



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



990-PF

Form
Department of the Treasury
Internal Revenue ServiceReturn of Private Foundation
or Section 4947(a)(1) Nonexempt Charitable Trust
Treated as a Private Foundation

OMB No 1545-0052

2009

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

For calendar year 2009, or tax year beginning , 2009, and ending , 20

☒ 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

39-4101591F1972 THE SIMMONS FAMILY FOUNDATION

Number and street (or P O box number if mail is not delivered to street address)

Room/suite

666 5TH AVENUE, FLOOR 12B

City or town, state, and ZIP code

NEW YORK, NY 10103

A Employer identification number

65-6421943

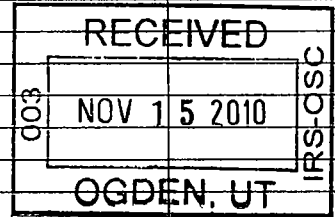
B Telephone number (see page 10 of the instructions)

() -

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) \$ 1,804,415.
 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				
4 Dividends and interest from securities	50,286.	43,963.		STMT 1
5a Gross rents				
b Net rental income or (loss)				
6a Net gain or (loss) from sale of assets not on line 10	-629,890.			
b Gross sales price for all assets on line 6a 318,589.				
7 Capital gain net income (from Part IV, line 2)		NONE		
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) (attach schedule)				
11 Other income (attach schedule)				
12 Total Add lines 1 through 11	-579,604.	43,963.		
Operating and Administrative Expenses				
13 Compensation of officers, directors, trustees, etc.	8,500.	4,250.		4,250.
14 Other employee salaries and wages				
15 Pension plans, employee benefits				
16a Legal fees (attach schedule)				
b Accounting fees (attach schedule) STMT 2	2,147.	NONE	NONE	2,147.
c Other professional fees (attach schedule) STMT 3	30,547.	20,547.		10,000.
17 Interest				
18 Taxes (attach schedule) (see page 14 of the instructions) STMT 4		924.		
19 Depreciation (attach schedule) and depletion				
20 Occupancy				
21 Travel, conferences, and meetings				
22 Printing and publications				
23 Other expenses (attach schedule)				
24 Total operating and administrative expenses. Add lines 13 through 23	41,194.	25,721.	NONE	16,397.
25 Contributions, gifts, grants paid	3,500.			3,500.
26 Total expenses and disbursements Add lines 24 and 25	44,694.	25,721.	NONE	19,897.
27 Subtract line 26 from line 12:				
a Excess of revenue over expenses and disbursements	-624,298.			
b Net investment income (if negative, enter -0-)		18,242.		
c Adjusted net income (if negative, enter -0-)				



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

JSA

Form 990-PF (2009)

9E1410 1 000

CWF859 5880 08/19/2010 14:15:03

39-4101591F1972

4

SCANNED NOV 16 2010

Part II Balance Sheets		Attached schedules and amounts in the description column should be for end-of-year amounts only (See instructions)		Beginning of year	End of year	
		(a) Book Value	(b) Book Value	(c) Fair Market Value		
Assets	1	Cash - non-interest-bearing		96,828.	101,231.	101,231.
	2	Savings and temporary cash investments				
	3	Accounts receivable				
		Less: allowance for doubtful accounts				
	4	Pledges receivable				
		Less: allowance for doubtful accounts				
	5	Grants receivable				
	6	Receivables due from officers, directors, trustees, and other disqualified persons (attach schedule) (see page 16 of the instructions)				
	7	Other notes and loans receivable (attach schedule)				
		Less: allowance for doubtful accounts				
	8	Inventories for sale or use				
	9	Prepaid expenses and deferred charges				
	10 a	Investments - U S and state government obligations (attach schedule)				
	b	Investments - corporate stock (attach schedule)				
	c	Investments - corporate bonds (attach schedule)				
	11	Investments - land, buildings, and equipment basis				
	Less: accumulated depreciation (attach schedule)					
12	Investments - mortgage loans					
13	Investments - other (attach schedule) STMT 5	2,059,375.	1,430,061.	1,703,184.		
14	Land, buildings, and equipment basis					
	Less: accumulated depreciation (attach schedule)					
15	Other assets (describe)					
16	Total assets (to be completed by all filers - see the instructions Also, see page 1, item I)	2,156,203.	1,531,292.	1,804,415.		
Liabilities	17	Accounts payable and accrued expenses				
	18	Grants payable				
	19	Deferred revenue				
	20	Loans from officers, directors, trustees, and other disqualified persons				
	21	Mortgages and other notes payable (attach schedule)				
	22	Other liabilities (describe)				
23	Total liabilities (add lines 17 through 22)					
Net Assets or Fund Balances	Foundations that follow SFAS 117, check here ☐					
	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	2,156,203.	1,531,292.		
	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)	2,156,203.	1,531,292.		
	31	Total liabilities and net assets/fund balances (see page 17 of the instructions)	2,156,203.	1,531,292.		

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	2,156,203.
2	Enter amount from Part I, line 27a	2	-624,298.
3	Other increases not included in line 2 (itemize)	3	
4	Add lines 1, 2, and 3	4	1,531,905.
5	Decreases not included in line 2 (itemize) SEE STATEMENT 6	5	613.
6	Total net assets or fund balances at end of year (line 4 minus line 5) - Part II, column (b), line 30	6	1,531,292.

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 SEE PART IV DETAIL					
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					
b					
c					
d					
e					
Complete only for assets showing gain in column (h) and owned by the foundation on 12/31/69			(i) Gains (Col (h) gain minus col (k), but not less than -0-) or Losses (from col (h))		
(i) FMV as of 12/31/69	(j) Adjusted basis as of 12/31/69	(k) Excess of col (i) over col (j), if any			
a					
b					
c					
d					
e					
2 Capital gain net income or (net capital loss)			2	-629,887.	
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	NONE

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	154,674.	1,871,472.	0.08264831106
2007	132,332.	2,029,596.	0.06520115333
2006	273,416.	2,135,136.	0.12805554307
2005	110,934.	2,178,314.	0.05092654227
2004	116,500.	2,083,075.	0.05592693494
2 Total of line 1, column (d)			2 0.38275848467
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 0.07655169693
4 Enter the net value of noncharitable-use assets for 2009 from Part X, line 5			4 1,562,142.
5 Multiply line 4 by line 3			5 119,585.
6 Enter 1% of net investment income (1% of Part I, line 27b)			6 182.
7 Add lines 5 and 6			7 119,767.
8 Enter qualifying distributions from Part XII, line 4			8 19,897.

