Complete 3a, b, or c for the alternative test relied upon					
a "Assets" alternative test—enter					
(1) Value of all assets					0
(2) Value of assets qualifying under section 4942(j)(3)(B)(i)					0
b "Endowment" alternative test—enter $\frac{1}{2}$ of minimum investment return shown in Part X, line 6 for each year listed					0
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)					0
(2) Support from general public and 5 or more exempt organizations as provided in section 4942(j)(3)(B)(iii)					0
(3) Largest amount of support from an exempt organization					0
(4) Gross investment income					0

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 27 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 ☒ 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:

- 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 XV Supplementary Information (continued)

3 Grants and Contributions Paid During the Year or Approved for Future Payment

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 Paid during the year				
Borough of Shickshinney, PA		Public body	General support of borough	59,468
Total				59,468
b Approved for future payment				
Total				0

Part XVI-A Analysis of Income-Producing Activities

Enter gross amounts unless otherwise indicated.

Enter gross amounts unless otherwise indicated.		Unrelated business income		Excluded by section 512, 513, or 514		(e)
		(a) Business code	(b) Amount	(c) Exclusion code	(d) Amount	Related or exempt function income (See page 28 of the instructions)
1	Program service revenue:					
a	_____					
b	_____					
c	_____					
d	_____					
e	_____					
f	_____					
g	Fees and contracts from government agencies					
2	Membership dues and assessments					
3	Interest on savings and temporary cash investments					
4	Dividends and interest from securities			14	52,691	
5	Net rental income or (loss) from real estate:					
a	Debt-financed property					
b	Not debt-financed property					
6	Net rental income or (loss) from personal property					
7	Other investment income					
8	Gain or (loss) from sales of assets other than inventory			18	(99,749)	
9	Net income or (loss) from special events					
10	Gross profit or (loss) from sales of inventory					
11	Other revenue: a _____					
b	_____					
c	_____					
d	_____					
e	_____					
12	Subtotal. Add columns (b), (d), and (e)		0		(47,058)	0
13	Total. Add line 12, columns (b), (d), and (e)				13	(47,058)

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

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

[illegible]

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

		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		x
	(2) Other assets		x
b	Other transactions:		
	(1) Sales of assets to a noncharitable exempt organization		x
	(2) Purchases of assets from a noncharitable exempt organization		x
	(3) Rental of facilities, equipment, or other assets		x
	(4) Reimbursement arrangements		x
	(5) Loans or loan guarantees		x
	(6) Performance of services or membership or fundraising solicitations		x
c	Sharing of facilities, equipment, mailing lists, other assets, or paid employees		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

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.

Signature of officer or trustee Stacy A. Miller Trust Adviser

5-6-10
Date

► Trust Advisor
Title

Sign Here

**Paid
Preparer's
Use Only**

Preparer's
signature

John + Allie

Date _____

5/6/10

Check if self-employed ☐

Preparer's identifying
number (see **Signature** on
page 30 of the instructions)

236-88-1752

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

Spilman Thomas & Battle, PLLC
P.O. Box 273, Charleston, WV

FIN ▶ 55-0282458

Phone no. 304-340-3885

TRUST U/W FOREST L. GARRISON
E.I.N. 55-6013642
TAX YEAR 2009
FORM 990-PF

PART I - ANALYSIS OF REVENUE AND EXPENSES

Line 13-Compensation of Trustee

Fees paid to the Trustee, United National Bank, are allocated 5% to grants made to the trust's sole beneficiary, the borough of Shickshinney, Pennsylvania, based on an estimate of time involved and general overhead attributable to dealing with the beneficiary, handling distributions to a bank in Shickshinney for the benefit of the Borough, determining the amount of the distribution and the amount to be added to principal in accordance with the trust instrument, and other related duties.

