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

**2009**

Department of the Treasury  
Internal Revenue Service

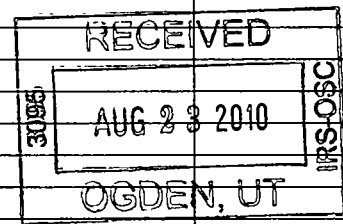
**Note** The foundation may be able to use a copy of this return to satisfy state reporting requirements.

For calendar year **2009**, or tax year beginning \_\_\_\_\_, and ending \_\_\_\_\_

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

Use the IRS label. Otherwise, print or type. See Specific Instructions	Name of foundation <b>JAMES AVERY CHARITABLE FOUNDATION</b>	A Employer identification number <b>74-2627241</b>
	ATTN: CHRIS AVERY	B Telephone number <b>(830) 895-1122</b>
	Number and street (or P O box number if mail is not delivered to street address) Room/suite <b>PO BOX 291367</b>	
	City or town, state, and ZIP code <b>KERRVILLE, TX 78029-1367</b>	
H Check type of organization: <input checked="" type="checkbox"/> Section 501(c)(3) exempt private foundation <input type="checkbox"/> Section 4947(a)(1) nonexempt charitable trust <input type="checkbox"/> Other taxable private foundation		C If exemption application is pending, check here <input type="checkbox"/>
I Fair market value of all assets at end of year (from Part II, col (c), line 16) \$ <b>872,962.</b>	J Accounting method: <input checked="" type="checkbox"/> Cash <input type="checkbox"/> Accrual <input type="checkbox"/> Other (specify) _____	D 1. Foreign organizations, check here <input type="checkbox"/> 2. Foreign organizations meeting the 85% test, check here and attach computation <input type="checkbox"/>
		E If private foundation status was terminated under section 507(b)(1)(A), check here <input type="checkbox"/>
		F If the foundation is in a 60-month termination under section 507(b)(1)(B), check here <input type="checkbox"/>

Part I Analysis of Revenue and Expenses <small>(The total of amounts in columns (b), (c), and (d) may not necessarily equal the amounts in column (a))</small>	(a) Revenue and expenses per books	(b) Net investment income	(c) Adjusted net income	(d) Disbursements for charitable purposes (cash basis only)
1 Contributions, gifts, grants, etc., received	175,000.		N/A	
2 Check <input type="checkbox"/> if the foundation is not required to attach Sch B				
3 Interest on savings and temporary cash investments	122.	122.		STATEMENT 1
4 Dividends and interest from securities	25,204.	25,204.		STATEMENT 2
5a Gross rents				
b Net rental income or (loss)				
6a Net gain or (loss) from sale of assets not on line 10	<93,668.>			
b Gross sales price for all assets on line 6a	326,562.			
7 Capital gain net income (from Part IV, line 2)		0.		
8 Net short-term capital gain				
9 Income modifications				
10a Gross sales less returns and allowances				
b Less Cost of goods sold				
c Gross profit or (loss)				
11 Other income	<5,541.>	<5,541.>		STATEMENT 3
12 Total Add lines 1 through 11	101,117.	19,785.		
13 Compensation of officers, directors, trustees, etc	0.	0.		0.
14 Other employee salaries and wages				
15 Pension plans, employee benefits				
16a Legal fees				
b Accounting fees	3,871.	0.		0.
c Other professional fees				
17 Interest				
18 Taxes	484.	0.		0.
19 Depreciation and depletion				
20 Occupancy				
21 Travel, conferences, and meetings				
22 Printing and publications				
23 Other expenses	6,334.	0.		0.
24 Total operating and administrative expenses Add lines 13 through 23	10,689.	0.		0.
25 Contributions, gifts, grants paid	135,000.			135,000.
26 Total expenses and disbursements Add lines 24 and 25	145,689.	0.		135,000.
27 Subtract line 26 from line 12				
a Excess of revenue over expenses and disbursements	<44,572.>			
b Net investment income (if negative, enter -0-)		19,785.		
c Adjusted net income (if negative, enter -0-)			N/A	