If line 8 is equal to or greater than line 7, check the box in Part VI, line 1b, and complete that part using a 1% tax rate. See the Part VI instructions on page 18.

Part VI Excise Tax Based on Investment Income (Section 4940(a), 4940(b), 4940(e), or 4948 - see page 18 of the instructions)

1a	Exempt operating foundations described in section 4940(d)(2), check here ☐ and enter "N/A" on line 1 Date of ruling or determination letter _____ (attach copy of ruling letter if necessary - see instructions)		
b	Domestic foundations that meet the section 4940(e) requirements in Part V, check here ☐ and enter 1% of Part I, line 27b	1	365.
c	All other domestic foundations enter 2% of line 27b. Exempt foreign organizations enter 4% of Part I, line 12, col (b)		
2	Tax under section 511 (domestic section 4947(a)(1) trusts and taxable foundations only Others enter -0-) . . .	2	
3	Add lines 1 and 2	3	365.
4	Subtitle A (income) tax (domestic section 4947(a)(1) trusts and taxable foundations only Others enter -0-) . . .	4	NONE
5	Tax based on investment income. Subtract line 4 from line 3. If zero or less, enter -0-	5	365.
6	Credits/Payments:		
a	2009 estimated tax payments and 2008 overpayment credited to 2009	6a	636.
b	Exempt foreign organizations-tax withheld at source	6b	NONE
c	Tax paid with application for extension of time to file (Form 8868)	6c	179.
d	Backup withholding erroneously withheld	6d	
7	Total credits and payments. Add lines 6a through 6d	7	815.
8	Enter any penalty for underpayment of estimated tax. Check here ☐ if Form 2220 is attached	8	
9	Tax due. If the total of lines 5 and 8 is more than line 7, enter amount owed	9	
10	Overpayment. If line 7 is more than the total of lines 5 and 8, enter the amount overpaid	10	450.
11	Enter the amount of line 10 to be Credited to 2010 estimated tax ▶ 368. Refunded ▶	11	82.

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?	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)? 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	1b	X
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
4a 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
8a Enter the states to which the foundation reports or with which it is registered (see page 19 of the instructions) ▶ STMT 7		
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

Form 990-PF (2009)

Part VII-A Statements Regarding Activities (continued)

11	At any time during the year, did the foundation, directly or indirectly, own a controlled entity within the meaning of section 512(b)(13)? If "Yes," attach schedule (see page 20 of the instructions)	11		X
12	Did the foundation acquire a direct or indirect interest in any applicable insurance contract before August 17, 2008?	12		X
13	Did the foundation comply with the public inspection requirements for its annual returns and exemption application?	13	X	
Website address ▶ N/A				
14	The books are in care of ▶ CITI TRUST - DELAWARE, N.A. Telephone no ▶ (800) 770-8444			
Located at ▶ 666 5TH AVENUE, FLOOR 12B, NEW YORK, NY ZIP + 4 ▶ 10103				
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)?	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 ▶		
b Are there any years listed in 2a for which the foundation is not applying the provisions of section 4942(a)(2) (relating to incorrect valuation of assets) to the year's undistributed income? (If applying section 4942(a)(2) to all years listed, answer "No" and attach statement - see page 20 of the instructions)	2b	X
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)	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

Form 990-PF (2009)

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)? ☐ Yes ☒ No
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? ☐ Yes ☒ No
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? ☐ Yes ☒ No

5b N/A

6b X

7b N/A

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 STATEMENT 8		8,500.	-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
SEE STATEMENT 9		NONE	NONE	NONE

Total number of other employees paid over \$50,000 ☐ NONE

Form 990-PF (2009)

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
SEE STATEMENT 10		NONE
Total number of others receiving over \$50,000 for professional services		NONE

Part IX-A Summary of Direct Charitable Activities

List the foundation's four largest direct charitable activities during the tax year. Include relevant statistical information such as the number of organizations and other beneficiaries served, conferences convened, research papers produced, etc.	Expenses
1 NONE	
2	
3	
4	

Part IX-B Summary of Program-Related Investments (see page 23 of the instructions)

Describe the two largest program-related investments made by the foundation during the tax year on lines 1 and 2	Amount
1 NONE	
2	
All other program-related investments See page 24 of the instructions	
3 NONE	
Total. Add lines 1 through 3	

Form 990-PF (2009)

Part X Minimum Investment Return (All domestic foundations must complete this part. Foreign foundations, see page 24 of the instructions.)

1	Fair market value of assets not used (or held for use) directly in carrying out charitable, etc., purposes		
a	Average monthly fair market value of securities	1a	1,253,074.
b	Average of monthly cash balances	1b	332,857.
c	Fair market value of all other assets (see page 24 of the instructions)	1c	NONE
d	Total (add lines 1a, b, and c)	1d	1,585,931.
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	NONE
3	Subtract line 2 from line 1d	3	1,585,931.
4	Cash deemed held for charitable activities. Enter 1 1/2% of line 3 (for greater amount, see page 25 of the instructions)	4	23,789.
5	Net value of noncharitable-use assets. Subtract line 4 from line 3. Enter here and on Part V, line 4	5	1,562,142.
6	Minimum investment return. Enter 5% of line 5	6	78,107.

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	78,107.
2a	Tax on investment income for 2009 from Part VI, line 5	2a	365.
b	Income tax for 2009 (This does not include the tax from Part VI)	2b	
c	Add lines 2a and 2b	2c	365.
3	Distributable amount before adjustments. Subtract line 2c from line 1	3	77,742.
4	Recoveries of amounts treated as qualifying distributions	4	NONE
5	Add lines 3 and 4	5	77,742.
6	Deduction from distributable amount (see page 25 of the instructions)	6	NONE
7	Distributable amount as adjusted. Subtract line 6 from line 5. Enter here and on Part XIII, line 1	7	77,742.

