Form **990-PF**

Department of the Treasury
Internal Revenue Service (77)

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

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

OMB No 1545-0052

2009

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: The Birk Family Foundation, Inc.

Number and street (or P O box number if mail is not delivered to street address): c/o Merrill Lynch 900 U.S. Highway | Room/suite:

City or town, state, and ZIP code: Jupiter FL 33477

A Employer identification number: 65-0661100

B Telephone number (see page 10 of the instructions): (561) 745-1415

C If exemption application is pending, check here ▶ ☐

D 1. Foreign organizations, check here ▶ ☐

2. Foreign organizations meeting the 85% test, check here and attach computation ▶ ☐

E If private foundation status was terminated under section 507(b)(1)(A), check here ▶ ☐

F If the foundation is in a 60-month termination under section 507(b)(1)(B), check here ▶ ☐

H Check type of organization: ☒ Section 501(c)(3) exempt private foundation ☐ Section 4947(a)(1) nonexempt charitable trust ☐ Other taxable private foundation

I Fair market value of all assets at end of year *(from Part II, col (c), line 16)* ▶ $ 4,142,077

J Accounting method: ☒ Cash ☐ Accrual ☐ Other (specify) *(Part I, column (d) must be on cash basis)*

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 ▶ ☐ if the foundation is not required to attach Sch B				
	3 Interest on savings and temporary cash investments	0	0		
	4 Dividends and interest from securities	184,445	184,445		
	5 a Gross rents		0		
	b Net rental income or (loss) 0				
	6 a Net gain or (loss) from sale of assets not on line 10	0			
	b Gross sales price for all assets on line 6a 0				
	7 Capital gain net income (from Part IV, line 2)		0		
	8 Net short-term capital gain			0	
	9 Income modifications				
	10 a Gross sales less returns and allowances 0				
	b Less. Cost of goods sold 0				
	c Gross profit or (loss) (attach schedule)	0			
	11 Other income (attach schedule)	0	0	0	
	12 **Total.** Add lines 1 through 11	184,445	184,445	0	
Operating and Administrative Expenses	13 Compensation of officers, directors, trustees, etc.	0			
	14 Other employee salaries and wages				
	15 Pension plans, employee benefits				
	16 a Legal fees (attach schedule)	2,511	0	0	0
	b Accounting fees (attach schedule)	0	0	0	0
	c Other professional fees (attach schedule)	0	0	0	0
	17 Interest				
	18 Taxes (attach schedule) (see page 14 of the instructions)	0	0	0	0
	19 Depreciation (attach schedule) and depletion	0	0	0	
	20 Occupancy				
	21 Travel, conferences, and meetings				
	22 Printing and publications				
	23 Other expenses (attach schedule)	19,060	17,801	0	0
	24 **Total operating and administrative expenses.** Add lines 13 through 23	21,571	17,801	0	0
	25 Contributions, gifts, grants paid	203,000	-		203,000
	26 **Total expenses and disbursements.** Add lines 24 and 25	224,571	17,801	0	203,000
	27 Subtract line 26 from line 12:				
	a **Excess of revenue over expenses and disbursements**	-40,126			
	b **Net investment income** (if negative, enter -0-)		166,644		
	c **Adjusted net income** (if negative, enter -0-)			0	

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Part II Balance Sheets

Attached schedules and amounts in the description column should be for end-of-year amounts only. (See instructions.)

			Beginning of year	End of year	
			(a) Book Value	(b) Book Value	(c) Fair Market Value
Assets	1	Cash—non-interest-bearing			
	2	Savings and temporary cash investments	216,509	79,144	79,144
	3	Accounts receivable ▶ 0			
		Less: allowance for doubtful accounts ▶ 0	0	0	0
	4	Pledges receivable ▶ 0			
		Less: allowance for doubtful accounts ▶ 0	0	0	0
	5	Grants receivable			
	6	Receivables due from officers, directors, trustees, and other disqualified persons (attach schedule) (see page 15 of the instructions)	0	0	0
	7	Other notes and loans receivable (attach schedule) ▶ 0			
		Less allowance for doubtful accounts ▶ 0	0	0	0
	8	Inventories for sale or use			
	9	Prepaid expenses and deferred charges			
	10 a	Investments—U S and state government obligations (attach schedule)	672,222		0
	b	Investments—corporate stock (attach schedule)	1,560,035	1,994,187	2,060,650
	c	Investments—corporate bonds (attach schedule)	1,512,678	1,676,964	1,984,754
	11	Investments—land, buildings, and equipment: basis ▶ 0			
		Less accumulated depreciation (attach schedule) ▶ 0	0	0	0
	12	Investments—mortgage loans			
	13	Investments—other (attach schedule)	0	0	0
	14	Land, buildings, and equipment: basis ▶ 0			
		Less accumulated depreciation (attach schedule) ▶ 0	0	0	0
	15	Other assets (describe ▶ Estimate Accural Interest)	0	0	17,529
	16	**Total assets** (to be completed by all filers—see the instructions. Also, see page 1, item I)	3,961,444	3,750,295	4,142,077
Liabilities	17	Accounts payable and accrued expenses			
	18	Grants payable			
	19	Deferred revenue			
	20	Loans from officers, directors, trustees, and other disqualified persons	0	0	
	21	Mortgages and other notes payable (attach schedule)	0	0	
	22	Other liabilities (describe ▶)	0	0	
	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			
	28	Paid-in or capital surplus, or land, bldg., and equipment fund			
	29	Retained earnings, accumulated income, endowment, or other funds			
	30	**Total net assets or fund balances** (see page 17 of the instructions)	3,961,444	3,750,295	
	31	**Total liabilities and net assets/fund balances** (see page 17 of the instructions)	3,961,444	3,750,295	

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	3,961,444
2	Enter amount from Part I, line 27a	2	-40,126
3	Other increases not included in line 2 (itemize) ▶	3	0
4	Add lines 1, 2, and 3	4	3,921,318
5	Decreases not included in line 2 (itemize) ▶ (decrease in value of securities)	5	171,023
6	Total net assets or fund balances at end of year (line 4 minus line 5)—Part II, column (b), line 30	6	3,750,295

Part IV Capital Gains and Losses for Tax on Investment Income

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

	(e) Gross sales price	(f) Depreciation allowed (or allowable)	(g) Cost or other basis plus expense of sale	(h) Gain or (loss) (e) plus (f) minus (g)
a	0	0	0	0
b	0	0	0	0
c	0	0	0	0
d	0	0	0	0
e	0	0	0	0

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	0	0	0	0
b	0	0	0	0
c	0	0	0	0
d	0	0	0	0
e	0	0	0	0

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	0
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	0

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

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

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

Was the foundation liable for the section 4942 tax on the distributable amount of any year in the base period? ☐ Yes ☒ No

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

1 Enter the appropriate amount in each column for each year, see page 18 of the instructions before making any entries

(a) Base period years Calendar year (or tax year beginning in)	(b) Adjusted qualifying distributions	(c) Net value of noncharitable-use assets	(d) Distribution ratio (col (b) divided by col (c))
2008	236,000	4,092,675	0 057664
2007	221,900	4,866,965	0 045593
2006	219,843	4,852,584	0.045304
2005	214,000	4,540,723	0 047129
2004	195,000	4,455,155	0 043770

2	**Total** of line 1, column (d)	2	0.239460
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	0 047892
4	Enter the net value of noncharitable-use assets for 2009 from Part X, line 5	4	3,556,267
5	Multiply line 4 by line 3	5	170,317
6	Enter 1% of net investment income (1% of Part I, line 27b)	6	1,629
7	Add lines 5 and 6	7	171,946
8	Enter qualifying distributions from Part XII, line 4	8	203,000

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)