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Part II	Balance Sheets	Attached schedules and amounts in the description column should be for end-of-year amounts only	Beginning of year	End of year	
			(a) Book Value	(b) Book Value	(c) Fair Market Value
Assets	1	Cash - non-interest-bearing	55,034.	95,928.	95,928.
	2	Savings and temporary cash investments	860,787.	775,321.	777,034.
	3	Accounts receivable ▶			
		Less: allowance for doubtful accounts ▶			
	4	Pledges receivable ▶			
		Less: allowance for doubtful accounts ▶			
	5	Grants receivable			
	6	Receivables due from officers, directors, trustees, and other disqualified persons			
	7	Other notes and loans receivable ▶			
		Less: allowance for doubtful accounts ▶			
	8	Inventories for sale or use			
	9	Prepaid expenses and deferred charges			
	10a	Investments - U.S. and state government obligations			
	b	Investments - corporate stock			
	c	Investments - corporate bonds			
Liabilities	11	Investments - land, buildings, and equipment basis ▶			
		Less accumulated depreciation ▶			
	12	Investments - mortgage loans			
	13	Investments - other			
	14	Land, buildings, and equipment: basis ▶			
		Less accumulated depreciation ▶			
	15	Other assets (describe ▶ _____)			
	16	<b>Total assets (to be completed by all filers)</b>	<b>915,821.</b>	<b>871,249.</b>	<b>872,962.</b>
	17	Accounts payable and accrued expenses			
	18	Grants payable			
19	Deferred revenue				
20	Loans from officers, directors, trustees, and other disqualified persons				
21	Mortgages and other notes payable				
22	Other liabilities (describe ▶ _____)				
23	<b>Total liabilities (add lines 17 through 22)</b>	<b>0.</b>	<b>0.</b>		
Net Assets or Fund Balances	Foundations that follow SFAS 117, check here ▶ <input type="checkbox"/>				
	and complete lines 24 through 26 and lines 30 and 31				
	24	Unrestricted			
	25	Temporarily restricted			
	26	Permanently restricted			
	Foundations that do not follow SFAS 117, check here ▶ <input checked="" type="checkbox"/>				
	and complete lines 27 through 31				
27	Capital stock, trust principal, or current funds	915,821.	871,249.		
28	Paid-in or capital surplus, or land, bldg., and equipment fund	0.	0.		
29	Retained earnings, accumulated income, endowment, or other funds	0.	0.		
30	<b>Total net assets or fund balances</b>	<b>915,821.</b>	<b>871,249.</b>		
31	<b>Total liabilities and net assets/fund balances</b>	<b>915,821.</b>	<b>871,249.</b>		

**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	915,821.
2	Enter amount from Part I, line 27a	2	<44,572.>
3	Other increases not included in line 2 (itemize) ▶ _____	3	0.
4	Add lines 1, 2, and 3	4	871,249.
5	Decreases not included in line 2 (itemize) ▶ _____	5	0.
6	<b>Total net assets or fund balances at end of year (line 4 minus line 5) - Part II, column (b), line 30</b>	6	<b>871,249.</b>

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**Part IV Capital Gains and Losses for Tax on Investment Income**

(a) List and describe the kind(s) of property sold (e.g., real estate, 2-story brick warehouse, or common stock, 200 shs. MLC Co)	(b) How acquired P - Purchase D - Donation	(c) Date acquired (mo., day, yr.)	(d) Date sold (mo., day, yr.)
1a			
<b>b SEE ATTACHED STATEMENT</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			
<b>e 326,562.</b>		<b>420,230.</b>	<b>&lt;93,668.&gt;</b>

Complete only for assets showing gain in column (h) and owned by the foundation on 12/31/69			(l) Gains (Col (h) gain minus col. (k), but not less than -0-) or Losses (from col (h))
(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	
a			
b			
c			
d			
e			<b>&lt;93,668.&gt;</b>

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	<b>&lt;93,668.&gt;</b>
3 Net short-term capital gain or (loss) as defined in sections 1222(5) and (6) If gain, also enter in Part I, line 8, column (c). If (loss), enter -0- in Part I, line 8		3	<b>N/A</b>

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

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

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

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

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

1 Enter the appropriate amount in each column for each year; see instructions before making any entries.

(a) Base period years Calendar year (or tax year beginning in)	(b) Adjusted qualifying distributions	(c) Net value of noncharitable-use assets	(d) Distribution ratio (col. (b) divided by col. (c))
2008	<b>215,189.</b>	<b>914,955.</b>	<b>.235191</b>
2007	<b>253,548.</b>	<b>1,063,083.</b>	<b>.238503</b>
2006	<b>199,299.</b>	<b>1,145,321.</b>	<b>.174011</b>
2005	<b>208,321.</b>	<b>1,193,000.</b>	<b>.174619</b>
2004	<b>115,624.</b>	<b>1,295,084.</b>	<b>.089279</b>