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	19,897.
b	Program-related investments - total from Part IX-B	1b	
2	Amounts paid to acquire assets used (or held for use) directly in carrying out charitable, etc., purposes	2	NONE
3	Amounts set aside for specific charitable projects that satisfy the:		
a	Suitability test (prior IRS approval required)	3a	NONE
b	Cash distribution test (attach the required schedule)	3b	NONE
4	Qualifying distributions. Add lines 1a through 3b. Enter here and on Part V, line 8, and Part XIII, line 4	4	19,897.
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	N/A
6	Adjusted qualifying distributions. Subtract line 5 from line 4	6	19,897.

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				77,742.
2 Undistributed income, if any, as of the end of 2009				
a Enter amount for 2008 only			NONE	
b Total for prior years 20____, 20____, 20____		NONE		
3 Excess distributions carryover, if any, to 2009				
a From 2004	9,553.			
b From 2005	4,620.			
c From 2006	169,357.			
d From 2007	39,506.			
e From 2008	62,368.			
f Total of lines 3a through e	285,404.			
4 Qualifying distributions for 2009 from Part XII, line 4 ▶ \$ 19,897.				
a Applied to 2008, but not more than line 2a			NONE	
b Applied to undistributed income of prior years (Election required - see page 26 of the instructions)		NONE		
c Treated as distributions out of corpus (Election required - see page 26 of the instructions)	NONE			
d Applied to 2009 distributable amount				19,897.
e Remaining amount distributed out of corpus	NONE			
5 Excess distributions carryover applied to 2009 . (If an amount appears in column (d), the same amount must be shown in column (a))	57,845.			57,845.
6 Enter the net total of each column as indicated below:				
a Corpus Add lines 3f, 4c, and 4e Subtract line 5	227,559.			
b Prior years' undistributed income Subtract line 4b from line 2b		NONE		
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		NONE		
d Subtract line 6c from line 6b Taxable amount - see page 27 of the instructions		NONE		
e Undistributed income for 2008. Subtract line 4a from line 2a Taxable amount - see page 27 of the instructions			NONE	
f Undistributed income for 2009 Subtract lines 4d and 5 from line 1 This amount must be distributed in 2010				NONE
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)	NONE			
8 Excess distributions carryover from 2004 not applied on line 5 or line 7 (see page 27 of the instructions)	NONE			
9 Excess distributions carryover to 2010. Subtract lines 7 and 8 from line 6a	227,559.			
10 Analysis of line 9				
a Excess from 2005	NONE			
b Excess from 2006	125,685.			
c Excess from 2007	39,506.			
d Excess from 2008	62,368.			
e Excess from 2009				

Form 990-PF (2009)

Part XIV Private Operating Foundations (see page 27 of the instructions and Part VII-A, question 9) **NOT APPLICABLE**

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

b Check box to indicate whether the foundation is a private operating foundation described in section

4942(j)(3) or

4942(j)(5)

2a Enter the lesser of the adjusted net income from Part I or the minimum investment return from Part X for each year listed

Tax year	Prior 3 years				(e) Total
	(a) 2009	(b) 2008	(c) 2007	(d) 2006	
b 85% of line 2a					
c Qualifying distributions from Part XII, line 4 for each year listed					
d Amounts included in line 2c not used directly for active conduct of exempt activities					
e Qualifying distributions made directly for active conduct of exempt activities. Subtract line 2d from line 2c					
3 Complete 3a, b, or c for the alternative test relied upon					
a "Assets" alternative test - enter					
(1) Value of all assets					
(2) Value of assets qualifying under section 4942(j)(3)(B)(i).					
b "Endowment" alternative test - enter 2/3 of minimum investment return shown in Part X, line 6 for each year listed					
c "Support" alternative test - enter					
(1) Total support other than gross investment income (interest, dividends, rents, payments on securities loans (section 512(a)(5)), or royalties).					
(2) Support from general public and 5 or more exempt organizations as provided in section 4942(j)(3)(B)(iii).					
(3) Largest amount of support from an exempt organization					
(4) Gross investment income					

Part XV Supplementary Information (Complete this part only if the foundation had \$5,000 or more in assets at any time during the year - see page 28 of the instructions.)**1 Information Regarding Foundation Managers:**

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

N/A

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

N/A

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

SEE STATEMENT 11

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

SEE ATTACHED STATEMENT FOR LINE 2

c Any submission deadlines

SEE ATTACHED STATEMENT FOR LINE 2

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

SEE ATTACHED STATEMENT FOR LINE 2

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 Paid during the year SEE STATEMENT 12				
Total			▶ 3a	3,500.
b Approved for future payment				
Total			▶ 3b	

Form **990-PF** (2009)

[illegible]

(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 29 of the instructions.)
---------------------	--

NOT APPLICABLE

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

Robert Simmons
Signature of officer or trustee

04/11/2010
Date

Trustee
Title

Sign Here

Paid Preparer's Use Only	
--------------------------------	--

Preparer's
signature

Jeffrey E. Kuhlman
JEKPMG LLP

Date _____

08/19/2010

Check if self-employed ☐

Preparer's identifying
number (See **Signature** on
page 30 of the instructions)
P00353001

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

KPMG LLP
P.O. BOX 6768
PROVIDENCE, RI

02940

EIN ► 13-5565207

Phone no 800-770-8444

Form **990-PF** (2009)