1 a 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)			
b Domestic foundations that meet the section 4940(e) requirements in Part V, check here ▶ [X] and enter 1% of Part I, line 27b		1	1,667
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	1,667
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	1,667
6 Credits/Payments			
a 2009 estimated tax payments and 2008 overpayment credited to 2009	6a 5,652		
b Exempt foreign organizations—tax withheld at source	6b		
c Tax paid with application for extension of time to file (Form 8868)	6c 0		
d Backup withholding erroneously withheld	6d		
7 Total credits and payments Add lines 6a through 6d		7	5,652
8 Enter any **penalty** for underpayment of estimated tax Check here ☐ if Form 2220 is attached		8	0
9 **Tax due.** If the total of lines 5 and 8 is more than line 7, enter **amount owed** ▶		9	0
10 **Overpayment.** If line 7 is more than the total of lines 5 and 8, enter the **amount overpaid** ▶		10	3,985
11 Enter the amount of line 10 to be **Credited to 2010 estimated tax** ▶ 3,985 **Refunded** ▶		11	0

Part VII-A Statements Regarding Activities

		Yes	No
1 a 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?	1a		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)?	1b		X
*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*			
c Did the foundation file **Form 1120-POL** for this year?	1c		X
d Enter the amount (if any) of tax on political expenditures (section 4955) imposed during the year (1) On the foundation ▶ $ ______ (2) On foundation managers ▶ $ ______			
e Enter the reimbursement (if any) paid by the foundation during the year for political expenditure tax imposed on foundation managers ▶ $ ______			
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*	2		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*	3		X
4 a Did the foundation have unrelated business gross income of $1,000 or more during the year?	4a		X
b If "Yes," has it filed a tax return on **Form 990-T** for this year?	4b	N/A	
5 Was there a liquidation, termination, dissolution, or substantial contraction during the year? *If "Yes," attach the statement required by General Instruction T*	5		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?	6	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*	7	X	
8 a Enter the states to which the foundation reports or with which it is registered (see page 19 of the instructions) ▶ FL			
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*	8b	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)? *If "Yes," complete Part XIV*	9		X
10 Did any persons become substantial contributors during the tax year? *If "Yes," attach a schedule listing their names and addresses*	10		X

Part VII-A Statements Regarding Activities *(continued)*

			Yes	No
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?	13	X	

Website address ▶ not applicable

14 The books are in care of ▶ Roger E Birk Telephone no ▶ (561) 745-1415

Located at ▶ c/o Merrill Lynch, 900 U.S. Highway 1 Jupiter FL ZIP+4 ▶ 33477

15 Section 4947(a)(1) nonexempt charitable trusts filing Form 990-PF in lieu of Form 1041—Check here ▶ ☐

and enter the amount of tax-exempt interest received or accrued during the year ▶ | 15 |

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

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

				Yes	No
1a	During the year did the foundation (either directly or indirectly)				
	(1) Engage in the sale or exchange, or leasing of property with a disqualified person?	☐ 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)?		1b	N/A	
	Organizations relying on a current notice regarding disaster assistance check here	▶ ☐			
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 ▶ 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) Not Applicable		2b	N/A	
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?	☐ 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)*		3b	N/A	
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)?		5b	N/A
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?	☐ 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?		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
See Attached Statement	00	0	0	0
	00	0	0	0
	00	0	0	0
	00	0	0	0

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

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

Total number of other employees paid over $50,000 ▶ 1

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		0
		0
		0
		0
		0

Total number of others receiving over $50,000 for professional services ▶ 1

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	
2	
3	
4	

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

Describe the two largest program-related investments made by the foundation during the tax year on lines 1 and 2	Amount
1	
2	
All other program-related investments See page 24 of the instructions 3	0
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	3,426,917
b	Average of monthly cash balances	1b	316,500
c	Fair market value of all other assets (see page 24 of the instructions)	1c	
d	**Total** (add lines 1a, b, and c)	1d	3,743,417
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	3,743,417
4	Cash deemed held for charitable activities Enter 1½ % of line 3 (for greater amount, see page 25 of the instructions)	4	56,151
5	**Net value of noncharitable-use assets.** Subtract line 4 from line 3. Enter here and on Part V, line 4	5	3,687,266
6	**Minimum investment return.** Enter 5% of line 5	6	184,363

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	184,363
2a	Tax on investment income for 2009 from Part VI, line 5	2a	1,667		
b	Income tax for 2009. (This does not include the tax from Part VI.)	2b			
c	Add lines 2a and 2b			2c	1,667
3	Distributable amount before adjustments. Subtract line 2c from line 1			3	182,696
4	Recoveries of amounts treated as qualifying distributions			4	
5	Add lines 3 and 4			5	182,696
6	Deduction from distributable amount (see page 25 of the instructions)			6	
7	**Distributable amount** as adjusted. Subtract line 6 from line 5. Enter here and on Part XIII, line 1			7	182,696

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	203,000
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	0
4	**Qualifying distributions.** Add lines 1a through 3b. Enter here and on Part V, line 8, and Part XIII, line 4	4	203,000
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	1,667
6	**Adjusted qualifying distributions.** Subtract line 5 from line 4	6	201,333

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				182,696
2	Undistributed income, if any, as of the end of 2009:				
a	Enter amount for 2008 only			202,033	
b	Total for prior years: 20____, 20____, 20__		0		
3	Excess distributions carryover, if any, to 2009:				
a	From 2004 . . . 0				
b	From 2005 . . . 0				
c	From 2006 . . . 0				
d	From 2007 . . . 0				
e	From 2008 . . . 0				
f	Total of lines 3a through e	0			
4	Qualifying distributions for 2009 from Part XII, line 4 ▶ $ 203,000				
a	Applied to 2008, but not more than line 2a			202,033	
b	Applied to undistributed income of prior years (Election required—see page 26 of the instructions)		0		
c	Treated as distributions out of corpus (Election required—see page 26 of the instructions)	0			
d	Applied to 2009 distributable amount				967
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				
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				181,729
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)	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 . . . 0				
b	Excess from 2006 . . . 0				
c	Excess from 2007 . . . 0				
d	Excess from 2008 . . . 0				
e	Excess from 2009 . . . 0				

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

1 a If the foundation has received a ruling or determination letter that it is a private operating foundation, and the ruling is effective for 2009, enter the date of the ruling ▶

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

	Tax year (a) 2009	Prior 3 years (b) 2008	(c) 2007	(d) 2006	(e) Total
2 a Enter the lesser of the adjusted net income from Part I or the minimum investment return from Part X for each year listed	0				0
b 85% of line 2a	0	0	0	0	0
c Qualifying distributions from Part XII, line 4 for each year listed	0				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 2/3 of minimum investment return shown in Part X, line 6 for each year listed	0				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 28 of the instructions.)

