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Return of Private Foundation

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

2009

Department of the Treasury
Internal Revenue Service

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

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

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

Use the IRS label Otherwise, print or type. See Specific Instructions.	Name of foundation Lebovitz Family Charitable Trust		A Employer identification number 62-6247365
	Number and street (or P.O. box number if mail is not delivered to street address) 2030 Hamilton Place Blvd, Suite 500		B Telephone number (423) 756-7771
	City or town, state, and ZIP code Chattanooga, TN 37421		C If exemption application is pending, check here ☐
			D 1. Foreign organizations, check here ☐ 2. Foreign organizations meeting the 85% test, check here and attach computation ☐
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) \$ 8,521,949. (Part I, column (d) must be on cash basis.)			F If the foundation is in a 60-month termination under section 507(b)(1)(B), check here ☐
J Accounting method: ☒ Cash ☐ Accrual ☐ Other (specify) _____			

Part I Analysis of Revenue and Expenses (The total of amounts in columns (b), (c), and (d) may not necessarily equal the amounts in column (a))		(a) Revenue and expenses per books	(b) Net investment income	(c) Adjusted net income	(d) Disbursements for charitable purposes (cash basis only)
Revenue	1 Contributions, gifts, grants, etc., received			N/A	
	2 Check ☒ if the foundation is not required to attach Sch B				
	3 Interest on savings and temporary cash investments	3,839.	3,839.		Statement 1
	4 Dividends and interest from securities	353,561.	353,561.		Statement 2
	5a Gross rents				
	b Net rental income or (loss)				
	6a Net gain or (loss) from sale of assets not on line 10	2,600.			
	b Gross sales price for all assets on line 6a	2,612.			
	7 Capital gain net income (from Part IV, line 2)		2,600.		
	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					
12 Total. Add lines 1 through 11		360,000.	360,000.		
Operating and Administrative Expenses	13 Compensation of officers, directors, trustees, etc	0.	0.		0.
	14 Other employee salaries and wages				
	15 Pension plans, employee benefits				
	16a Legal fees				
	b Accounting fees Stmt 3	10,642.	0.		10,642.
	c Other professional fees Stmt 4	31,495.	16,556.		14,939.
	17 Interest				
	18 Taxes Stmt 5	10,309.	493.		0.
	19 Depreciation and depletion				
	20 Occupancy				
	21 Travel, conferences, and meetings				
	22 Printing and publications				
	23 Other expenses Stmt 6	541.	0.		0.
	24 Total operating and administrative expenses Add lines 13 through 23	52,987.	17,049.		25,581.
	25 Contributions, gifts, grants paid	274,100.			274,100.
26 Total expenses and disbursements. Add lines 24 and 25	327,087.	17,049.		299,681.	
27 Subtract line 26 from line 12:					
a Excess of revenue over expenses and disbursements	32,913.				
b Net investment income (if negative, enter -0-)		342,951.			
c Adjusted net income (if negative, enter -0-)			N/A		

Part II Balance Sheets

Attached schedules and amounts in the description column should be for end-of-year amounts only

		Beginning of year	End of year	
		(a) Book Value	(b) Book Value	(c) Fair Market Value
Assets	1 Cash - non-interest-bearing	7,842.	193,343.	193,343.
	2 Savings and temporary cash investments	961,677.	753,104.	753,104.
	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 7	7,580,721.	7,638,270.	7,342,952.
	c Investments - corporate bonds			
Liabilities	11 Investments - land, buildings, and equipment basis ▶			
	Less: accumulated depreciation ▶			
	12 Investments - mortgage loans			
	13 Investments - other Stmt 8	297,619.	297,452.	228,774.
	14 Land, buildings, and equipment basis ▶			
	Less: accumulated depreciation ▶			
	15 Other assets (describe ▶ Statement 9)	0.	3,776.	3,776.
	16 Total assets (to be completed by all filers)	8,847,859.	8,885,945.	8,521,949.
	17 Accounts payable and accrued expenses			
	18 Grants payable			
Net Assets or Fund Balances	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 ▶ ☐			
	24 Unrestricted and complete lines 24 through 26 and lines 30 and 31.			
	25 Temporarily restricted			
	26 Permanently restricted			
	Foundations that do not follow SFAS 117, check here ▶ ☒			
	27 Capital stock, trust principal, or current funds	0.	0.	
	28 Paid-in or capital surplus, or land, bldg., and equipment fund	2,690,711.	2,690,711.	
	29 Retained earnings, accumulated income, endowment, or other funds	6,157,148.	6,195,234.	
30 Total net assets or fund balances	8,847,859.	8,885,945.		
31 Total liabilities and net assets/fund balances	8,847,859.	8,885,945.		