2 Total of line 1, column (d)	2	<b>.911603</b>
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	<b>.182321</b>
4 Enter the net value of noncharitable-use assets for 2009 from Part X, line 5	4	<b>762,481.</b>
5 Multiply line 4 by line 3	5	<b>139,016.</b>
6 Enter 1% of net investment income (1% of Part I, line 27b)	6	<b>198.</b>
7 Add lines 5 and 6	7	<b>139,214.</b>
8 Enter qualifying distributions from Part XII, line 4	8	<b>135,000.</b>

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.

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

1a Exempt operating foundations described in section 4940(d)(2), check here <input type="checkbox"/> and enter "N/A" on line 1. Date of ruling or determination letter: _____ (attach copy of letter if necessary-see instructions)			
b Domestic foundations that meet the section 4940(e) requirements in Part V, check here <input type="checkbox"/> and enter 1% of Part I, line 27b		1	396.
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	396.
4 Subtitle A (income) tax (domestic section 4947(a)(1) trusts and taxable foundations only. Others enter -0-)		4	0.
5 <b>Tax based on investment income</b> Subtract line 4 from line 3. If zero or less, enter -0-		5	396.
6 Credits/Payments:			
a 2009 estimated tax payments and 2008 overpayment credited to 2009	6a		
b Exempt foreign organizations - tax withheld at source	6b		
c Tax paid with application for extension of time to file (Form 8868)	6c		
d Backup withholding erroneously withheld	6d		
7 Total credits and payments. Add lines 6a through 6d	7		0.
8 Enter any <b>penalty</b> for underpayment of estimated tax. Check here <input type="checkbox"/> if Form 2220 is attached	8		
9 <b>Tax due.</b> If the total of lines 5 and 8 is more than line 7, enter <b>amount owed</b>	9		396.
10 <b>Overpayment</b> If line 7 is more than the total of lines 5 and 8, enter the <b>amount overpaid</b>	10		
11 Enter the amount of line 10 to be: <b>Credited to 2010 estimated tax</b> <input type="checkbox"/> <b>Refunded</b> <input type="checkbox"/>	11		

**Part VII-A Statements Regarding Activities**

	Yes	No
1a During the tax year, did the foundation attempt to influence any national, state, or local legislation or did it participate or intervene in any political campaign?		X
b Did it spend more than \$100 during the year (either directly or indirectly) for political purposes (see instructions for definition)? <i>If the answer is "Yes" to 1a or 1b, attach a detailed description of the activities and copies of any materials published or distributed by the foundation in connection with the activities</i>		X
c Did the foundation file Form 1120-POL for this year?		X
d Enter the amount (if any) of tax on political expenditures (section 4955) imposed during the year: (1) On the foundation. <input type="checkbox"/> \$ 0. (2) On foundation managers. <input type="checkbox"/> \$ 0.		
e Enter the reimbursement (if any) paid by the foundation during the year for political expenditure tax imposed on foundation managers. <input type="checkbox"/> \$ 0.		
2 Has the foundation engaged in any activities that have not previously been reported to the IRS? <i>If "Yes," attach a detailed description of the activities</i>		X
3 Has the foundation made any changes, not previously reported to the IRS, in its governing instrument, articles of incorporation, or bylaws, or other similar instruments? <i>If "Yes," attach a conformed copy of the changes</i>		X
4a Did the foundation have unrelated business gross income of \$1,000 or more during the year?		X
b If "Yes," has it filed a tax return on Form 990-T for this year?		
5 Was there a liquidation, termination, dissolution, or substantial contraction during the year? <i>If "Yes," attach the statement required by General Instruction T</i>		X
6 Are the requirements of section 508(e) (relating to sections 4941 through 4945) satisfied either: • By language in the governing instrument, or • By state legislation that effectively amends the governing instrument so that no mandatory directions that conflict with the state law remain in the governing instrument?	X	
7 Did the foundation have at least \$5,000 in assets at any time during the year? <i>If "Yes," complete Part II, col (c), and Part XV</i>	X	
8a Enter the states to which the foundation reports or with which it is registered (see instructions) <input type="checkbox"/> <b>TX</b>		
b If the answer is "Yes" to line 7, has the foundation furnished a copy of Form 990-PF to the Attorney General (or designate) of each state as required by General Instruction G? <i>If "No," attach explanation</i>	X	
9 Is the foundation claiming status as a private operating foundation within the meaning of section 4942(j)(3) or 4942(j)(5) for calendar year 2009 or the taxable year beginning in 2009 (see instructions for Part XIV)? <i>If "Yes," complete Part XIV</i>		X
10 Did any persons become substantial contributors during the tax year? <i>If "Yes," attach a schedule listing their names and addresses</i>	X	