1 **Information Regarding Foundation Managers:**

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

Roger E Birk

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

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

Roger E Birk c/o Merrill Lynch, 900 Highway 1, Suite 305 Jupiter FL 33477 (561) 745-1415

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

An application should be in writing and contain a detailed description of th project

c Any submission deadlines

None

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

The Foundation does not make any gifts to individuals or to organizations which are private foundations

Part XV Supplementary Information (continued)

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

Recipient Name and address (home or business)	If recipient is an individual, show any relationship to any foundation manager or substantial contributor	Foundation status of recipient	Purpose of grant or contribution	Amount
a *See schedule attached.* See attached schedule				203,000
				0
				0
				0
				0
				0
				0
				0
				0
				0
				0
				0
				0
				0
				0
				0
Total			▶ 3a	203,000
b *Approved for future payment*				
				0
				0
				0
				0
				0
				0
				0
				0
				0
Total			▶ 3b	0

Part XVI-A Analysis of Income-Producing Activities

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		0		0	0
b		0		0	0
c		0		0	0
d		0		0	0
e		0		0	0
f		0		0	0
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	184,445	
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				0	
9 Net income or (loss) from special events					
10 Gross profit or (loss) from sales of inventory					
11 Other revenue a		0		0	0
b		0		0	0
c		0		0	0
d		0		0	0
e		0		0	0
12 Subtotal Add columns (b), (d), and (e)		0		184,445	0

13 Total. Add line 12, columns (b), (d), and (e) 13 184,445

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

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

Line No. ▼	Explain below how each activity for which income is reported in column (e) of Part XVI-A contributed importantly to the accomplishment of the foundation's exempt purposes (other than by providing funds for such purposes) (See page 28 of the instructions)

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

			Yes	No
1	Did the organization directly or indirectly engage in any of the following with any other organization described in section 501(c) of the Code (other than section 501(c)(3) organizations) or in section 527, relating to political organizations?			
a	Transfers from the reporting foundation to a noncharitable exempt organization of:			
	(1) Cash	1a(1)		
	(2) Other assets	1a(2)		
b	Other transactions:			
	(1) Sales of assets to a noncharitable exempt organization	1b(1)		
	(2) Purchases of assets from a noncharitable exempt organization	1b(2)		
	(3) Rental of facilities, equipment, or other assets	1b(3)		
	(4) Reimbursement arrangements	1b(4)		
	(5) Loans or loan guarantees	1b(5)		
	(6) Performance of services or membership or fundraising solicitations	1b(6)		
c	Sharing of facilities, equipment, mailing lists, other assets, or paid employees	1c		

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

(a) Line no	(b) Amount involved	(c) Name of noncharitable exempt organization	(d) Description of transfers, transactions, and sharing arrangements
	0		
	0		
	0		
	0		
	0		
	0		
	0		
	0		
	0		
	0		
	0		
	0		
	0		
	0		
	0		
	0		

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

Sign Here

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

▶ Roger E. Bird — Signature of officer or trustee | 5/13/10 — Date | ▶ Director — Title

Paid Preparer's Use Only

Preparer's signature	Date	Check if self-employed ▶☐	Preparer's identifying number (see Signature on page 30 of the instructions)
▶ Ann C. Martin	5.12.10		

Firm's name (or yours if self-employed), address, and ZIP code		
▶ Drinker Biddle & Reath LLP	EIN ▶ 23-1423089
500 Campus Drive, Florham Park, NJ 07932	Phone no. (973) 549-7000

THE BIRK FAMILY FOUNDATION, INC.
I.D. #65-0661100
2009 FORM 990-PF
SCHEDULE XV – LINE 3a – PAGE 11

GRANTS AND CONTRIBUTIONS PAID

01/30/2009	Urban Youth Impact P O Box 222592 West palm Beach, Florida 33422 For: General Purpose	$ 1,000
02/11/2009	National Multiple Sclerosis Society Upstate New York Chapter 1650 South Avenue, Suite 100 Rochester, New York 14620-3901 For: General Purpose	1,000
02/23/2009	Aspen Music Festival & School 2 Music School Road Aspen, Colorado 81611 For: General Purpose	1,000
03/16/2009	Cathedral High School Education Foundation P O Box 1579 St. Cloud, Minnesota 56302-1579 For: General Purpose	5,000
04/20/2009	Little Sisters of the Poor 330 Exchange Street South Saint Paul, Minnesota 55102-2397 For: Purchase 3 Vital Spot Monitors	2,000
05/18/2009	Dupuytren Foundation 1002 South Old Dixie Highway Jupiter, Florida 33458 For: Education and Research	1,000
06/26/2009	Smile Train 41 Madison Avenue 28th Floor New York, New York 10010 For: General Purpose	3,000
07/07/2009	Christian Community Action 200 South Mill Street Lewisville, Texas 75057 For: Summer Programs	10,000

07/22/2009	Technoserve 1800 M Stret NW Suite 1066, South Tower Washington DC 20036 For: General Purpose	1,000
08/05/2009	Youthentity P O Box 1989 Carbondale, CO 81623 For: General Purpose	2,000
09/23/2009	Memorial Sloan Kettering 1275 York Avenue New York, New York 10065 For: Research - Matching Fund	1,000
10/05/2009	Hope Hall 1612 Buffalo Road Rochester, New York 14624 For: High School Expansion Project	20,000
10/05/2009	St. John's University P O Box 7222 Collegeville, Minnesota 56321 For: Scholarship Fund	10.000
10/05/2009	College of St. Benedict 37 College Avenue St. Joseph, Minnesota 56374 For: Scholarship Fund	10,000
10/05/2099	Bascom Palmer Eye Institute 7101 Fairway Drive Palm Beach Gardens, Florida 33418 For: University of Miami Opthalmology Fund	10,000
10/05/2009	National Multiple Sclerosis Society Upstate New York Chapter 1610 South Avenue, Suite 100 Rochester, New York 14620-3901 For: General Purpose	10,000
10/05/2009	Hospital for Special Surgery 525 East 70th Street New York, New York 10021 For: General Purpose	2,000

10/05/2009	Hearing Research Institute, Inc 7000 S.W. 62nd Avenue, Suite 210 South Miami, Florida 33143 For: General Purpose	2,000
10/05/2009	Sunrise Community Inc. 11975 SW 1440th Terrace Miami, Florida 33186 For: Hurricane Shutter Protection Program	7,000
10/05/2009	Camp Sunshine 35 Arcadia Road Casco, Maine 04015 For: Brick Walkway Program/Matching	2,500
10/05/2009	Jupiter Medical Center Foundation 1210 South Old Dixie Highway Jupiter, Florida 33458 For: General Purpose	10,000
10/05/2009	Light of the World Charities P O Box 273 Palm City, Florida 34991 For: General Purpose	10,000
10/05/2009	Epilepsy Foundation of Rochester-Syracuse-Binghamton 1650 South Avenue, Suite 300 Rochester, New York 14620 For: Epilepsy Awareness Project	10,000
10/06/2009	PediPlace 502 S. Old Orchard Lane Suite 126 Lewisville, Texas 75067 For: General Purpose	5,000
10/06/2009	The Gladney Fund 6300 John Ryan Drive Fort Worthm, Texas 76132 For: Bright Futures Program	10,000

10/06/2009	Happy Hill Farm Academy 3846 North Highway 144 Granbury, Texas 76048 For: Scholarship Fund	10,000
1 10/07/2009	Healthy Mothers/Healthy Babies 500 Gulfstream Boulevard Suite 201 Delray Beach, Florida 33483 For: General Purpose	5,000
11/10/2009	SLE Lupus Foundation 330 Seventh Avenue Suite 1701 New York, New York 10001 For: General Purpose	1,000
11/24/2009	Friends of the Rochester Psychiatric Center 111 Elmwood Avenue Rochester, New York 14620 For: General Purpose	2,500
11/24/2009	School of the Holy Childhood 100 Groton Parkway Rochester, New York 14623 For: General Purpose	5,000
12/09/2009	Hope Hall 1612 Buffalo Road Rochester, New York 14624 For: High School Expansion Project	20,000
12/17/2009	Gratitude House 1700 North Dixie Highway West palm Beach, Florida 33407 For: General Purpose	5,000
12/17/2009	St. Vincent de Paul c/o St. Jude Catholic Church 204 North US Highway One P O Box 3726 Tequesta, Florida 33469 For: General Purpose	4,000

12/17/2009	Deliver the Dream 3223 NW 10th Terrace, Suite 602 Fort Lauderdale, Florida 33309 For: Family Retreat Program	2,000
12/17/2009	Susan B. Anthony Recovery Center 1633 Poinciana Drive Pembroke Pines, Florida 33025 For: General Purpose	2,000
Amount paid as of 12/17/2009		$ 203,000

Note: Amount to be distributed for 2009 is $202,033

THE BIRK FAMILY FOUNDATION, INC.
I.D. #65-0661100
2009 FORM 990-PF
SCHEDULE TO PART VIII, ITEMS 1 AND 2, PAGE 6

LIST OF DIRECTORS

Roger E. Birk
c/o Merrill Lynch
900 U.S. Highway 1
Jupiter, FL 33477

Mary L. Birk
c/o Merrill Lynch
900 U.S. Highway 1
Jupiter, FL 33477

Dr. Kathy A. Birk
c/o Merrill Lynch
900 U.S. Highway 1
Jupiter, FL 33477

Mary E. Colas
c/o Merrill Lynch
900 U.S. Highway 1
Jupiter, FL 33477

Barbara J. Billstrand
c/o Merrill Lynch
900 U.S. Highway 1
Jupiter, FL 33477

Each director devoted approximately an average of one hour per month to the foundation. No compensation was paid to any director, no contribution was made to any employee benefit plan or to any deferred compensation plan, and there was no expense account or other allowance.