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	8,847,859.
2 Enter amount from Part I, line 27a	2	32,913.
3 Other increases not included in line 2 (itemize) ▶ <u>NON-TAXABLE DISTRIBUTIONS</u>	3	5,173.
4 Add lines 1, 2, and 3	4	8,885,945.
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	8,885,945.

Part IV Capital Gains and Losses for Tax on Investment Income

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

(e) Gross sales price	(f) Depreciation allowed (or allowable)	(g) Cost or other basis plus expense of sale	(h) Gain or (loss) (e) plus (f) minus (g)
a			
b			
c			
d			
e 2,612.		12.	2,600.

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			
b			
c			
d			
e			2,600.

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	2,600.
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	548,507.	11,076,093.	.049522
2007	618,647.	15,614,287.	.039621
2006	496,500.	15,226,007.	.032609
2005	475,500.	9,636,874.	.049342
2004	301,750.	4,800,994.	.062852

2 Total of line 1, column (d)	2	.233946
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	.046789
4 Enter the net value of noncharitable-use assets for 2009 from Part X, line 5	4	6,432,126.
5 Multiply line 4 by line 3	5	300,953.
6 Enter 1% of net investment income (1% of Part I, line 27b)	6	3,430.
7 Add lines 5 and 6	7	304,383.
8 Enter qualifying distributions from Part XII, line 4	8	299,681.

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

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

1a Exempt operating foundations described in section 4940(d)(2), check here ☐ and enter "N/A" on line 1. Date of ruling or determination letter: _____ (attach copy of letter if necessary-see instructions)		1	6,859.
b Domestic foundations that meet the section 4940(e) requirements in Part V, check here ☐ and enter 1% of Part I, line 27b			
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	6,859.
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	6,859.
6 Credits/Payments:			
a 2009 estimated tax payments and 2008 overpayment credited to 2009	6a	9,900.	
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	9,900.	
8 Enter any penalty for underpayment of estimated tax. Check here ☐ if Form 2220 is attached	8	42.	
9 Tax due. If the total of lines 5 and 8 is more than line 7, enter amount owed	9		
10 Overpayment. If line 7 is more than the total of lines 5 and 8, enter the amount overpaid	10	2,999.	
11 Enter the amount of line 10 to be: Credited to 2010 estimated tax ☐ 2,999. 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
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) ☐ None		
b If the answer is "Yes" to line 7, has the foundation furnished a copy of Form 990-PF to the Attorney General (or designate) of each state as required by General Instruction G? If "No," attach explanation	X	
9 Is the foundation claiming status as a private operating foundation within the meaning of section 4942(j)(3) or 4942(j)(5) for calendar year 2009 or the taxable year beginning in 2009 (see instructions for Part XIV)? If "Yes," complete Part XIV		X
10 Did any persons become substantial contributors during the tax year? If "Yes," attach a schedule listing their names and addresses		X

N/A

Part VII-A Statements Regarding Activities (continued)

11	At any time during the year, did the foundation, directly or indirectly, own a controlled entity within the meaning of section 512(b)(13)? If "Yes," attach schedule (see instructions)	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 ► CHARLES B. LEOVITZ Telephone no. ► (423) 490-8223 Located at ► 2030 HAMILTON PLACE BLVD, CHATTANOOGA, TN ZIP+4 ► 37421			
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	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? ☐ Yes ☒ No If "Yes," list the years ►		
b Are there any years listed in 2a for which the foundation is not applying the provisions of section 4942(a)(2) (relating to incorrect valuation of assets) to the year's undistributed income? (If applying section 4942(a)(2) to all years listed, answer "No" and attach statement - see instructions.) N/A	2b	
c If the provisions of section 4942(a)(2) are being applied to any of the years listed in 2a, list the years here. ►		
3a Did the foundation hold more than a 2% direct or indirect interest in any business enterprise at any time during the year? ☐ 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	X
b Did the foundation make any investment in a prior year (but after December 31, 1969) that could jeopardize its charitable purpose that had not been removed from jeopardy before the first day of the tax year beginning in 2009?	4b	X

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

5a During the year did the foundation pay or incur any amount to:

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

☐ Yes ☒ No

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

☐ Yes ☒ No

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

☐ Yes ☒ No

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

☐ Yes ☒ No

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

☐ Yes ☒ No

b If any answer is "Yes" to 5a(1)-(5), did any of the transactions fail to qualify under the exceptions described in Regulations section 53.4945 or in a current notice regarding disaster assistance (see instructions)?