Line 16a-Legal Fees

Preparation of Tax Returns and related services	<u>\$ 2,550</u>
---	-----------------

Line 18, Column a-Taxes

Estimated and deposited net investment taxes	<u>\$ 400</u>
--	---------------

TRUST U/W FOREST L. GARRISON

E.I.N. 55-6013642

Tax Year 2009

Form 990-PF

PART II-Balance Sheet-Line 10a-Govt. Obligations

	<u>Beginning of Year</u>	<u>End of Year</u>	
	<u>Book Value</u>	<u>Book Value</u>	<u>Fair Market Value</u>
\$100,000 FFCB 4 04% due 2/13/2013	\$ 100,001	\$ -	\$ -
\$50,000 FHLB 5.25% due 9/25/2012	\$ 50,001	\$ -	\$ -
\$100,000 FHLB 5% due 6/11/19	\$ -	\$ 100,001	\$ 99,594
\$100,000 FHLB 4% due 9/15/16	\$ -	\$ 100,001	\$ 99,250
\$50,000 FNMA Callable 6% due 8/18/20	\$ 50,001	\$ -	\$ -
Totals	\$ 200,003	\$ 200,002	\$ 198,844

PART II-Balance Sheet-Line 10c-Corporate Bonds

	<u>Beginning of Year</u>	<u>End of Year</u>	
	<u>Book Value</u>	<u>Book Value</u>	<u>Fair Market Value</u>
\$25,000 Household Fin Flt rate due 01/10/09	\$ 25,000	\$ -	\$ -
\$50,000 SBC 5 1% due 9/15/14	\$ 49,752	\$ 49,752	\$ 53,783
\$50,000 CIT Group, Inc 5.20% due 10/15/13	\$ 50,001	\$ -	\$ -
\$50,000 GE Corp 5 25% due 12/6/2017	\$ 49,785	\$ 97,782	\$ 102,186
\$50,000 GE bond 4% due 02/15/2012	\$ 50,000	\$ -	\$ -
\$50,000 Citigroup Global Flt Note due 03/28/11	\$ 49,501	\$ -	\$ -
\$50,000 Goldman Sachs 5 95% due 1/18/2018	\$ 49,252	\$ 49,252	\$ 52,799
\$40,000 Morgan Stanley Flt Rate due 11/01/13	\$ 40,000	\$ 40,000	\$ 38,650
\$50,000 Target Corp 6.35% due 01/15/11	\$ 50,117	\$ 50,072	\$ 52,798
Totals	\$ 413,408	\$ 286,858	\$ 300,216

PART II-Balance Sheet-Line 13-Investments-Other

	<u>Beginning of Year</u>	<u>End of Year</u>	
	<u>Book Value</u>	<u>Book Value</u>	<u>Fair Market Value</u>
585 shs EAFE ETF I-Shares	\$ 20,092	\$ -	\$ -
11,218.234 Federated Kaufman Fund CI A	\$ 50,000	\$ -	\$ -
15,378 982 units Pimco All Asset Fund	\$ 200,010	\$ -	\$ -
522 147 units Arto Intl Equity Fd I	\$ 40,001	\$ 14,903	\$ 14,745
2266 632 units Federated Cap Appr Fund	\$ 118,113	\$ 37,694	\$ 38,465
1571 092 units Fidelity Diversified Intl Fund	\$ 40,000	\$ -	\$ -
1,504 591 units Fidelity Low Priced Fund	\$ 60,006	\$ -	\$ -
150 S&P Midcap Dep Rects Units	\$ 12,767	\$ -	\$ -
2,243 158 units Columbia Mgt Value Fund	\$ 100,001	\$ -	\$ -
9820.218 units Federated Strat. Value Fd	\$ 60,000	\$ 52,023	\$ 40,459
481.091 units Baron Growth Fund	\$ -	\$ 16,703	\$ 19,874
872.062 units Natixis Vaughn Nelson SmCap	\$ -	\$ 15,727	\$ 19,595
1432 147 units Royce Micro Cap Inv Fund	\$ -	\$ 18,847	\$ 19,649
1809 666 units Royce Total Return Fund	\$ -	\$ 16,613	\$ 19,562
459 684 units Vanguard 500 Index Fund Signal	\$ -	\$ 37,694	\$ 38,986
26,011.945 units Federated Tot Return Instl	\$ -	\$ 281,449	\$ 282,750
6069.243 units Loomis Sayles Fds InvGr Bond	\$ -	\$ 70,645	\$ 70,889
25,868 497 units Pimco Total Return Fund	\$ -	\$ 281,449	\$ 279,380
6943 719 units Pimco Foreign Bond Fund	\$ -	\$ 70,645	\$ 69,507
480 792 units Acadian Emg Mkts Portfolio	\$ -	\$ 7,539	\$ 7,991
290 328 units Harbor Intl Fund	\$ -	\$ 13,013	\$ 15,930
566 157 units Harding Loevner Emg. Mkt Fund	\$ -	\$ 19,572	\$ 24,339
1890 588 units Manning and Napier Wrl Opp	\$ -	\$ 12,554	\$ 15,351
1428 889 units American Funds Growth Fd	\$ 100,001	\$ 37,694	\$ 39,009
Totals	\$ 800,991	\$ 1,004,764	\$ 1,016,481