THE BIRK FAMILY FOUNDATION, INC.
I.D. #65-0661100
2009 FORM 990-PF
SCHEDULE TO PART IV, ITEM 1a PAGE 3
INVESTMENTS HELD AS OF DECEMBER 31, 2009

REALIZED CAPITAL GAIN AND LOSS SUMMARY – PAGE 1

REALIZED CAPITAL GAIN AND LOSS SUMMARY

Quantity	Security Description	Date of Acquisition	Date of Liquidation	Sale Price	Cost Basis	Gain or (Loss)
25,000.0000	FEDERAL NATL MTGE ASSN	11/08/06	01/15/09	25,000.00	25,000.00	0.00
25,000.0000	FEDERAL NATL MTGE ASSN	03/16/07	01/15/09	25,000.00	25,000.00	0.00
95,000.0000	FEDERAL NATL MTG ASSOC	07/16/08	03/30/09	95,000.00	94,762.50	237.50 S
150,000.0000	FEDERAL NATL MTG ASSN	01/14/02	04/17/09	161,407.50	150,236.23	11,171.27 L
47,000 0000	US TSY 5.000% AUG 15 2011	11/08/06	04/17/09	51,380.54	47,456.59	3,923.95 L
51,000.0000	US TSY 5.000% AUG 15 2011	05/09/07	04/17/09	55,753.37	51,531.44	4,221.93 L
76,000.0000	US TSY 4.375% DEC 15 2010	05/09/07	04/17/09	80,349.22	75,578.44	4,770.78 L
115,000.0000	US TSY 3.375% NOV 30 2012	12/20/07	04/17/09	122,789.46	114,829.30	7,960.16 L
9,000.0000	U.S.TREASURY NOTE	08/14/06	05/15/09	9,000.00	9,000.00	0.00
76,000.0000	US TSY 4.125% AUG 15 2010	04/16/08	05/19/09	79,238.91	78,024.70	1,214.21 L
25,000.0000	COMCAST CABLE COM 6.875% 09	07/08/08	06/15/09	25,000.00	25,000.00	0.00
150,000.0000	GENL ELEC CAP COR 4.00% 09	08/08/08	06/15/09	150,000.00	150,000.00	0.00
76,000.0000	AT&T INC 5.50%FEB01 18	02/20/08	07/21/09	78,477.60	74,810.60	3,667.00 L
15,000.0000	GENL ELEC CAP COR 4.62% 09	07/28/09	09/15/09	15,000.00	15,000.00	0.00
50,000.0000	DUPONT EI DE NEMO 6.87% 09	05/19/09	10/15/09	50,000.00	50,000.00	0.00
5,000.0000	GENERAL ELEC CAP CORP	07/28/09	10/27/09	5,000.00	5,000.00	0.00
86,000.0000	GOLDMAN SACHS GRO 5.35% 16	01/20/06	12/07/09	90,139.18	86,113.88	4,025.30 L
97,000.0000	JPMORGAN CHASE & 5.125% 14	06/26/07	12/07/09	101,995.50	92,742.67	9,252.83 L
50,000.0000	NM AMER GENL FIN CORP BE	07/10/08	12/07/09	48,837.50	48,569.00	N/C

THE BIRK FAMILY FOUNDATION, INC.
I.D. #65-0661100
2009 FORM 990-PF
SCHEDULE TO PART IV, ITEM 1a PAGE 3
INVESTMENTS HELD AS OF DECEMBER 31, 2009

REALIZED CAPITAL GAIN AND LOSS SUMMARY – PAGE 2

Quantity	Security Description	Date of Acquisition	Date of Liquidation	Sale Price	Cost Basis	Gain or (Loss)	
46.0000	LINCOLN NATIONAL CORP	09/16/08	01/28/09	802.40	748.33	54.07	ST
1,954.0000	LINCOLN NATIONAL CORP	09/17/08	01/28/09	34,084.89	31,760.44	2,324.45	ST
994.0000	LINCOLN NATIONAL CORP	09/17/08	01/28/09	17,338.99	13,681.48	3,657.51	ST
6.0000	LINCOLN NATIONAL CORP	09/17/08	01/28/09	104.67	82.04	22.63	ST
680.0000	DOW CHEMICAL CO	04/23/08	04/01/09	5,773.70	26,719.44	(20,945.74)	ST
1,800.0000	ISHARES MSCI EAFE INDEX	04/09/09	04/13/09	73,114.12	72,342.00	772.12	ST
486.0000	ISHARES MSCI EAFE INDEX	04/09/09	04/13/09	19,740.86	19,532.33	208.53	ST
200.0000	ISHARES MSCI EAFE INDEX	04/09/09	04/13/09	8,123.83	8,038.01	85.82	ST
875.0000	BRISTOL-MYERS SQUIBB CO	02/10/04	05/21/09	18,086.57	25,777.77	(7,691.20)	LT
1,575.0000	BRISTOL-MYERS SQUIBB CO	02/11/04	05/21/09	32,555.83	47,191.41	(14,635.58)	LT
50.0000	BRISTOL-MYERS SQUIBB CO	08/17/04	05/21/09	1,033.52	1,158.20	(124.68)	LT