N/A

5b

Organizations relying on a current notice regarding disaster assistance check here

☒

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

N/A

☐ Yes ☐ No

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

6a Did the foundation, during the year, receive any funds, directly or indirectly, to pay premiums on a personal benefit contract?

☐ Yes ☒ No

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

6b

X

If "Yes" to 6b, file Form 8870

7a At any time during the tax year, was the foundation a party to a prohibited tax shelter transaction?

☐ Yes ☒ No

b If yes, did the foundation receive any proceeds or have any net income attributable to the transaction?

N/A

7b

Part VIII Information About Officers, Directors, Trustees, Foundation Managers, Highly Paid Employees, and Contractors

1 List all officers, directors, trustees, foundation managers and their compensation.

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

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

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

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

0

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

(a) Name and address of each person paid more than \$50,000	(b) Type of service	(c) Compensation
NONE		
Total number of others receiving over \$50,000 for professional services		0

Part IX-A Summary of Direct Charitable Activities

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

	Expenses
1 NOT APPLICABLE	
	0.
2	
3	
4	

Part IX-B Summary of Program-Related Investments

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

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

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	6,056,551.
b	Average of monthly cash balances	1b	473,526.
c	Fair market value of all other assets	1c	
d	Total (add lines 1a, b, and c)	1d	6,530,077.
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	6,530,077.
4	Cash deemed held for charitable activities. Enter 1 1/2% of line 3 (for greater amount, see instructions)	4	97,951.
5	Net value of noncharitable-use assets. Subtract line 4 from line 3. Enter here and on Part V, line 4	5	6,432,126.
6	Minimum investment return. Enter 5% of line 5	6	321,606.

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	321,606.
2a	Tax on investment income for 2009 from Part VI, line 5	2a	6,859.
b	Income tax for 2009. (This does not include the tax from Part VI.)	2b	
c	Add lines 2a and 2b	2c	6,859.
3	Distributable amount before adjustments. Subtract line 2c from line 1	3	314,747.
4	Recoveries of amounts treated as qualifying distributions	4	0.
5	Add lines 3 and 4	5	314,747.
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	314,747.

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	299,681.
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	299,681.
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	299,681.

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 instructions)

	(a) Corpus	(b) Years prior to 2008	(c) 2008	(d) 2009
1 Distributable amount for 2009 from Part XI, line 7				314,747.
2 Undistributed income, if any, as of the end of 2009				
a Enter amount for 2008 only			22,065.	
b Total for prior years:		0.		
3 Excess distributions carryover, if any, to 2009:				
a From 2004				
b From 2005				
c From 2006				
d From 2007				
e From 2008				
f Total of lines 3a through e	0.			
4 Qualifying distributions for 2009 from Part XII, line 4: ► \$ 299,681.				
a Applied to 2008, but not more than line 2a			22,065.	
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				277,616.
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 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				37,131.
7 Amounts treated as distributions out of corpus to satisfy requirements imposed by section 170(b)(1)(F) or 4942(g)(3)	0.			
8 Excess distributions carryover from 2004 not applied on line 5 or line 7	0.			
9 Excess distributions carryover to 2010. Subtract lines 7 and 8 from line 6a	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				

N/A

- ☐ 4942(j)(3) or ☐ 4942(j)(5)

- (4) Gross investment income**

[illegible]

N/A

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
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 <u>Paul B. Lohay, Trustee</u>		Date <u>4/9/10</u>		Title _____	
Paid Preparer's Use Only	Preparer's signature <u>[Signature]</u>		Date <u>3/17/10</u>	Check if self-employed ☐	Preparer's identifying number <u>PEP191123</u>
	Firm's name (or yours if self-employed), address, and ZIP code <u>Henderson Hutcherson & McCullough PLLC</u> <u>1200 Market Street</u> <u>Chattanooga, TN 37402</u>			EIN <u> </u> Phone no. <u>(423) 756-7771</u>	