FORM 990-PF - PART IV
CAPITAL GAINS AND LOSSES FOR TAX ON INVESTMENT INCOME

Kind of Property		Description				P or D	Date acquired	Date sold
Gross sale price less expenses of sale	Depreciation allowed/ allowable	Cost or other basis	FMV as of 12/31/69	Adj basis as of 12/31/69	Excess of FMV over adj basis		Gain or (loss)	
1,506.00		15. ISHARES BARCLAYS TIPS BOND FUND PROPERTY TYPE: SECURITIES 1,515.00					05/27/2009 -9.00	05/28/2009
2,951.00		104. ISHARES TR RUSSELL MIDCAP VALUE IND PROPERTY TYPE: SECURITIES 2,985.00					05/27/2009 -34.00	05/28/2009
3,993.00		112. ISHARES TR RUSSELL MIDCAP GROWTH ID PROPERTY TYPE: SECURITIES 4,029.00					05/27/2009 -36.00	05/28/2009
11,566.00		245. ISHARES TRUST RUSSELL 1000 VALUE IN PROPERTY TYPE: SECURITIES 11,627.00					05/27/2009 -61.00	05/28/2009
14,077.00		352. ISHARES TRUST RUSSELL 1000 GROWTH I PROPERTY TYPE: SECURITIES 14,143.00					05/27/2009 -66.00	05/28/2009
1,281.00		28. ISHARES TRUST RUSSELL 2000 VALUE IND PROPERTY TYPE: SECURITIES 1,310.00					05/27/2009 -29.00	05/28/2009
2,531.00		47. ISHARES TRUST RUSSELL 2000 GROWTH IN PROPERTY TYPE: SECURITIES 2,565.00					05/27/2009 -34.00	05/28/2009
6,145.00		80. VANGUARD BD IDX FD TOTAL BD MKT ETF PROPERTY TYPE: SECURITIES 6,164.00					05/27/2009 -19.00	05/28/2009
10,660.00		333. VANGUARD INTL EMERGING MKTS ETF PROPERTY TYPE: SECURITIES 10,535.00					05/27/2009 125.00	05/28/2009
985.00		22. VANGUARD INTL EQTY IDX FD PAC ETF PROPERTY TYPE: SECURITIES 995.00					05/27/2009 -10.00	05/28/2009
5,721.00		141. VANGUARD EUROPEAN ETF PROPERTY TYPE: SECURITIES 5,723.00					05/27/2009 -2.00	05/28/2009

FORM 990-PF - PART IV
CAPITAL GAINS AND LOSSES FOR TAX ON INVESTMENT INCOME

Kind of Property		Description				Date acquired	Date sold
Gross sale price less expenses of sale	Depreciation allowed/allowable	Cost or other basis	FMV as of 12/31/69	Adj basis as of 12/31/69	Excess of FMV over adj basis	Gain or (loss)	
2,222.00		55. ISHARES TR RUSSELL MIDCAP GROWTH IDX PROPERTY TYPE: SECURITIES 1,979.00				05/27/2009 243.00	08/21/2009
85,049.00		1599. ISHARES TRUST RUSSELL 1000 VALUE I PROPERTY TYPE: SECURITIES 75,883.00				05/27/2009 9,166.00	08/21/2009
145,212.00		3278. ISHARES TRUST RUSSELL 1000 GROWTH PROPERTY TYPE: SECURITIES 131,709.00				05/27/2009 13,503.00	08/21/2009
21,002.00		267. VANGUARD BD IDX FD TOTAL BD MKT ETF PROPERTY TYPE: SECURITIES 20,574.00				05/27/2009 428.00	08/21/2009
3,688.00		79. VANGUARD EUROPEAN ETF PROPERTY TYPE: SECURITIES 3,206.00				05/27/2009 482.00	08/21/2009
		. WACHOVIA BANK PROPERTY TYPE: SECURITIES 24,833.00					12/31/2009 -24,833.00
		. WACHOVIA BANK PROPERTY TYPE: SECURITIES 628,701.00					12/31/2009 -628701.00
TOTAL GAIN(LOSS)						----- -629,887. =====	

FORM 990PF, PART I - DIVIDENDS AND INTEREST FROM SECURITIES
=====

DESCRIPTION -----	REVENUE AND EXPENSES PER BOOKS -----	NET INVESTMENT INCOME -----
DIVIDENDS & INTEREST	50,286.	43,963.
	-----	-----
TOTAL	50,286.	43,963.
	=====	=====

FORM 990PF, PART I - ACCOUNTING FEES

=====

DESCRIPTION	REVENUE AND EXPENSES PER BOOKS	NET INVESTMENT INCOME	ADJUSTED NET INCOME	CHARITABLE PURPOSES
-----	-----	-----	-----	-----
WACHOVIA/TAX PREP	2,147.			2,147.
	-----	-----	-----	-----
TOTALS	2,147.	NONE	NONE	2,147.
	=====	=====	=====	=====

FORM 990PF, PART I - OTHER PROFESSIONAL FEES

=====

DESCRIPTION	REVENUE AND EXPENSES PER BOOKS	NET INVESTMENT INCOME	CHARITABLE PURPOSES
-----	-----	-----	-----
CONSULTING FEES	10,000.		10,000.
CITI IM FEES	14,501.	14,501.	
WACHOVIA IM FEES	6,046.	6,046.	
	-----	-----	-----
TOTALS	30,547.	20,547.	10,000.
	=====	=====	=====

FORM 990PF, PART I - TAXES
=====

DESCRIPTION -----	REVENUE AND EXPENSES PER BOOKS -----	NET INVESTMENT INCOME -----
FOREIGN TAXES		924.
	-----	-----
TOTALS	-----	924.
	=====	=====

FORM 990PF, PART II - OTHER INVESTMENTS

=====

COST/
FMV

C OR F

DESCRIPTION

ENDING

BOOK VALUE

FMV

SEE ATTACHED STATEMENT

C

1,703,184.

TOTALS

1,430,061.

1,703,184.

=====

=====

FORM 990PF, PART III - OTHER DECREASES IN NET WORTH OR FUND BALANCES

=====

DESCRIPTION

AMOUNT

MISCELLANEOUS ADJUSTMENT/WACHOVIA

613.

TOTAL

613.

=====

STATE(S) WHERE THE FOUNDATION IS REGISTERED
=====

FL

FORM 990PF, PART VIII - LIST OF OFFICERS, DIRECTORS, AND TRUSTEES

=====

OFFICER NAME:

KHARI SIMMONS

T

ADDRESS:

241 ROYAL PALM WAY

PALM BEACH, FL 33480

TITLE:

CO-TRUSTEE, AS REQ'D

COMPENSATION 2,500.

OFFICER NAME:

MAYA SIMMONS

T

ADDRESS:

241 ROYAL PALM WAY

PALM BEACH, FL 33480

TITLE:

CO --TRUSTEE, AS REQ'D

COMPENSATION 6,000.

TOTAL COMPENSATION: 8,500.