THE BIRK FAMILY FOUNDATION, INC.
I.D. #65-0661100
2009 FORM 990-PF
SCHEDULE TO PART IV, ITEM 1a PAGE 3

INVESTMENTS HELD AS OF DECEMBER 31, 2009

REALIZED CAPITAL GAIN AND LOSS SUMMARY – PAGE 3

65.0000	CONOCOPHILLIPS	01/03/00	05/21/09	2,879.42	1,476.97	1,402.45	LT
235.0000	CONOCOPHILLIPS	01/29/03	05/21/09	10,410.23	5,587.75	4,822.48	LT
187.0000	CONOCOPHILLIPS	01/29/03	05/21/09	8,283.90	4,446.43	3,837.47	LT
700.0000	HSBC USA INC	09/17/08	05/04/09	8,399.78	8,253.00	146.78	ST
1,300.0000	HSBC USA INC	09/17/08	05/06/09	15,599.59	15,327.00	272.59	ST
291.0000	HARTFORD FINL SVCS GROUP	01/03/00	05/21/09	4,429.45	13,151.75	(8,722.30)	LT
500.0000	HARTFORD FINL SVCS GROUP	01/03/00	05/21/09	7,610.76	22,628.75	(15,017.99)	LT
100.0000	HARTFORD FINL SVCS GROUP	07/02/04	05/21/09	1,522.15	6,823.00	(5,300.85)	LT
70.0000	HARTFORD FINL SVCS GROUP	01/23/08	05/21/09	1,065.51	5,288.19	(4,222.68)	LT
1,300.0000	PFIZER INC DEL PV$0.05	04/17/08	05/21/09	19,656.66	26,513.63	(6,856.97)	LT
1,360.0000	PFIZER INC DEL PV$0.05	04/23/08	05/21/09	20,563.89	27,145.19	(6,581.30)	LT
40.0000	PFIZER INC DEL PV$0.05	07/24/08	05/21/09	604.83	761.98	(157.15)	ST
200.0000	US BANCORP	10/08/08	05/12/09	2,999.92	2,612.00	387.92	ST
1,300.0000	US BANCORP	10/09/08	05/12/09	19,499.49	16,978.00	2,521.49	ST
500.0000	US BANCORP	10/10/08	05/12/09	7,499.81	6,045.00	1,454.81	ST
530.0000	VALERO ENERGY CORP NEW	05/21/08	05/21/09	10,950.52	26,670.77	(15,720.25)	ST
500.0000	WAL-MART STORES INC	10/10/08	05/20/09	24,849.36	25,057.00	(207.64)	ST
743.0000	BAKER HUGHES INC	06/03/09	06/04/09	29,579.55	28,877.66	701.89	ST
315.0000	DU PONT E I DE NEMOURS	02/22/06	09/08/09	10,073.72	13,142.59	(3,068.87)	LT
165.0000	DU PONT E I DE NEMOURS	03/10/06	09/08/09	5,276.71	6,756.01	(1,479.30)	LT
285.0000	DU PONT E I DE NEMOURS	03/13/06	09/08/09	9,114.32	11,824.62	(2,710.30)	LT
200.0000	DU PONT E I DE NEMOURS	03/14/06	09/08/09	6,396.01	8,375.82	(1,979.81)	LT
360.0000	DU PONT E I DE NEMOURS	01/23/08	09/08/09	11,512.83	15,882.44	(4,369.61)	LT
100.0000	DU PONT E I DE NEMOURS	10/10/08	09/08/09	3,198.01	3,227.00	(28.99)	ST
100.0000	DU PONT E I DE NEMOURS	10/10/08	09/08/09	3,198.01	3,219.50	(21.49)	ST
275.0000	DU PONT E I DE NEMOURS	10/10/08	09/08/09	8,794.52	8,864.63	(70.11)	ST
200.0000	DU PONT E I DE NEMOURS	10/10/08	09/08/09	6,396.03	6,451.90	(55.87)	ST
611.0000	GENERAL ELECTRIC	09/07/05	09/08/09	8,877.60	20,756.35	(11,878.75)	LT
789.0000	GENERAL ELECTRIC	09/09/05	09/08/09	11,463.88	26,938.03	(15,474.15)	LT
21.0000	GENERAL ELECTRIC	09/09/05	09/08/09	305.12	716 99	(411.87)	LT
740.0000	GENERAL ELECTRIC	09/13/05	09/08/09	10,752.07	25,432.69	(14,680.62)	LT
330.0000	GENERAL ELECTRIC	10/26/05	09/08/09	4,794.84	11,173.24	(6,378.40)	LT
350.0000	GENERAL ELECTRIC	10/23/06	09/08/09	5,085.44	12,464.48	(7,379.04)	LT
159.0000	GENERAL ELECTRIC	10/10/08	09/08/09	2,310.25	2,993.96	(683.71)	ST
1,000.0000	GENERAL ELECTRIC	10/10/08	09/08/09	14,530.23	18,830.01	(4,299.78)	ST
500.0000	JPMORGAN CHASE & CO	08/20/07	12/14/09	20,705.47	23,102.54	(2,397.07)	LT
200.0000	MICROSOFT CORP	08/20/07	12/15/09	6,015.85	5,670.41	345.44	LT
300.0000	MICROSOFT CORP	08/20/07	12/15/09	9,023.77	8,505.63	518.14	LT
100.0000	MICROSOFT CORP	08/20/07	12/15/09	3,007.92	2,835.21	172.71	LT
370.0000	MICROSOFT CORP	08/20/07	12/15/09	11,129.98	10,490.28	639.70	LT

THE BIRK FAMILY FOUNDATION, INC.
I.D. #65-0661100
2008 FORM 990-PF
SCHEDULE TO PART IV, ITEM 1a PAGE 3

INVESTMENTS HELD AS OF DECEMBER 31, 2009

REALIZED CAPITAL GAIN AND LOSS SUMMARY – PAGE 4

Quantity	Security Description	Date of Acquisition	Date of Liquidation	Sale Price	Cost Basis	Gain or (Loss)	
50.0000	MICROSOFT CORP	08/20/07	12/15/09	1,504.08	1,417.61	86.47	LT
450.0000	MICROSOFT CORP	09/06/07	12/15/09	13,536.78	13,035.10	501.68	LT
3,528.0000	NOKIA CORP SPON ADR	07/09/09	12/02/09	46,074.49	50,838.48	(4,763.99)	ST
1,800.0000	NOKIA CORP SPON ADR	10/15/09	12/02/09	23,507.40	24,948.00	(1,440.60)	ST
8.0000	NOKIA CORP SPON ADR	10/15/09	12/02/09	104.48	110.96	(6.48)	ST
200.0000	PROGRESS ENERGY INC	07/25/08	12/14/09	8,375.78	8,242.00	133.78	LT
300.0000	PROGRESS ENERGY INC	07/25/08	12/14/09	12,564.25	12,363.00	201.25	LT
242.0000	VERIZON COMMUNICATNS COM	10/05/00	12/08/09	8,094.69	11,807.22	(3,712.53)	LT
258.0000	VERIZON COMMUNICATNS COM	02/03/04	12/08/09	8,629.88	9,229.85	(599.97)	LT
642.0000	VERIZON COMMUNICATNS COM	02/03/04	12/08/09	21,474.66	22,967.33	(1,492.67)	LT
358.0000	VERIZON COMMUNICATNS COM	04/20/06	12/08/09	11,974.98	11,249.14	725.84	LT
1,000.0000	VODAFONE GROP PLC SP ADR	05/21/09	12/14/09	23,340.90	18,000.00	5,340.90	ST
100.0000	BUCKEYE PARTNERS L P	07/24/08	12/15/09	5,346.86	4,045.00	N/C	
100.0000	BUCKEYE PARTNERS L P	07/24/08	12/15/09	5,346.87	4,046.00	N/C	
500.0000	BUCKEYE PARTNERS L P	07/24/08	12/15/09	26,739.31	20,230.00	N/C	
300.0000	BUCKEYE PARTNERS L P	07/24/08	12/15/09	16,043.59	12,150.00	N/C	

REALIZED CAPITAL GAIN AND LOSS SUMMARY

CURRENT FISCAL YEAR (12/09)	
Short Term	($37,283.85)
Long Term	($72,400.40)

THE BIRK FAMILY FOUNDATION, INC.
I.D. #65-0661100
2009 FORM 990-PF
SCHEDULE TO PART II, ITEM 10b PAGE 2
INVESTMENTS HELD AS OF DECEMBER 31, 2009