Form **990-PF** (2009)

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	GNMA 105329	P	06/27/91	01/15/09
b	GNMA 0264701	P	06/27/91	01/15/09
c	GNMA 105329	P	06/27/91	02/17/09
d	GNMA 0264701	P	06/27/91	02/17/09
e	SIMON PPTY GROUP	P	01/01/60	Various
f	Capital Gains Dividends			
g				
h				
i				
j				
k				
l				
m				
n				
o				

(e) Gross sales price	(f) Depreciation allowed (or allowable)	(g) Cost or other basis plus expense of sale	(h) Gain or (loss) (e) plus (f) minus (g)
a 1.		1.	0.
b 4.		5.	-1.
c 1.		1.	0.
d 4.		5.	-1.
e 47.			47.
f 2,555.			2,555.
g			
h			
i			
j			
k			
l			
m			
n			
o			

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

(i) F.M.V. as of 12/31/69	(j) Adjusted basis as of 12/31/69	(k) Excess of col. (i) over col. (j), if any	(l) Losses (from col. (h)) Gains (excess of col. (h) gain over col. (k), but not less than "-0-")
a			0.
b			-1.
c			0.
d			-1.
e			47.
f			2,555.
g			
h			
i			
j			
k			
l			
m			
n			
o			

2 Capital gain net income or (net capital loss) { If gain, also enter in Part I, line 7 If (loss), enter "-0-" in Part I, line 7 }	2	2,600.
3 Net short-term capital gain or (loss) as defined in sections 1222(5) and (6): If gain, also enter in Part I, line 8, column (c). If (loss), enter "-0-" in Part I, line 8 }	3	N/A

Form 990-PF Interest on Savings and Temporary Cash Investments Statement 1

Source	Amount
BANK OF AMERICA	38.
FSG BANK	3,776.
INTERNAL REVENUE SERVICE	23.
MERRILL LYNCH A/C 5TX-10079	2.
Total to Form 990-PF, Part I, line 3, Column A	3,839.

Form 990-PF Dividends and Interest from Securities Statement 2

Source	Gross Amount	Capital Gains Dividends	Column (A) Amount
MERRILL LYNCH A/C 5TX-10079	356,116.	2,555.	353,561.
Total to Fm 990-PF, Part I, ln 4	356,116.	2,555.	353,561.

Form 990-PF Accounting Fees Statement 3

Description	(a) Expenses Per Books	(b) Net Invest- ment Income	(c) Adjusted Net Income	(d) Charitable Purposes
ACCOUNTING	10,642.	0.		10,642.
To Form 990-PF, Pg 1, ln 16b	10,642.	0.		10,642.

Form 990-PF Other Professional Fees Statement 4

Description	(a) Expenses Per Books	(b) Net Invest- ment Income	(c) Adjusted Net Income	(d) Charitable Purposes
INVESTMENT ADVISORY SERVICES	16,556.	16,556.		0.
CONSULTING	14,939.	0.		14,939.
To Form 990-PF, Pg 1, ln 16c	31,495.	16,556.		14,939.

Form 990-PF	Taxes			Statement	5
Description	(a) Expenses Per Books	(b) Net Invest- ment Income	(c) Adjusted Net Income	(d) Charitable Purposes	
TAXES	10,309.	493.			0.
To Form 990-PF, Pg 1, ln 18	10,309.	493.			0.

Form 990-PF	Other Expenses			Statement	6
Description	(a) Expenses Per Books	(b) Net Invest- ment Income	(c) Adjusted Net Income	(d) Charitable Purposes	
MISCELLANEOUS	541.	0.			0.
To Form 990-PF, Pg 1, ln 23	541.	0.			0.