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

11	At any time during the year, did the foundation, directly or indirectly, own a controlled entity within the meaning of section 512(b)(13)? If "Yes," attach schedule (see instructions)	11		X
12	Did the foundation acquire a direct or indirect interest in any applicable insurance contract before August 17, 2008?	12		X
13	Did the foundation comply with the public inspection requirements for its annual returns and exemption application? Website address ► <u>WWW.GUIDESTAR.ORG</u>	13	X	
14	The books are in care of ► <u>CHRISTOPHER MATTHEW AVERY</u> Telephone no. ► <u>830-895-1122</u> Located at ► <u>P.O. BOX 291367, KERRVILLE, TX</u> ZIP+4 ► <u>78029-1367</u>			
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? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No		
(2)	Borrow money from, lend money to, or otherwise extend credit to (or accept it from) a disqualified person? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No		
(3)	Furnish goods, services, or facilities to (or accept them from) a disqualified person? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No		
(4)	Pay compensation to, or pay or reimburse the expenses of, a disqualified person? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No		
(5)	Transfer any income or assets to a disqualified person (or make any of either available for the benefit or use of a disqualified person)? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No		
(6)	Agree to pay money or property to a government official? (Exception Check "No" if the foundation agreed to make a grant to or to employ the official for a period after termination of government service, if terminating within 90 days.) <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No		
b	If any answer is "Yes" to 1a(1)-(6), did any of the acts fail to qualify under the exceptions described in Regulations section 53.4941(d)-3 or in a current notice regarding disaster assistance (see page 20 of the instructions)? Organizations relying on a current notice regarding disaster assistance check here <input type="checkbox"/> N/A	1b	
c	Did the foundation engage in a prior year in any of the acts described in 1a, other than excepted acts, that were not corrected before the first day of the tax year beginning in 2009? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	1c	X
2	Taxes on failure to distribute income (section 4942) (does not apply for years the foundation was a private operating foundation defined in section 4942(j)(3) or 4942(j)(5)):		
a	At the end of tax year 2009, did the foundation have any undistributed income (lines 6d and 6e, Part XIII) for tax year(s) beginning before 2009? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No If "Yes," list the years: _____, _____, _____		
b	Are there any years listed in 2a for which the foundation is not applying the provisions of section 4942(a)(2) (relating to incorrect valuation of assets) to the year's undistributed income? (If applying section 4942(a)(2) to all years listed, answer "No" and attach statement - see instructions.) <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	2b	
c	If the provisions of section 4942(a)(2) are being applied to any of the years listed in 2a, list the years here: _____, _____, _____		
3a	Did the foundation hold more than a 2% direct or indirect interest in any business enterprise at any time during the year? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No		
b	If "Yes," did it have excess business holdings in 2009 as a result of (1) any purchase by the foundation or disqualified persons after May 26, 1969; (2) the lapse of the 5-year period (or longer period approved by the Commissioner under section 4943(c)(7)) to dispose of holdings acquired by gift or bequest, or (3) the lapse of the 10-, 15-, or 20-year first phase holding period? (Use Schedule C, Form 4720, to determine if the foundation had excess business holdings in 2009.) <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	3b	
4a	Did the foundation invest during the year any amount in a manner that would jeopardize its charitable purposes? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	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? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	4b	X

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

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

(1) Carry on propaganda, or otherwise attempt to influence legislation (section 4945(e))?  Yes  No

(2) Influence the outcome of any specific public election (see section 4955); or to carry on, directly or indirectly, any voter registration drive?  Yes  No

(3) Provide a grant to an individual for travel, study, or other similar purposes?  Yes  No