Trust UW Forrest L. Garrison
Form 990-PF
Tax Year 2009
TIN 55-6013642
Part IV, Page 3

Description	Sold	Acquired	Proceeds	Cost	Gain/Loss
** SHORT TERM CAPITAL GAIN (LOSS)					
100000 UNITS OF FHLB SOVEREIGN AGENCY CALLABLE 08/27/2009 @ 100 4% 02/27/2015	08/27/2009	02/11/2009	100,000.00	100,001.39	1.39
100000 UNITS OF FHLB SOVEREIGN AGENCY CALLABLE 04/29/2010 @ 100 2.04% 10/29/2012	09/15/2009	04/20/2009	99,492.50	99,298.49	194.01
100000 UNITS OF FFCB SOVEREIGN AGENCY 2.25% 02/17/2012	09/15/2009	03/10/2009	101,442.50	99,987.50	1,455.00
238.955 SHARES OF BARON GROWTH FUND	09/22/2009	06/03/2009	9,429.17	8,296.52	1,132.65
356.704 SHARES OF HARBOR INTERNATIONAL FUND	09/22/2009	06/10/2009	19,105.06	15,987.48	3,117.58
12.379 SHARES OF HARDING LOEVNER EMERGING MARKET PORT	09/22/2009	06/10/2009	501.85	427.94	73.91
1573.267 SHARES OF MANNING AND NAPIER WORLD OPPORTUNITIES FUND #114 CLASS A	09/22/2009	06/10/2009	12,806.39	10,446.49	2,359.90
474.621 SHARES OF NATXIS VAUGHAN NELSON SMALL CAP VALUE FUND CLASS Y CLOSED TO NEW INVESTORS	09/22/2009	05/22/2009	10,389.45	8,272.65	2,116.80
913.646 SHARES OF ROYCE TOTAL RETURN FUND-INV	09/22/2009	06/03/2009	9,611.56	8,387.27	1,224.29
5656.13 SHARES OF VANGUARD INFLATION-PROTECTED FD #119 SECURITIES INVESTOR SHARES	10/06/2009	09/22/2009	70,927.74	70,362.27	565.47
** TOTAL SHORT TERM CAPITAL GAIN (LOSS)					
			433,706.22	421,468.00	12,238.22
** LONG TERM CAPITAL GAIN (LOSS)					
25000 UNITS OF HSBC HOUSEHOLD FIN FLOATING RATE 3.02% 01/10/2009	01/10/2009	01/26/2004	25,000.00	25,000.00	0.00
100000 UNITS OF FFCB SOVEREIGN AGENCY CALLABLE 08/13/2008 @ 100.00 4.04% 02/13/2013	02/13/2009	02/06/2008	100,000.00	100,000.76	0.76
50000 UNITS OF ENMA CALLABLE 4/3/06 6% 08/18/2020	04/06/2009	07/19/2005	50,000.00	50,000.61	0.61
50000 UNITS OF GENERAL ELECTRIC GE 4% 02/15/2012	05/05/2009	02/11/2008	48,124.79	50,000.18	1,875.39
85 SHARES OF MIDCAP SPDR RECEIPTS (MIDCAP SPIDERS)	05/20/2009	07/25/2001	8,933.00	7,714.03	1,218.97
65 SHARES OF MIDCAP SPDR RECEIPTS (MIDCAP SPIDERS)	05/20/2009	08/07/2002	6,831.12	5,052.75	1,778.37
5763.689 SHARES OF FEDERATED KAUFMANN FUND - CL A FD #066	06/03/2009	12/26/2002	21,959.65	20,000.00	1,959.65
5454.545 SHARES OF FEDERATED KAUFMANN FUND - CL A FD #066	06/03/2009	07/11/2005	20,781.82	30,000.00	9,218.18
1571.092 SHARES OF FIDELITY #325 DIVERSIFIED INTL	06/10/2009	10/12/2004	37,611.64	40,000.00	2,388.36
585 SHARES OF ISHARES EAFE ETF	06/24/2009	08/07/2002	26,828.10	20,091.82	6,736.28
50000 UNITS OF CITIGROUP GLOBAL MARKETS VARIABLE RATE 4% 03/28/2011	09/15/2009	09/29/2004	48,067.50	49,500.87	1,433.37
50000 UNITS OF CIT GROUP INC INC CALLABLE 10/15/05 @ 100 5.2% 10/15/2013	09/16/2009	10/14/2003	23,392.50	50,000.90	26,608.40