Form 990-PF	Corporate Stock		Statement	7
Description	Book Value	Fair Market Value		
ABBOTT LABORATORIES	24,252.	97,182.		
BANK OF AMERICA	30,362.	36,144.		
AT & T	17,194.	51,996.		
COCA COLA	32,048.	114,000.		
DOMINION RESOURCES	90,998.	118,706.		
DUKE ENERGY	30,014.	61,956.		
EXXON MOBIL	48,675.	225,027.		
CHEVRON	71,323.	140,430.		
FPL GROUP	61,824.	200,188.		
GENERAL ELECTRIC	37,150.	90,780.		
IBM	36,609.	196,350.		
JOHNSON & JOHNSON	55,898.	322,050.		
ELI LILLY	63,875.	124,985.		
MDU RESOURCES	30,845.	143,370.		
PEPSICO	53,827.	243,200.		
PROCTOR & GAMBLE	24,247.	145,512.		
KINDER MORGAN	69,731.	201,082.		
SCHLUMBERGER	53,583.	260,360.		
SIMON PROPERTY GROUP	129,461.	392,696.		
SOUTHERN CO	25,658.	99,960.		
TAUBMAN CENTERS	80,802.	287,280.		

Lebovitz Family Charitable Trust

62-6247365

MEDCO HEALTH SOLUTIONS	9,822.	143,286.
MICROSOFT	78,688.	85,344.
ENBRIDGE ENERGY	107,094.	162,175.
CON. EDISON	48,668.	54,516.
CATERPILLAR	98,312.	113,980.
CBL & ASSOCIATES	5,415,452.	2,398,982.
SPECTRA ENERGY	68,390.	71,785.
CISCO SYSTEMS	82,845.	83,790.
GENERAL DYNAMICS	85,366.	68,170.
HEWLETT PACKARD	116,875.	128,775.
HONEYWELL INTERNATIONAL	80,996.	54,880.
UNITED TECHNOLOGIES	70,830.	69,410.
CVS CAREMARK	78,876.	64,420.
THERMO FISHER SCIENTIFIC	78,780.	71,535.
VISA	148,900.	218,650.
Total to Form 990-PF, Part II, line 10b	7,638,270.	7,342,952.

Form 990-PF	Other Investments	Statement	8
Description	Valuation Method	Book Value	Fair Market Value
GNMA POOL #105329	COST	114.	64.
GNMA POOL #0264701	COST	764.	620.
ISHARES MSCI EAFE INDEX	COST	220,604.	165,840.
ISHARES MSCI EMERGING MKTS INDEX	COST	75,970.	62,250.
Total to Form 990-PF, Part II, line 13		297,452.	228,774.

Form 990-PF	Other Assets	Statement	9
Description	Beginning of Yr Book Value	End of Year Book Value	Fair Market Value
INTEREST DUE FROM FSG BANK - CD	0.	3,776.	3,776.
To Form 990-PF, Part II, line 15	0.	3,776.	3,776.

Form 990-PF Part VIII - List of Officers, Directors Statement 10
 Trustees and Foundation Managers

Name and Address	Title and Avrg Hrs/Wk	Compen- sation	Employee Ben Plan Expense Contrib Account
CHARLES B. LEBOVITZ 2030 HAMILTON PLACE BLVD CHATTANOOGA, TN 37421	TRUSTEE 0.00	0.	0. 0.
FAYE L. PETERKEN 260 POWERS FERRY ROAD MARIETTA, GA 30067	TRUSTEE 0.00	0.	0. 0.
ALAN CATES 736 GEORGIA AVENUE, SUITE 300 CHATTANOOGA, TN 37402	TRUSTEE 0.00	0.	0. 0.
STEPHEN LEBOVITZ 2030 HAMILTON PLACE BLVD CHATTANOOGA, TN 37421	TRUSTEE 0.00	0.	0. 0.
MICHAEL LEBOVITZ 2030 HAMILTON PLACE BLVD CHATTANOOGA, TN 37421	TRUSTEE 0.00	0.	0. 0.
ALAN LEBOVITZ 2030 HAMILTON PLACE BLVD CHATTANOOGA, TN 37421	TRUSTEE 0.00	0.	0. 0.
BETH LEBOVITZ BACKER 2030 HAMILTON PLACE BLVD CHATTANOOGA, TN 37421	TRUSTEE 0.00	0.	0. 0.
Totals included on 990-PF, Page 6, Part VIII		0.	0. 0.