ITEM 10b– CORPORATE STOCK – PAGE 1

Quantity	Security Description	Date Acquired	Total/Adj Cost Basis	Fiscal Year Value 12/31/09	Unrealized Gain or (Loss)	Est Annual Income
			Equities			
250	BOEING COMPANY	12/23/09	13,877.50	13,532.50	(345.00)	420.00
200	BOEING COMPANY	12/23/09	11,101.90	10,826.00	(275.90)	336.00
600	BRISTOL-MYERS SQUIBB CO	08/17/04	13,898.47	15,150.00	1,251.53	768.00
880	BRISTOL-MYERS SQUIBB CO	03/07/07	23,874.05	22,220.00	(1,654.05)	1,127.00
1,000	BRISTOL-MYERS SQUIBB CO	10/10/08	16,797.00	25,250.00	8,453.00	1,280.00
20	BRISTOL-MYERS SQUIBB CO	10/10/08	336.00	505.00	169.00	26.00
474	CREDIT SUISSE GP SP ADR	11/27/09	24,944.06	23,301.84	(1,642.22)	28.00
604	CREDIT SUISSE GP SP ADR	12/14/09	30,014.75	29,692.64	(322.11)	36.00
435	CHEVRON CORP	01/03/00	18,054.14	33,490.65	15,436.51	1,184.00
375	CHEVRON CORP	12/24/01	16,691.25	28,871.25	12,180.00	1,020.00
1,500	EMERSON ELEC CO	05/21/09	48,000.00	63,900.00	15,900.00	2,010.00
1,150	FPL GROUP INC	09/25/01	30,729.35	60,743.00	30,013.65	2,174.00
1,500	GENUINE PARTS CO	11/12/09	54,750.00	56,940.00	2,190.00	2,401.00
710	HALLIBURTON COMPANY	07/18/08	33,617.44	21,363.90	(12,253.54)	256.00
1,590	HALLIBURTON COMPANY	06/22/09	32,595.00	47,843.10	15,248.10	573.00
1,500	HONEYWELL INTL INC DEL	05/21/09	48,000.00	58,800.00	10,800.00	1,815.00
100	HUDSON CITY BANCORP INC	12/08/09	1,318.00	1,373.00	55.00	60.00

THE BIRK FAMILY FOUNDATION, INC.
I.D. #65-0661100
2009 FORM 990-PF
SCHEDULE TO PART II, ITEM 10b PAGE 2
INVESTMENTS HELD AS OF DECEMBER 31, 2009

ITEM 10b– CORPORATE STOCK – PAGE 2

Quantity	Security Description	Date Acquired	Cost Basis	Fiscal Year Value 12/31/09	Unrealized Gain or (Loss)	Est Annual Income
			Equities			
3,700	HUDSON CITY BANCORP INC	12/08/09	48,764.15	50,801.00	2,036.85	2,220.00
425	HSBC HLDG PLC SP ADR	12/14/09	24,994.25	24,263.25	(731.00)	723.00
437	HSBC HLDG PLC SP ADR	12/23/09	24,974.16	24,948.33	(25.83)	743.00
584	INTEL CORP	05/21/09	8,906.00	11,913.60	3,007.60	328.00
2,616	INTEL CORP	05/21/09	39,894.00	53,366.40	13,472.40	1,465.00
110	JPMORGAN CHASE & CO	08/20/07	5,082.57	4,583.70	(498.87)	22.00
670	JPMORGAN CHASE & CO	10/30/07	31,246.46	27,918.90	(3,327.56)	135.00
400	JPMORGAN CHASE & CO	11/09/07	17,008.68	16,668.00	(340.68)	81.00
320	JPMORGAN CHASE & CO	12/06/07	14,675.58	13,334.40	(1,341.18)	65.00
300	KRAFT FOODS INC VA CL A	09/23/09	7,931.40	8,154.00	222.60	348.00
100	KRAFT FOODS INC VA CL A	09/23/09	2,643.81	2,718.00	74.19	116.00
400	KRAFT FOODS INC VA CL A	09/23/09	10,575.36	10,872.00	296.64	464.00
500	KRAFT FOODS INC VA CL A	09/23/09	13,219.25	13,590.00	370.75	580.00
700	KRAFT FOODS INC VA CL A	09/23/09	18,507.30	19,026.00	518.70	812.00
439	MORGAN STANLEY	11/27/09	13,560.71	12,994.40	(566.31)	88.00
99	MORGAN STANLEY	11/27/09	3,059.10	2,930.40	(128.70)	20.00
1,100	MORGAN STANLEY	11/27/09	33,989.45	32,560.00	(1,429.45)	221.00

PLEASE SEE REVERSE SIDE

THE BIRK FAMILY FOUNDATION, INC.
I.D. #65-0661100
2009 FORM 990-PF
SCHEDULE TO PART II, ITEM 10b PAGE 2
INVESTMENTS HELD AS OF DECEMBER 31, 2009

ITEM 10b– CORPORATE STOCK – PAGE 3

Quantity	Security Description	Date Acquired	Total/Adj Cost Basis	Fiscal Year Value 12/31/09	Unrealized Gain or (Loss)	Est Annual Income
			Equities			
440	METLIFE INC COM	04/01/08	27,310.54	15,554.00	(11,756.54)	326.00
450	METLIFE INC COM	04/23/08	26,731.04	15,907.50	(10,823.54)	334.00
710	METLIFE INC COM	06/15/09	21,300.00	25,098.50	3,798.50	526.00
540	MARATHON OIL CORP	02/15/08	27,212.17	16,858.80	(10,353.37)	519.00
480	MARATHON OIL CORP	02/19/08	25,311.02	14,985.60	(10,325.42)	461.00
510	MARATHON OIL CORP	02/28/08	27,658.83	15,922.20	(11,736.63)	490.00
170	MARATHON OIL CORP	06/05/09	5,368.60	5,307.40	(61.20)	164.00
570	MICROSOFT CORP	09/06/07	16,511.14	17,373.60	862.46	297.00
1,000	MICROSOFT CORP	09/12/07	29,091.40	30,480.00	1,388.60	520.00
430	MICROSOFT CORP	10/15/07	12,973.96	13,106.40	132.44	224.00
1,200	NOKIA CORP SPON ADR	12/09/09	15,012.00	15,420.00	408.00	472.00
2,800	NOKIA CORP SPON ADR	12/09/09	35,026.04	35,980.00	953.96	1,101.00
1,000	NORTHROP GRUMMAN CORP	06/16/09	47,000.00	55,850.00	8,850.00	1,721.00
200	PROGRESS ENERGY INC	07/25/08	8,242.00	8,202.00	(40.00)	496.00
400	PROGRESS ENERGY INC	07/25/08	16,488.00	16,404.00	(84.00)	992.00
900	PROGRESS ENERGY INC	07/25/08	37,097.10	36,909.00	(188.10)	2,232.00
1,300	PFIZER INC	07/24/08	24,764.35	23,647.00	(1,117.35)	936.00

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THE BIRK FAMILY FOUNDATION, INC.
I.D. #65-0661100
2009 FORM 990-PF
SCHEDULE TO PART II, ITEM 10c PAGE 2
INVESTMENTS HELD AS OF DECEMBER 31, 2009

ITEM 10c CORPORATE BONDS – PAGE 4

Quantity	Security Description	Date Acquired	Total/Adj Cost Basis	Fiscal Year Value 12/31/09	Unrealized Gain or (Loss)	Est Accrued Interest	Est Annual Income
	Corporate Bonds						
25,000	NM BANK AMERICA CORP BE SUBORDINATED SER NOTZ 08.500% FEB 15 2011	07/08/08	25,406.97	25,931.25	524.28	207.64	1,625.00
10,000	HSBC FINANCE CORP SER NOTZ 04.100% AUG 15 2010	07/08/08	9,670.00	10,066.40	396.40	154.89	410.00
50,000	GENERAL ELEC CAP CORP SER MTN GLB 05.250% OCT 19 2012	07/17/08	50,217.51	53,211.00	2,993.49	525.00	2,625.00
15,000	HSBC FINANCE CORP SER NOTE 05.500% APR 15 2011	07/08/08	14,943.75	15,599.40	655.65	174.17	825.00
50,000	AMERICAN EXPRESS SER MTN 05.875% MAY 02 2013	07/18/08	48,876.50	53,658.00	4,781.50	481.42	2,938.00
15,000	NM MORGAN ST DEAN WITTBE SER MTNC 07.500% APR 01 2010	07/08/08	15,093.66	15,133.65	39.99	281.25	1,125.00
2,000	DB CONT CAP TRST II NEW MONEY 06.550% PERPETUAL	09/17/08	26,080.00	41,560.00	15,480.00		3,275.00
1,000	DB CONT CAP TRST II	12/08/09	20,170.00	20,780.00	610.00		1,638.00
500	DB CONT CAP TRST II	12/08/09	10,090.00	10,390.00	300.00		819.00