1555.052 SHARES OF FEDERATED STRATEGIC VALUE FUND CLASS I # 662	09/22/2009	05/25/2005	5,986.95	7,977.42	1,990.47
3474.414 SHARES OF FEDERATED CAPITAL APPRECIATION FUND CLASS A # 674	09/22/2009	08/07/1998	57,744.76	96,973.00	39,228.24
998.386 SHARES OF FEDERATED CAPITAL APPRECIATION FUND CLASS A # 674	09/22/2009	08/07/2002	16,593.17	21,140.04	4,546.87
992.063 SHARES OF ARTIO INTERNATIONAL EQUITY FUND CLASS I	09/22/2009	12/26/2002	30,158.71	20,000.00	10,158.71
178.624 SHARES OF ARTIO INTERNATIONAL EQUITY FUND CLASS I	09/22/2009	10/12/2004	5,430.17	5,098.07	332.10
2243.158 SHARES OF COLUMBIA VALUE AND RESTRUCTURING FUND CLASS Z	09/22/2009	07/11/2005	91,677.86	100,001.46	8,323.60
556.948 SHARES OF FIDELITY LOW-PRICED STOCK FUND #316	09/22/2009	10/12/2004	17,220.83	20,000.00	2,779.17
947.643 SHARES OF FIDELITY LOW-PRICED STOCK FUND #316	09/22/2009	07/11/2005	29,301.12	40,005.59	10,704.47
3514.704 SHARES OF AMERICAN GROWTH FUND OF AMERICA CLASS F	09/22/2009	07/11/2005	92,014.95	100,001.48	7,986.53
3872.967 SHARES OF PIMCO ALL ASSET FUND INST SHS #34	09/22/2009	10/12/2004	45,313.71	50,000.00	4,686.29
3831.418 SHARES OF PIMCO ALL ASSET FUND INST SHS #34	09/22/2009	07/11/2005	44,827.59	50,005.00	5,177.41
7674.597 SHARES OF PIMCO ALL ASSET FUND INST SHS #34	09/22/2009	11/23/2005	89,792.79	100,004.66	10,211.87
50000 UNITS OF FHLB AGENCY 5.25% 09/25/2012	09/25/2009	09/05/2007	50,000.00	50,000.59	0.59