=====

990PF, PART VIII - COMPENSATION OF THE FIVE HIGHEST PAID EMPLOYEES

=====

EMPLOYEE NAME:

NONE

990PF, PART VIII- COMPENSATION OF THE FIVE HIGHEST PAID PROFESSIONALS

=====

NAME:

NONE

RECIPIENT NAME:

SIMMONS FAMILY FOUNDATION, ATTN: NORBERT SIMMONS

ADDRESS:

5325 FISHER ILLAND DRIVE

MIAMI, FL 33109-0297

FORM, INFORMATION AND MATERIALS:

NO GEOGRAPHIC LIMITS; EDUCATIONAL & HEALTH ORGANIZATIONS THAT
BENEFIT CHILDREN FROM DISADVANTAGED NEIGHBORHOODS ARE
GIVEN PREFERENCE. LOCAL & NATIONAL CHARITIES CONSIDERED.

SUBMISSION DEADLINES:

NONE

RESTRICTIONS OR LIMITATIONS ON AWARDS:

MUST BE EXEMPT ORGANIZATIONS. THE FOUNDATION DOES NOT HAVE
SPECIFIC PROGRAMS FOR SCHOLARSHIPS.

RECIPIENT NAME:

G. CARMA INC.

RELATIONSHIP:

NONE

PURPOSE OF GRANT:

GENERAL CHARITABLE PURPOSES

FOUNDATION STATUS OF RECIPIENT:

N/A

AMOUNT OF GRANT PAID 2,000.

RECIPIENT NAME:

CARE CD PROJECT

RELATIONSHIP:

NONE

PURPOSE OF GRANT:

GENERAL CHARITABLE PURPOSES

FOUNDATION STATUS OF RECIPIENT:

N/A

AMOUNT OF GRANT PAID 1,500.

TOTAL GRANTS PAID: 3,500.
=====

SCHEDULE D
(Form 1041)

Department of the Treasury
Internal Revenue Service

Capital Gains and Losses

► **Attach to Form 1041, Form 5227, or Form 990-T. See the instructions for Schedule D (Form 1041) (also for Form 5227 or Form 990-T, if applicable).**

OMB No 1545-0092

2009

Name of estate or trust

39-4101591F1972 THE SIMMONS FAMILY FOUNDATION

Employer identification number

65-6421943

Note: Form 5227 filers need to complete *only* Parts I and II.

Part I Short-Term Capital Gains and Losses - Assets Held One Year or Less

(a) Description of property (Example 100 shares 7% preferred of "Z" Co)	(b) Date acquired (mo , day, yr)	(c) Date sold (mo , day, yr)	(d) Sales price	(e) Cost or other basis (see page 4 of the instructions)	(f) Gain or (loss) for the entire year Subtract (e) from (d)
1a					
b Enter the short-term gain or (loss), if any, from Schedule D-1, line 1b				1b	-1,186.
2 Short-term capital gain or (loss) from Forms 4684, 6252, 6781, and 8824				2	
3 Net short-term gain or (loss) from partnerships, S corporations, and other estates or trusts				3	
4 Short-term capital loss carryover. Enter the amount, if any, from line 9 of the 2008 Capital Loss Carryover Worksheet				4	()
5 Net short-term gain or (loss). Combine lines 1a through 4 in column (f). Enter here and on line 13, column (3) on the back				5	-1,186.

Part II Long-Term Capital Gains and Losses - Assets Held More Than One Year

(a) Description of property (Example 100 shares 7% preferred of "Z" Co)	(b) Date acquired (mo , day, yr)	(c) Date sold (mo , day, yr)	(d) Sales price	(e) Cost or other basis (see page 4 of the instructions)	(f) Gain or (loss) for the entire year Subtract (e) from (d)
6a					
b Enter the long-term gain or (loss), if any, from Schedule D-1, line 6b				6b	-628,701.
7 Long-term capital gain or (loss) from Forms 2439, 4684, 6252, 6781, and 8824				7	
8 Net long-term gain or (loss) from partnerships, S corporations, and other estates or trusts				8	
9 Capital gain distributions				9	
10 Gain from Form 4797, Part I				10	
11 Long-term capital loss carryover. Enter the amount, if any, from line 14 of the 2008 Capital Loss Carryover Worksheet				11	()
12 Net long-term gain or (loss). Combine lines 6a through 11 in column (f). Enter here and on line 14a, column (3) on the back				12	-628,701.

For Paperwork Reduction Act Notice, see the Instructions for Form 1041

Schedule D (Form 1041) 2009

Part III Summary of Parts I and II		(1) Beneficiaries' (see page 5)	(2) Estate's or trust's	(3) Total
Caution: Read the instructions before completing this part.				
13	Net short-term gain or (loss)	13		-1,186.
14	Net long-term gain or (loss):			
a	Total for year	14a		-628,701.
b	Unrecaptured section 1250 gain (see line 18 of the wrksht)	14b		
c	28% rate gain	14c		
15	Total net gain or (loss). Combine lines 13 and 14a ▶	15		-629,887.

Note: If line 15, column (3), is a net gain, enter the gain on Form 1041, line 4 (or Form 990-T, Part I, line 4a). If lines 14a and 15, column (2), are net gains, go to Part V, and do not complete Part IV. If line 15, column (3), is a net loss, complete Part IV and the **Capital Loss Carryover Worksheet**, as necessary.

Part IV Capital Loss Limitation

16	Enter here and enter as a (loss) on Form 1041, line 4 (or Form 990-T, Part I, line 4c, if a trust), the smaller of:	16	(3,000)
a	The loss on line 15, column (3) or b \$3,000		

Note: If the loss on line 15, column (3), is more than \$3,000, or if Form 1041, page 1, line 22 (or Form 990-T, line 34), is a loss, complete the **Capital Loss Carryover Worksheet** on page 7 of the instructions to figure your capital loss carryover.

Part V Tax Computation Using Maximum Capital Gains Rates

Form 1041 filers. Complete this part **only** if both lines 14a and 15 in column (2) are gains, or an amount is entered in Part I or Part II and there is an entry on Form 1041, line 2b(2), and Form 1041, line 22, is more than zero.