THE BIRK FAMILY FOUNDATION, INC.
I.D. #65-0661100
2009 FORM 990-PF
SCHEDULE TO PART II, ITEM 10b PAGE 2
INVESTMENTS HELD AS OF DECEMBER 31, 2009

ITEM 10b– CORPORATE STOCK – PAGE 5

Quantity	Security Description	Date Acquired	Total/Adj Cost Basis	Fiscal Year Value 12/31/09	Unrealized Gain or (Loss)	Est Annual Income
			Equities			
66	VEOLIA ENVIRONNEMENT ADR	12/23/09	2,151.26	2,170.08	18.82	95.00
192	VERIZON COMMUNICATNS COM	04/20/06	6,033.07	6,360.96	327.89	365.00
1,308	VERIZON COMMUNICATNS COM	10/10/08	31,378.92	43,334.04	11,955.12	2,486.00
1,500	VODAFONE GROP PLC SP ADR	05/21/09	27,000.00	34,635.00	7,635.00	1,937.00
1,000	VODAFONE GROP PLC SP ADR	11/13/09	22,918.50	23,090.00	171.50	1,292.00
900	BUCKEYE PARTNERS L P	07/24/08	36,450.00	49,005.00	12,555.00	3,330.00
100	BUCKEYE PARTNERS L P	07/24/08	4,051.00	5,445.00	1,394.00	370.00
300	ENTERPRISE PRDTS PRTN LP L P	04/23/09	6,981.00	9,423.00	2,442.00	663.00
100	ENTERPRISE PRDTS PRTN LP L P	04/23/09	2,328.00	3,141.00	813.00	221.00
1,400	ENTERPRISE PRDTS PRTN LP L P	04/23/09	32,620.00	43,974.00	11,354.00	3,095.00
200	ENTERPRISE PRDTS PRTN LP L P	04/23/09	4,662.00	6,282.00	1,620.00	442.00
1,000	ENERGY TRANSFER PTNRS LP	08/01/08	43,030.00	44,970.00	1,940.00	3,575.00
1,800	WASTE MANAGEMENT INC NEW	06/23/09	49,500.00	60,858.00	11,358.00	2,088.00
	Total Equities		1,994,187.39	2,060,650.30	66,462.91	72,930.00

THE BIRK FAMILY FOUNDATION, INC.
I.D. #65-0661100
2009 FORM 990-PF
SCHEDULE TO PART II, ITEM 10c PAGE 2
INVESTMENTS HELD AS OF DECEMBER 31, 2009

ITEM 10c CORPORATE BONDS – PAGE 1

Quantity	Security Description	Date Acquired	Total/Adj Cost Basis	Fiscal Year Value 12/31/09	Unrealized Gain or (Loss)	Est Accrued Interest	Est Annual Income
	Corporate Bonds						
50,000	AMERICAN INTL GROUP INC GLB STEP% MAY 15 2013	07/24/08	46,037.00	46,185.50	148.50		2,125.00
25,000	ALCOA INC GLB 06.500% JUN 01 2011	07/08/08	25,418.48	26,361.50	943.02	135.42	1,625.00
35,000	ALCOA INC 06.000% JUL 15 2013 MOODY'S: BAA3 S&P: BBB-	07/18/08	34,742.75	36,870.05	2,127.30	968.33	2,100.00
59,000	BANK OF AMERICA CORP GLB 06.250% APR 15 2012	03/09/07	60,445.41	63,207.88	2,762.47	778.47	3,688.00
50,000	GOLDMAN SACHS GROUP INC GLB 06 875% JAN 15 2011	05/19/09	51,749.54	53,021.50	1,271.96	1,585.07	3,438.00

THE BIRK FAMILY FOUNDATION, INC.
I.D. #65-0661100
2009 FORM 990-PF
SCHEDULE TO PART II, ITEM 10c PAGE 2
INVESTMENTS HELD AS OF DECEMBER 31, 2009

ITEM 10c CORPORATE BONDS – PAGE 2

Quantity	Security Description	Date Acquired	Total/Adj Cost Basis	Fiscal Year Value 12/31/09	Unrealized Gain or (Loss)	Est Accrued Interest	Est Annual Income
	Corporate Bonds						
60,000	GENERAL ELECTRIC COMPANY GLB 05.000% FEB 01 2013	12/21/04	60,803.43	63,477.60	2,674.17	1,250.00	3,000.00
50,000	HOME DEPOT INC GLB 04.625% AUG 15 2010	05/19/09	50,647.10	51,185.50	538.40	873.61	2,313.00
50,000	COMMONWEALTH EDISON 1ST MORTGAGE SER 105 05.400% DEC 15 2011	05/19/09	51,367.77	53,422.00	2,054.23	120.00	2,700.00
70,000	CITIGROUP SUBORDINATED GLB 04.875% MAY 07 2015	06/22/05	70,732.58	65,982.70	(4,749.88)	511.88	3,413.00
50,000	GENERAL ELEC CAP CORP GLB 05.000% NOV 15 2011	05/19/09	51,189.72	52,813.00	1,623.28	319 44	2,500.00
31,000	MORGAN STANLEY GLB 05.300% MAR 01 2013	07/25/08	29,279.19	32,674.00	3,394.81	547.67	1,643.00
75,000	MORGAN ST DEAN WITTER GLB 06.750% APR 15 2011	09/25/07	76,320.08	79,461.00	3,140.92	1,068.75	5,063.00
55,000	MORGAN STANLEY GLB 04.000% JAN 15 2010	07/28/09	55,059.41	55,040.15	(19.26)	1,014.44	2,200.00

THE BIRK FAMILY FOUNDATION, INC.
I.D. #65-0661100
2009 FORM 990-PF
SCHEDULE TO PART II, ITEM 10c PAGE 2
INVESTMENTS HELD AS OF DECEMBER 31, 2009

ITEM 10c CORPORATE BONDS – PAGE 3

Quantity	Security Description	Date Acquired	Total/Adj Cost Basis	Fiscal Year Value 12/31/09	Unrealized Gain or (Loss)	Est Accrued Interest	Est Annual Income
	Corporate Bonds						
18,000	OHIO POWER COMPANY SR UNSECURED 05.300% NOV 01 2010	07/08/08	17,910.00	18,626.58	716.58	159.00	954.00
9,000	VIRGINIA ELECTRIC &POWER 04 500% DEC 15 2010 MOODY'S BAA1 S&P: A-	05/19/09	9,179 56	9,255.96	76.40	18.00	405.00
50,000	TARGET CORP GLB 05.875% MAR 01 2012	10/20/05	51,047.13	54,176.00	3,128.87	979.17	2,938.00
50,000	WELLS FARGO BANK NA SUBD SER BKNT GLB 06.450% FEB 01 2011	07/24/09		52,802.50		1,343.75	3,225.00
20,000	WASTE MANAGEMENT INC 07.375% AUG 01 2010 MOODY'S: BAA3 S&P: BBB	07/08/08	20,234.85	20,717.20	482.35	614.58	1,475.00
50,000	WASTE MANAGEMENT INC ORIGINAL UNIT/TOTAL COST 105.2500/52,625.00	05/22/09	51,307.45	51,793.00	485.55	1,536.46	3,688.00
50,000	WELLS FARGO COMPANY GLB 04.200% JAN 15 2010	04/30/09	50,046.41	50,043.50	(2.91)	968.33	2,100.00
50,000	WELS FARGO & CO GLB 04.625% AUG 09 2010	05/19/09	50,740.32	51,279.50	539.18	912 15	2,313.00