(4) Provide a grant to an organization other than a charitable, etc., organization described in section 509(a)(1), (2), or (3), or section 4940(d)(2)?  Yes  No

(5) Provide for any purpose other than religious, charitable, scientific, literary, or educational purposes, or for the prevention of cruelty to children or animals?  Yes  No

b If any answer is "Yes" to 5a(1)-(5), did any of the transactions fail to qualify under the exceptions described in Regulations section 53.4945 or in a current notice regarding disaster assistance (see instructions)?  Yes  No  
 Organizations relying on a current notice regarding disaster assistance check here **N/A**

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). **N/A**

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

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

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

(a) Name and address	(b) Title, and average hours per week devoted to position	(c) Compensation (If not paid, enter -0-)	(d) Contributions to employee benefit plans and deferred compensation	(e) Expense account, other allowances
DR. CHRISTOPHER M. AVERY P.O. BOX 291367 KERRVILLE, TX 78029-1367	TRUSTEE 1.00	0.	0.	0.
HOMER JAMES AVERY P.O. BOX 291367 KERRVILLE, TX 78029-1367	DIST. COMM 0.50	0.	0.	0.
JUANA ESTELLA HOLLIN-AVERY P.O. BOX 291367 KERRVILLE, TX 78029-1367	DIST. COMM 0.50	0.	0.	0.

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

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

Total number of other employees paid over \$50,000 0



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

1	Fair market value of assets not used (or held for use) directly in carrying out charitable, etc., purposes.		
a	Average monthly fair market value of securities	1a	717,384.
b	Average of monthly cash balances	1b	56,708.
c	Fair market value of all other assets	1c	
d	<b>Total</b> (add lines 1a, b, and c)	1d	774,092.
e	Reduction claimed for blockage or other factors reported on lines 1a and 1c (attach detailed explanation)	1e	0.
2	Acquisition indebtedness applicable to line 1 assets	2	0.
3	Subtract line 2 from line 1d	3	774,092.
4	Cash deemed held for charitable activities. Enter 1 1/2% of line 3 (for greater amount, see instructions)	4	11,611.
5	<b>Net value of noncharitable-use assets</b> Subtract line 4 from line 3. Enter here and on Part V, line 4	5	762,481.
6	<b>Minimum investment return</b> Enter 5% of line 5	6	38,124.

**Part XI Distributable Amount** (see instructions) (Section 4942(j)(3) and (j)(5) private operating foundations and certain foreign organizations check here  and do not complete this part.)

1	Minimum investment return from Part X, line 6	1	38,124.
2a	Tax on investment income for 2009 from Part VI, line 5	2a	396.
b	Income tax for 2009. (This does not include the tax from Part VI)	2b	
c	Add lines 2a and 2b	2c	396.
3	Distributable amount before adjustments. Subtract line 2c from line 1	3	37,728.
4	Recoveries of amounts treated as qualifying distributions	4	0.
5	Add lines 3 and 4	5	37,728.
6	Deduction from distributable amount (see instructions)	6	0.
7	<b>Distributable amount</b> as adjusted. Subtract line 6 from line 5. Enter here and on Part XIII, line 1	7	37,728.

**Part XII Qualifying Distributions** (see instructions)

1	Amounts paid (including administrative expenses) to accomplish charitable, etc., purposes:		
a	Expenses, contributions, gifts, etc. - total from Part I, column (d), line 26	1a	135,000.
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	
4	<b>Qualifying distributions</b> Add lines 1a through 3b. Enter here and on Part V, line 8, and Part XIII, line 4	4	135,000.
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	5	0.
6	<b>Adjusted qualifying distributions.</b> Subtract line 5 from line 4	6	135,000.

**Note** The amount on line 6 will be used in Part V, column (b), in subsequent years when calculating whether the foundation qualifies for the section 4940(e) reduction of tax in those years.