** TOTAL LONG TERM CAPITAL GAIN (LOSS)			993,592.73	1,108,569.23	114,976.50
--	--	--	------------	--------------	------------

** SHORT TERM CAPITAL GAINS DIVIDENDS

25868.497 BASIS SHARES OF PIMCO TOTAL RETURN FUND					2,244.39
--	--	--	--	--	----------

** TOTAL SHORT TERM CAPITAL GAINS DIVIDENDS			0.00	0.00	2,244.39
---	--	--	------	------	----------

** LONG TERM CAPITAL GAINS DIVIDENDS

1504.591 BASIS SHARES OF FIDELITY LOW-PRICED STOCK FUND #316					120.37
---	--	--	--	--	--------

25868.497 BASIS SHARES OF PIMCO TOTAL RETURN FUND					624.32
--	--	--	--	--	--------

** TOTAL LONG TERM CAPITAL GAINS DIVIDENDS			0.00	0.00	744.69
--	--	--	------	------	--------

SUMMARY

Description	Amount
** SUMMARY OF CAPITAL GAINS AND LOSSES **	
TOTAL SHORT TERM CAPITAL GAIN (LOSS)	12,238.22
TOTAL SHORT TERM CAPITAL GAINS DIVIDENDS	2,244.39
NET SHORT TERM CAPITAL GAIN (LOSS)	14,482.61
TOTAL LONG TERM CAPITAL GAIN (LOSS)	114,976.50
TOTAL LONG TERM CAPITAL GAINS DIVIDENDS	744.69
TOTAL 28% RATE CAPITAL GAINS DIVIDENDS	0.00
TOTAL SEC 1250 CAPITAL GAINS DIVIDENDS	0.00
TOTAL SEC 1202 CAPITAL GAINS DIVIDENDS	0.00
NET LONG TERM CAPITAL GAIN (LOSS)	114,231.81

NET CAPITAL GAIN (LOSS)	99,749.20-
TOTAL GAIN/LOSS FROM SALES WITH UNKNOWN COST/ACQUISITION DATE	0.00

TRUST U/W FOREST L. GARRISON
E.I.N. 55-6013642
TAX YEAR 2009
FORM 990-PF

PART V

PART VII-A, Line 6

PART VII-B, Line 2a

PART XI, Line 6

This trust was established under the Will of Forest L. Garrison, who died in 1934. This Will provides that 80% of the net income of the trust shall be distributed annually to the Borough of Shickshinney, Pennsylvania, and that the remaining 20% of net income shall be added to the principal of the trust.

Subsection 10(1)(3) of the Tax Reform Act of 1969 provides that:

In the case of organizations organized before May 27, 1969, Section 4942 shall **** (B) not apply to an organization to the extent its income is required to be accumulated pursuant to the mandatory terms (as in effect on May 27, 1969, and at all times thereafter) of an instrument executed before May 27, 1969, with respect to the transfer of income producing property to such organization. *****. With respect to taxable years beginning after December 31, 1971, subparagraph (B) **** shall apply only during the pendency of any judicial proceeding by the private foundation which is necessary to reform or to excuse such foundation from compliance with, its governing instrument ***** in order to comply with the provisions of Section 4942 **** and in the case of subparagraph (B) for all periods after the termination of such judicial proceeding during which the governing instrument or any other instrument does not permit compliance with such provisions.

A judicial proceeding was instituted in 1971 in the Circuit Court of Kanawha County, West Virginia, to reform the terms of the Garrison Trust. The Court denied the Trustee permission to amend the Will to eliminate the provisions requiring the retention and reinvestment of twenty percent of the income from the trust estate. A copy of the decree of the Circuit Court of Kanawha County was attached to the return filed for the Trust on Form 5227 for the year 1977.

Accordingly, Trust U/W Forest L. Garrison is not subject to the tax imposed by Section 4942 for the year 2009.