Caution: Skip this part and complete the worksheet on page 8 of the instructions if

- Either line 14b, col. (2) or line 14c, col. (2) is more than zero, or
- Both Form 1041, line 2b(1), and Form 4952, line 4g are more than zero.

Form 990-T trusts. Complete this part **only** if both lines 14a and 15 are gains, or qualified dividends are included in income in Part I of Form 990-T, and Form 990-T, line 34, is more than zero. Skip this part and complete the worksheet on page 8 of the instructions if either line 14b, col. (2) or line 14c, col. (2) is more than zero.

17	Enter taxable income from Form 1041, line 22 (or Form 990-T, line 34)	17		
18	Enter the smaller of line 14a or 15 in column (2) but not less than zero	18		
19	Enter the estate's or trust's qualified dividends from Form 1041, line 2b(2) (or enter the qualified dividends included in income in Part I of Form 990-T)	19		
20	Add lines 18 and 19	20		
21	If the estate or trust is filing Form 4952, enter the amount from line 4g; otherwise, enter -0- ▶	21		
22	Subtract line 21 from line 20. If zero or less, enter -0-	22		
23	Subtract line 22 from line 17. If zero or less, enter -0-	23		
24	Enter the smaller of the amount on line 17 or \$2,300	24		
25	Is the amount on line 23 equal to or more than the amount on line 24? ☐ Yes. Skip lines 25 and 26; go to line 27 and check the "No" box ☐ No. Enter the amount from line 23	25		
26	Subtract line 25 from line 24	26		
27	Are the amounts on lines 22 and 26 the same? ☐ Yes. Skip lines 27 thru 30, go to line 31 ☐ No. Enter the smaller of line 17 or line 22	27		
28	Enter the amount from line 26 (If line 26 is blank, enter -0-)	28		
29	Subtract line 28 from line 27	29		
30	Multiply line 29 by 15% (15)	30		
31	Figure the tax on the amount on line 23. Use the 2009 Tax Rate Schedule for Estates and Trusts (see the Schedule G instructions in the instructions for Form 1041)	31		
32	Add lines 30 and 31	32		
33	Figure the tax on the amount on line 17. Use the 2009 Tax Rate Schedule for Estates and Trusts (see the Schedule G instructions in the instructions for Form 1041)	33		
34	Tax on all taxable income. Enter the smaller of line 32 or line 33 here and on Form 1041, Schedule G, line 1a (or Form 990-T, line 36)	34		

Schedule D (Form 1041) 2009

Department of the Treasury
Internal Revenue Service

▶ See instructions for Schedule D (Form 1041).
▶ Attach to Schedule D to list additional transactions for lines 1a and 6a.

2009

Name of estate or trust

39-4101591F1972 THE SIMMONS FAMILY FOUNDATION

Employer identification number

65-6421943

Part I Short-Term Capital Gains and Losses - Assets Held One Year or Less[illegible]

1b Total Combine the amounts in column (f). Enter here and on Schedule D, line 1b	-1,186.00
--	-----------

For Paperwork Reduction Act Notice, see the Instructions for Form 1041.

Schedule D-1 (Form 1041) 2009

Employer identification number

65-6421943

[illegible]