THE BIRK FAMILY FOUNDATION, INC.
I.D. #65-0661100
2009 FORM 990-PF
SCHEDULE TO PART II, ITEM 10c PAGE 2
INVESTMENTS HELD AS OF DECEMBER 31, 2009

ITEM 10c CORPORATE BONDS – PAGE 4

Quantity	Security Description	Date Acquired	Total/Adj Cost Basis	Fiscal Year Value 12/31/09	Unrealized Gain or (Loss)	Est Accrued Interest	Est Annual Income
	Corporate Bonds						
25,000	NM BANK AMERICA CORP BE SUBORDINATED SER NOTZ 06.500% FEB 15 2011	07/08/08	25,406.97	25,931.25	524.28	207.64	1,625.00
10,000	HSBC FINANCE CORP SER NOTZ 04.100% AUG 15 2010	07/08/08	9,670.00	10,066.40	396.40	154.89	410.00
50,000	GENERAL ELEC CAP CORP SER MTN GLB 05.250% OCT 19 2012	07/17/08	50,217.51	53,211.00	2,993.49	525.00	2,625.00
15,000	HSBC FINANCE CORP SER NOTE 05.500% APR 15 2011	07/08/08	14,943.75	15,599.40	655.65	174.17	825.00
50,000	AMERICAN EXPRESS SER MTN 05.875% MAY 02 2013	07/18/08	48,876.50	53,658.00	4,781.50	481.42	2,938.00
15,000	NM MORGAN ST DEAN WITTE SER MTNC 07.500% APR 01 2010	07/08/08	15,093.66	15,133.65	39.99	281.25	1,125.00
2,000	DB CONT CAP TRST II NEW MONEY 06.550% PERPETUAL	09/17/08	26,080.00	41,560.00	15,480.00		3,275.00
1,000	DB CONT CAP TRST II	12/08/09	20,170.00	20,780.00	610.00		1,638.00
500	DB CONT CAP TRST II	12/08/09	10,090.00	10,390.00	300.00		819.00

PLEASE SEE REVERSE SIDE

THE BIRK FAMILY FOUNDATION, INC.
I.D. #65-0661100
2009 FORM 990-PF
SCHEDULE TO PART II, ITEM 10c PAGE 2
INVESTMENTS HELD AS OF DECEMBER 31, 2009

ITEM 10c CORPORATE BONDS – PAGE 5

Quantity	Security Description	Date Acquired	Total/Adj Cost Basis	Fiscal Year Value 12/31/09	Unrealized Gain or (Loss)	Est Accrued Interest	Est Annual Income
	Corporate Bonds						
4,000	GOLDMAN SACHS GROUP INC NEW MONEY SER D FLT% PERPETUAL	08/12/08	60,000.00	91,360.00	31,360.00		4,088.00
2,000	HSBC FINANCE CORPORATION 06.360% PERPETUAL MOODY'S: BAA2 S&P: BBB	07/09/08	36,280.00	41,280.00	5,000.00		3,180.00
300	HSBC FINANCE CORPORATION	12/08/09	5,937.00	6,192.00	255.00		477.00
700	HSBC FINANCE CORPORATION	12/08/09	13,860.00	14,448.00	588.00		1,113.00
2,000	HCP INC NEW MONEY SER F 07.100% PERPETUAL	09/18/08	35,080.00	45,760.00	10,680.00		3,551.00
1,100	METLIFE INC 3M LIBOR +100, 4% FLOOR NON-CUM FLOAT RATE PFD	09/16/08	13,794.00	26,345.00	12,551.00		1,113.00
900	METLIFE INC	09/17/08	11,286.00	21,555.00	10,269.00		910.00
1,000	METLIFE INC	06/17/09	16,250.00	23,950.00	7,700.00		1,011.00
100	MORGAN STANLEY NEW MONEY SER A FLT% PERPETUAL	09/09/08	1,348.00	2,189.00	841.00		103.00
1,400	MORGAN STANLEY	09/09/08	18,900.00	30,646.00	11,746.00		1,431.00
500	MORGAN STANLEY	09/10/08	6,750.00	10,945.00	4,195.00		511.00
1,000	MORGAN STANLEY	06/17/09	14,500.00	21,890.00	7,390.00		1,022.00

THE BIRK FAMILY FOUNDATION, INC.
I.D. #65-0661100
2009 FORM 990-PF
SCHEDULE TO PART II, ITEM 10c PAGE 2
INVESTMENTS HELD AS OF DECEMBER 31, 2009

ITEM 10c CORPORATE BONDS – PAGE 6

Quantity	Security Description	Date Acquired	Total/Adj Cost Basis	Fiscal Year Value 12/31/09	Unrealized Gain or (Loss)	Est Accrued Interest	Est Annual Income
	Corporate Bonds						
1,000	MORGAN STANLEY	12/08/09	19,250.00	21,890.00	2,640.00		1,022.00
2,000	PNC CAPITAL TRUST D TRUST PFD SECS 06.125% DEC 15 2033	09/17/08	33,409.86	45,099.80	11,689.94		3,063.00
600	PLC CAPITAL TRUST V CUM PFD STK 06.125% JAN 27 2034	08/05/09	9,767.92	11,796.00	2,028.08		919.00
2,400	PLC CAPITAL TRUST V	08/05/09	39,191.67	47,184.00	7,992.33		3,675.00
1,200	PLC CAPITAL TRUST V	12/08/09	21,467.40	23,592.00	2,124.60		1,838.00
2,000	WELLS FARGO CAPITAL IX DEF INT TR ORIG PFD SECS 5.625% APRIL 08 2034	09/17/08	35,040.94	42,060.00	7,019.06		2,813.00
2,153	HSBC FINANCE CORPORATION NEWM 06.000% NOV 30 2033	02/20/09	35,702.12	47,495.18	11,793.06		3,230.00
1,447	HSBC FINANCE CORPORATION	12/08/09	30,652.28	31,920.82	1,268.54		2,171.00
3,000	SANTANDER FINANCE SER 6 NON CUM PFD	05/20/09	27,690.00	60,630.00	32,940.00		3,000.00
1,000	SANTANDER FINANCE	06/17/09	11,300.00	20,210.00	8,910.00		1,000.00

THE BIRK FAMILY FOUNDATION, INC.
I.D. #65-0661100
2009 FORM 990-PF
SCHEDULE TO PART II, ITEM 10c PAGE 2
INVESTMENTS HELD AS OF DECEMBER 31, 2009

ITEM 10c CORPORATE BONDS – PAGE 7

Quantity	Security Description	Date Acquired	Total/Adj Cost Basis	Fiscal Year Value 12/31/09	Unrealized Gain or (Loss)	Est Accrued Interest	Est Annual Income
3,000	US BANCORP SHRS REP 1/1000 SHR SR B FLTR PERP NON CUM	06/17/09	44,700.00	61,590.00	16,890.00		2,682.00
	Total Corporate Bonds		1,676,963.76	1,984,754.12	254,987.86	17,528.89	112,109.00

BIRK FAMILY FOUNDATION, INC.
I.D. #65-0661100
2009 FORM 990-PF
SCHEDULE TO PART I, ITEMS 16a AND 23, PAGE 1

Item 16a	Legal Fees	Drinker Biddle & Reath LLP 500 Campus Drive Florham Park, New Jersey 07932-1047	$ 2,511
Item 23	Other Expenses	Merrill Lynch Investment Management Fee	$17,801
		Philadelphia Ins. Co. (Directors' and Officers' Insurance	$ 764
		The Association of Small Foundations (annual dues)	$ 495
	Total Other Expenses		$19,060