Form 990-PF	Grants and Contributions Paid During the Year	Statement 11
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Recipient Name and Address	Recipient Relationship and Purpose of Grant	Recipient Status	Amount
THE ANTI-DEFAMATION LEAGUE 5461 NORTH TERRACE ROAD CHATTANOOGA, TN 37411	EDUCATIONAL & CULTURAL		1,250.
BIG BROTHERS-BIG SISTERS OF GREATER CHATTANOOGA 2015 BAILEY AVENUE CHATTANOOGA, TN 37404	TO SUPPORT PUBLIC CHARITY		1,250.
BOYS & GIRLS CLUB OF CHATTANOOGA 610 LINDSAY ST. CHATTANOOGA, TN 37403	TO SUPPORT PUBLIC CHARITY		21,000.
CAMP RAMAH DAROM 6400 POWERS FERRY ROAD, SUITE 215 ATLANTA, GA 30339	TO SUPPORT PUBLIC CHARITY		500.
DAVID ISRAEL MEMORIAL 610 LINDSAY ST. CHATTANOOGA, TN 37403	TO SUPPORT PUBLIC CHARITY		500.
FACING HISTORY AND OURSELVES 16 HURD ROAD BROOKLINE, MA 02445	TO SUPPORT PUBLIC CHARITY		15,000.
JEWISH BIG BROTHERS/BIG SISTERS - BOSTON 333 NAHANTON STREET NEWTON, MA 02459	TO SUPPORT PUBLIC CHARITY		500.
JUVENILE DIABETES RESEARCH FOUNDATION 60 WALNUT STREET WELLESLEY HILLS, MA 02481	TO SUPPORT MEDICAL RESEARCH		500.

WTCI - GREATER CHATTANOOGA PUBLIC TELEVISION 7540 BONNYSHIRE DRIVE CHATTANOOGA, TN 37416	TO SUPPORT PUBLIC CHARITY	500.
ATLANTA COMMUNITY FOOD BANK 732 JOSEPH E, LOWERY BLVD NW ATLANTA, GA 30318	TO PROVIDE FINANCIAL & SOCIAL SERVICES	500.
CAMP RAMAH DAROM (MAYER "BUBBA" MITCHELL LEGACY FUND) 6400 POWERS FERRY ROAD, SUITE 215 ATLANTA, GA 30339	TO SUPPORT RELIGIOUS ORGANIZATION	2,500.
COMMUNITY ACTION CENTERS 1130 HIGHTOWER TRAIL ATLANTA, GA 30350	TO PROVIDE FINANCIAL & SOCIAL SERVICES	500.
JEWISH COMMUNITY FEDERATION OF GREATER CHATTANOOGA P.O. BOX 8947 CHATTANOOGA, TN 37414	TO PROVIDE FINANCIAL & SOCIAL SERVICES	152,100.
JEWISH FAMILY & CHILDREN'S SERVICE 1430 MAIN STREET WALTHAM, MA 02451	TO PROVIDE FINANCIAL & SOCIAL SERVICES	55,000.
JEWISH FEDERATION OF GREATER ATLANTA 1440 SPRING STREET NW ATLANTA, GA 30309	TO PROVIDE FINANCIAL & SOCIAL SERVICES	1,000.
LOWCOUNTRY FOOD BANK 1635 COSGROVE AVENUE CHARLESTON, SC 29405	TO PROVIDE FINANCIAL & SOCIAL SERVICES	500.
OR ATID SYNAGOGUE 97 CONCORD ROAD WAYLAND, MA 01778	TO SUPPORT RELIGIOUS ORGANIZATION	21,500.
PMC JIMMY FUND 10 BROOKLINE PLACE WEST BROOKLINE, MA 02445	TO SUPPORT PUBLIC CHARITY	2,500.

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SISKIN CHILDRENS INSTITUTE 1101 CARTER STREET CHATTANOOGA, TN 37402	TO SUPPORT PUBLIC CHARITY	1,700.
U.S. HOLOCAUST MEMORIAL MUSEUM 2200 NW CORPORATE BLVD, SUITE 305 BOCA RATON, FL 33431	EDUCATIONAL & CULTURAL	5,000.
UNITED WAY 630 MARKET STREET CHATTANOOGA, TN 37402	TO SUPPORT PUBLIC CHARITY	2,300.
JEWISH FAMILY & CHILDREN'S SERVICE 1430 MAIN STREET WALTHAM, MA 02451	TO PROVIDE FINANCIAL & SOCIAL SERVICES	1,000.
REACH OUT AND READ 56 ROLAND STREET, SUITE 100D BOSTON, MA 02129	EDUCATIONAL & CULTURAL	-13,000.

Total to Form 990-PF, Part XV, line 3a

274,100.