Schedule D-1 (Form 1041) 2009

ACCT 443P 3025889073
FROM 01/03/2009
TO 08/03/2009

WACHOVIA BANK, N.A.
STATEMENT OF CAPITAL GAINS AND LOSSES
THE SIMMONS FAMILY FOUNDATION

PAGE 15

RUN 01/04/2010
08:48 04 AM

TRUST YEAR ENDING 08/03/2009

TAX PREPARER: 6390
TRUST ADMINISTRATOR: 716
INVESTMENT OFFICER: 5970

LEGEND F - FEDERAL S - STATE I - INHERITED
E - EXEMPT FROM STATE U - ACQ COST UNKNOWN

PROPERTY DESCRIPTION	SHARES	DATE	SALES PRICE	COST BASIS	GAIN/LOSS	TERM
11822 6600 PIMCO FDS PAC INVT MGMT SER TOTAL RETURN FD INSTL CL - 693390700 - MINOR = 73						
SOLD		01/30/2009	120000 00			
ACQ	11822.6600	12/11/2007	120000 00	126620 69	-6620 69	LT15
6688 2600 AMERICAN CENTURY SMALL CAP GROWTH FUND I - 025083320 - MINOR = 78						
SOLD		04/24/2009	12973 12			
ACQ	6688 2600	08/03/2007	12973 12	54977 50	-22004 38	LT15
8317 5720 ARTJO INTERNATIONAL EQUITY II-I - 043153817 - MINOR = 93						
SOLD		01/24/2009	75440 38			
ACQ	7527 5040	12/28/2007	68274 46	130000 00	-61725 54	LT15
	790 0680	02/03/2009	7165 92	7000 00	165.92	ST
6861 0930 EVERGREEN INTL BOND FUND CL J (FD H460) - 299908830 - MINOR = 73						
SOLD		04/24/2009	69434 26			
ACQ	4197 5850	07/20/2005	42479 56	44074 64	-1595 08	LT15
	743 9460	08/03/2007	7528 73	8138 77	-610 04	LT15
	1919 5620	09/05/2007	19425.97	21000 00	-1574 03	LT15
15083 6450 GOLDMAN SACHS LARGE CAP VALUE FUND INSTITUTIONAL SHARES - 381429773 - MINOR = 78						
SOLD		04/24/2009	122931 71			
ACQ	14224 7500	12/28/2007	115931 71	200000 00	-84068 29	LT15
	858 8960	02/03/2009	7000 00	7000 00	0 00	ST
2013 1260 HARBOR INTERNATIONAL FUND - 413511106 - MINOR = 93						
SOLD		04/24/2009	76498 78			
ACQ	1811 8820	12/28/2007	68965 51	130000 00	-61034 49	LT15
	198 2440	02/03/2009	7533 27	7000 00	533.27	ST
9139 3960 ING INTERNATIONAL REAL ESTATE - 449800518 - MINOR = 74						
SOLD		04/24/2009	55933 10			
ACQ	6721 4340	12/11/2007	41115 17	90000 00	-48864 83	LT15
	2417 9620	02/03/2009	14797 93	14000 00	797 93	ST
7263 1240 ING REAL ESTATE FUND CL I - 449810706 - MINOR = 74						
SOLD		04/24/2009	58395 52			
ACQ	4916 3180	07/21/2008	39527 20	70500 00	-30972 80	ST
	2346 8060	02/03/2009	18868 32	18000 00	868 32	ST
9256 5380 JPMORGAN EMERG MARK DEBT-SEL - 4832A0748 - MINOR = 73						
SOLD		09/24/2009	57946 55			
ACQ	5952 4910	09/18/2007	43522 59	60000 00	-16477 41	LT15
	2304 1870	12/11/2007	14423 96	20000 00	-5576 04	LT15
30300 6170 PIMCO FDS PAC INVT MGMT SER TOTAL RETURN FD INSTL CL - 693390700 - MINOR = 73						
SOLD		04/24/2009	309066 50			
ACQ	30300 6370	12/11/2007	309066 50	324519 82	-15453 32	LT15
10260 1880 PIMCO FDS PAC INVT MGMT SER HIGH YLD FD INSTL CL - 693390847 - MINOR = 73						
SOLD		04/24/2009	70487 49			
ACQ	4639 4500	07/20/2005	31873 02	45930 56	-14057 54	LT15
	3407 8820	08/03/2007	23412 15	32000 00	-8587 85	LT15
	2212 8560	09/05/2007	15207 12	21000 00	-5797 68	LT15
7424 0750 PIMCO COMMODITY REALRETURN STRATEGY FD I - 722005667 - MINOR = 74						
SOLD		04/24/2009	47514 08			
ACQ	3278 6890	09/18/2007	20983 61	50000 00	-29016 39	LT15
	1872 6590	12/11/2007	11985 02	10000 00	-18014 98	LT15
	2272 7270	07/03/2009	14545 45	14000 00	545.45	ST
5257 9990 ROWE T PRICE BLUE CHIP GROWTH FD INC - 779540106 - MINOR = 78						
SOLD		04/24/2009	131239 66			
ACQ	2479 5440	12/11/2007	61889 42	100000 00	-38110 58	LT15
	2470 3560	12/28/2007	61660 09	100000 00	-38339 91	LT15
	308 0990	02/03/2009	7690 15	7000 00	690 15	ST
3482 2980 ROYCE PREMIER FD CL W - 780905451 - MINOR = 78						
SOLD		01/24/2009	44051 07			
ACQ	3482 2980	12/11/2007	44051 07	60000 00	-15948 93	LT15
4948 3180 SSGA EMERGING MARKETS FUND CL S - 784924425 - MINOR = 93						
SOLD		04/24/2009	63684 84			
ACQ	3306 8780	09/18/2007	42559 51	100000 00	-57440 49	LT15
	330 5790	12/28/2007	4254 55	10000 00	-5745 45	LT15
	1310 8610	02/03/2009	16870 78	14000 00	2870 78	ST
10140 6140 TOUCHSTONE MID CAP FUND CL Y - 89155H793 - MINOR = 78						
SOLD		04/24/2009	94206 29			
ACQ	5701 2550	09/18/2007	52964 65	100000 00	-47035 35	LT15
	2860 4120	12/28/2007	26573 22	50000 00	-23426 78	LT15
	1578 9470	02/01/2009	14668 42	15000 00	-331 58	ST
6529 9570 VANGUARD INFLATION-PROTECTED SECURITIES - 922031869 - MINOR = 73						
SOLD		04/24/2009	78424 78			
ACQ	4926 1080	09/18/2007	59162 55	60000 00	-837 45	LT15
	1603 8490	12/11/2007	19262.23	20000 00	-737 77	LT15
TOTALS			1508228 13	2161761 98		

SUMMARY OF CAPITAL GAINS/LOSSES

FEDERAL	SHORT TERM	LONG TERM 28%	LONG TERM 15%	ST WASH SALE	LT WASH SALE	1250 GAIN
SUBTOTAL FROM ABOVE	-24832 56	0 00	-628701 29	0 00	0 00	0 00
COMMON TRUST FUND	0 00	0 00	0 00			0 00
CAPITAL GAIN DIVIDENDS	0 00	0 00	0 00			0 00
	-24832 56	0 00	-628701 29	0 00	0 00	0 00

990PF, PART VII-B LINE 2B – SECTION 4942a2 EXPLANATION STATEMENT

This question does not apply. The foundation does not have any undistributed income from prior years

Asset Detail Section

Statement of Value and Activity

December 1, 2009 - December 31, 2009

Asset Detail

Description	Shares/Par Value	Market Value	Tax Cost	Unrealized Gain/Loss	Estimated Annual Income	Percent of Market Value
<i>Equity Mutual Funds</i>						
<i>Intl Equity Mutual Funds</i>						
ETF Vanguard Intl Emerging Mkts ETF CUSIP: 922042858	6,721.00	\$275,561.00	\$218,383.23	\$57,177.77	\$3,662.95	15.26%
<i>Closed End Equity Mutual Funds</i>						
ETF Vanguard REIT ETF CUSIP: 922908553	2,092.00	\$93,596.08	\$81,546.16	\$12,049.92	\$4,886.91	5.19%
iShares TR Russell Midcap Growth Idx CUSIP: 464287481	2,771.00	\$125,637.14	\$99,689.50	\$25,947.64	\$1,097.32	6.96%
iShares TR Russell Midcap Value Idx CUSIP: 464287473	3,354.00	\$123,930.30	\$97,778.61	\$26,151.69	\$2,592.64	6.87%
iShares TR Russell 1000 Grwth Idx CUSIP: 464287614	4,637.00	\$231,154.45	\$186,313.27	\$44,841.18	\$3,681.78	12.81%
iShares TR Russell 1000 Value Index CUSIP: 464287598	4,194.00	\$240,735.60	\$199,032.56	\$41,703.04	\$5,884.18	13.34%
iShares TR Russell 2000 Gwth Idx Fd CUSIP: 464287648	1,547.00	\$105,304.29	\$86,107.39	\$19,196.90	\$880.24	5.84%
iShares TR Russell 2000 Value Index CUSIP: 464287630	1,772.00	\$102,846.88	\$87,089.05	\$15,757.83	\$2,670.40	5.70%
Vanguard European ETF CUSIP: 922042874	2,757.00	\$133,659.36	\$111,898.91	\$21,760.45	\$5,271.38	7.41%