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**ATTN: CHRIS AVERY**

**Part XIII Undistributed Income** (see instructions)

	(a) Corpus	(b) Years prior to 2008	(c) 2008	(d) 2009
1 Distributable amount for 2009 from Part XI, line 7				37,728.
2 Undistributed income, if any, as of the end of 2009				
a Enter amount for 2008 only			0.	
b Total for prior years:		0.		
3 Excess distributions carryover, if any, to 2009:				
a From 2004	52,822.			
b From 2005	152,029.			
c From 2006	143,435.			
d From 2007	202,298.			
e From 2008	169,663.			
f Total of lines 3a through e	720,247.			
4 Qualifying distributions for 2009 from Part XII, line 4 ▶ \$	135,000.			
a Applied to 2008, but not more than line 2a			0.	
b Applied to undistributed income of prior years (Election required - see instructions)		0.		
c Treated as distributions out of corpus (Election required - see instructions)	0.			
d Applied to 2009 distributable amount				37,728.
e Remaining amount distributed out of corpus	97,272.			
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:	817,519.			
a Corpus Add lines 3f, 4c, and 4e Subtract line 5				
b Prior years' undistributed income Subtract line 4b from line 2b		0.		
c Enter the amount of prior years' undistributed income for which a notice of deficiency has been issued, or on which the section 4942(a) tax has been previously assessed		0.		
d Subtract line 6c from line 6b Taxable amount - see instructions		0.		
e Undistributed income for 2008. Subtract line 4a from line 2a. Taxable amount - see instr.			0.	
f Undistributed income for 2009. Subtract lines 4d and 5 from line 1. This amount must be distributed in 2010				0.
7 Amounts treated as distributions out of corpus to satisfy requirements imposed by section 170(b)(1)(F) or 4942(g)(3)	0.			
8 Excess distributions carryover from 2004 not applied on line 5 or line 7	52,822.			
9 Excess distributions carryover to 2010 Subtract lines 7 and 8 from line 6a	764,697.			
10 Analysis of line 9.				
a Excess from 2005	152,029.			
b Excess from 2006	143,435.			
c Excess from 2007	202,298.			
d Excess from 2008	169,663.			
e Excess from 2009	97,272.			

**JAMES AVERY CHARITABLE FOUNDATION**  
**ATTN: CHRIS AVERY**

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

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

**NONE**

**b** List any managers of the foundation who own 10% or more of the stock of a corporation (or an equally large portion of the ownership of a partnership or other entity) of which the foundation has a 10% or greater interest

**NONE**

**2 Information Regarding Contribution, Grant, Gift, Loan, Scholarship, etc., Programs:**  
 Check here  if the foundation only makes contributions to preselected charitable organizations and does not accept unsolicited requests for funds. If the foundation makes gifts, grants, etc. (see instructions) to individuals or organizations under other conditions, complete items 2a, b, c, and d.

- a** The name, address, and telephone number of the person to whom applications should be addressed

---

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

---

- c** Any submission deadlines:

---

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

JAMES AVERY CHARITABLE FOUNDATION

Form 990-PF (2009)

ATTN: CHRIS AVERY

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**Part XV** Supplementary Information (continued)

3 Grants and Contributions Paid During the Year or Approved for Future Payment				
Recipient	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
Name and address (home or business)				
<i>a Paid during the year</i>				
COMMUNITY HEALTH DEVELOPMENT 201 S. EVANS ST. UVALDE, TX 78801	N/A	PUBLIC CHARITY		25,000.
SID PETERSON MEMORIAL HOSPITAL FOUNDATION 710 WATER ST KERRVILLE, TX 78028	N/A	PUBLIC CHARITY		50,000.
SOUTHWEST SCHOOL OF ART & CRAFT 300 AUGUSTA SAN ANTONIO, TX 78205	N/A	PUBLIC CHARITY		10,000.
UNIVERSITY OF ILLINOIS FOUNDATION PO BOX 3429 CHAMPAIGN, IL 61826	N/A	PUBLIC CHARITY		50,000.
<b>Total</b>				<b>▶ 3a 135,000.</b>
<i>b Approved for future payment</i>				
NONE				
<b>Total</b>				<b>▶ 3b 0.</b>





**Schedule B**(Form 990, 990-EZ,  
or 990-PF)Department of the Treasury  
Internal Revenue Service**Schedule of Contributors**

▶ Attach to Form 990, 990-EZ, or 990-PF.