Asset Detail Section (continued)**Statement of Value and Activity**

December 1, 2009 - December 31, 2009

Description	Shares/Par Value	Market Value	Tax Cost	Unrealized Gain/Loss	Estimated Annual Income	Percent of Market Value
Citibank M D A (L) CUSIP 9900CST72	85,826 32	\$85,826.32	\$85,826 32	\$0 00	\$214.57	4.76%(1)
Total Cash Equivalents		\$101,231.21	\$101,231.21	\$0.00	\$253.08	5.61%
Total All Assets		\$1,804,415.14	\$1,531,292.37	\$273,122.77	\$40,702.23	100.00%

Your holdings are valued using the most current prices available to us. For Alternative Investments, unrealized gain/loss and original tax cost (excluding acquisition costs) are shown for information purposes only and do not reflect any adjustments necessitated by annual K-1 forms. Consult your tax advisor regarding use of this information. Estimated income for Alternative Investments and certain non-publicly traded Partnerships cannot be accurately forecasted and is therefore not listed.

- If you are filing for an **Additional (Not Automatic) 3-Month Extension**, complete **only Part II** and check this box ☒ **X**
- Note:** Only complete Part II if you have already been granted an automatic 3-month extension on a previously filed Form 8868
- If you are filing for an **Automatic 3-Month Extension**, complete **only Part I** (on page 1)

Part II Additional (Not Automatic) 3-Month Extension of Time. Only file the original (no copies needed).

Type or print File by the extended due date for filing the return. See instructions	Name of Exempt Organization 39-4101591F1972 THE SIMMONS FAMILY FOUNDATION	Employer identification number 65-6421943
	Number, street, and room or suite no. If a P.O. box, see instructions 666 5TH AVENUE, FLOOR 12B	For IRS use only
	City, town or post office, state, and ZIP code. For a foreign address, see instructions NEW YORK, NY 10103	

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

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

STOP! Do not complete Part II if you were not already granted an automatic 3-month extension on a previously filed Form 8868

- The books are in the care of **CITI TRUST - DELAWARE, N.A.**
Telephone No. **(800) 770-8444** FAX No. _____
- If the organization does not have an office or place of business in the United States, check this box ☐
- If this is for a Group Return, enter the organization's four digit Group Exemption Number (GEN) _____. If this is for the whole group, check this box ☐. If it is for part of the group, check this box ☐ and attach a list with the names and EINs of all members the extension is for

- 4 I request an additional 3-month extension of time until **11/15/2010**
- 5 For calendar year **2009**, or other tax year beginning _____, and ending _____
- 6 If this tax year is for less than 12 months, check reason: ☐ Initial return ☐ Final return ☐ Change in accounting period
- 7 State in detail why you need the extension **ADDITIONAL TIME IS NEEDED TO PREPARE A COMPLETE AND ACCURATE TAX RETURN.**

8a If this application is for Form 990-BL, 990-PF, 990-T, 4720, or 6069, enter the tentative tax, less any nonrefundable credits. See instructions	8a	\$	815.
b If this application is for Form 990-PF, 990-T, 4720, or 6069, enter any refundable credits and estimated tax payments made. Include any prior year overpayment allowed as a credit and any amount paid previously with Form 8868	8b	\$	815.
c Balance Due Subtract line 8b from line 8a. Include your payment with this form, or, if required, deposit with FTD coupon or, if required, by using EFTPS (Electronic Federal Tax Payment System). See instructions	8c	\$	NONE

Signature and Verification

Under penalties of perjury, I declare that I have examined this form, including accompanying schedules and statements, and to the best of my knowledge and belief, it is true, correct, and complete, and that I am authorized to prepare this form.

Signature  Title **TAX MANAGER** Date **08/12/2010**

Form 8868 (Rev. 4-2009)

KPMG LLP

P.O. BOX 6768

PROVIDENCE, RI 02940

Application for Extension of Time To File an
Exempt Organization Return

OMB No 1545-1709

► File a separate application for each return

- If you are filing for an **Automatic 3-Month Extension**, complete only **Part I** and check this box ☒ **X**
 - If you are filing for an **Additional (Not Automatic) 3-Month Extension**, complete only **Part II** (on page 2 of this form).
- Do not complete Part II unless** you have already been granted an automatic 3-month extension on a previously filed Form 8868

Part I Automatic 3-Month Extension of Time. Only submit original (no copies needed).

A corporation required to file Form 990-T and requesting an automatic 6-month extension - check this box and complete

Part I only ☐

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

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

Type or print File by the due date for filing your return. See instructions	Name of Exempt Organization	39-4101591F1972 THE SIMMONS FAMILY FOUNDATION	Employer identification number	65-6421943
	Number, street, and room or suite no. If a P.O. box, see instructions			
	666 5TH AVENUE, FLOOR 12B			
	City, town or post office, state, and ZIP code. For a foreign address, see instructions			
	NEW YORK, NY 10103			

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

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

- The books are in the care of ► CITI TRUST - DELAWARE, N.A.

Telephone No ► (800) 770-8444

FAX No ►

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

1 I request an automatic 3-month (6 months for a corporation required to file Form 990-T) extension of time until 08/16, 2010, to file the exempt organization return for the organization named above. The extension is for the organization's return for

- ☒ calendar year 2009 or
 ► ☐ tax year beginning _____, _____, and ending _____, _____

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

3a If this application is for Form 990-BL, 990-PF, 990-T, 4720, or 6069, enter the tentative tax, less any nonrefundable credits. See instructions	3a	\$	815.
b If this application is for Form 990-PF or 990-T, enter any refundable credits and estimated tax payments made. Include any prior year overpayment allowed as a credit	3b	\$	636.
c Balance Due. Subtract line 3b from line 3a. Include your payment with this form, or, if required, deposit with FTD coupon or, if required, by using EFTPS (Electronic Federal Tax Payment System). See instructions.	3c	\$	179.

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

For Privacy Act and Paperwork Reduction Act Notice, see Instructions

Form 8868 (Rev. 4-2009)