OMB No 1545-0047

**2009**

Name of the organization

**JAMES AVERY CHARITABLE FOUNDATION  
ATTN: CHRIS AVERY**

Employer identification number

**74-2627241**

Organization type (check one)

Filers of:

Section:

Form 990 or 990-EZ

 501(c)( ) (enter number) organization 4947(a)(1) nonexempt charitable trust **not** treated as a private foundation 527 political organization

Form 990-PF

 501(c)(3) exempt private foundation 4947(a)(1) nonexempt charitable trust treated as a private foundation 501(c)(3) taxable private foundationCheck if your organization is covered by the **General Rule** or a **Special Rule**.**Note.** Only a section 501(c)(7), (8), or (10) organization can check boxes for both the General Rule and a Special Rule. See instructions.**General Rule**

- 
- For an organization filing Form 990, 990-EZ, or 990-PF that received, during the year, \$5,000 or more (in money or property) from any one contributor. Complete Parts I and II.

**Special Rules**

- For a section 501(c)(3) organization filing Form 990 or 990-EZ that met the 33 1/3% support test of the regulations under sections 509(a)(1) and 170(b)(1)(A)(vi), and received from any one contributor, during the year, a contribution of the greater of (1) \$5,000 or (2) 2% of the amount on (i) Form 990, Part VIII, line 1h or (ii) Form 990-EZ, line 1. Complete Parts I and II.
- For a section 501(c)(7), (8), or (10) organization filing Form 990 or 990-EZ that received from any one contributor, during the year, aggregate contributions of more than \$1,000 for use *exclusively* for religious, charitable, scientific, literary, or educational purposes, or the prevention of cruelty to children or animals. Complete Parts I, II, and III.
- For a section 501(c)(7), (8), or (10) organization filing Form 990 or 990-EZ that received from any one contributor, during the year, contributions for use *exclusively* for religious, charitable, etc., purposes, but these contributions did not aggregate to more than \$1,000. If this box is checked, enter here the total contributions that were received during the year for an *exclusively* religious, charitable, etc., purpose. Do not complete any of the parts unless the **General Rule** applies to this organization because it received nonexclusively religious, charitable, etc., contributions of \$5,000 or more during the year. ▶ \$ \_\_\_\_\_

**Caution.** An organization that is not covered by the General Rule and/or the Special Rules does not file Schedule B (Form 990, 990-EZ, or 990-PF), but it **must** answer "No" on Part IV, line 2 of its Form 990, or check the box on line H of its Form 990-EZ, or on line 2 of its Form 990-PF, to certify that it does not meet the filing requirements of Schedule B (Form 990, 990-EZ, or 990-PF).LHA For Privacy Act and Paperwork Reduction Act Notice, see the Instructions  
for Form 990, 990-EZ, or 990-PF.

Schedule B (Form 990, 990-EZ, or 990-PF) (2009)

Name of organization  
**JAMES AVERY CHARITABLE FOUNDATION**  
**ATTN: CHRIS AVERY**

Employer identification number  
**74-2627241**

**Part I Contributors** (see instructions)

(a) No.	(b) Name, address, and ZIP + 4	(c) Aggregate contributions	(d) Type of contribution
1	<b>JAMES AVERY CRAFTSMAN, INC</b> PO BOX 291367 KERRVILLE, TX 78029	\$ 175,000.	Person <input checked="" type="checkbox"/> Payroll <input type="checkbox"/> Noncash <input type="checkbox"/> (Complete Part II if there is a noncash contribution)
		\$	Person <input type="checkbox"/> Payroll <input type="checkbox"/> Noncash <input type="checkbox"/> (Complete Part II if there is a noncash contribution)
		\$	Person <input type="checkbox"/> Payroll <input type="checkbox"/> Noncash <input type="checkbox"/> (Complete Part II if there is a noncash contribution)
		\$	Person <input type="checkbox"/> Payroll <input type="checkbox"/> Noncash <input type="checkbox"/> (Complete Part II if there is a noncash contribution)
		\$	Person <input type="checkbox"/> Payroll <input type="checkbox"/> Noncash <input type="checkbox"/> (Complete Part II if there is a noncash contribution.)
		\$	Person <input type="checkbox"/> Payroll <input type="checkbox"/> Noncash <input type="checkbox"/> (Complete Part II if there is a noncash contribution)

**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 #7619	P	VARIOUS	VARIOUS
b SEE ATTACHED SCHEDULE #7619	P	VARIOUS	VARIOUS
c SEE ATTACHED SCHEDULE #7520	P	VARIOUS	VARIOUS
d SEE ATTACHED SCHEDULE #7520	P	VARIOUS	VARIOUS
e SEE ATTACHED SCHEDULE #6046	P	VARIOUS	VARIOUS
f SEE ATTACHED SCHEDULE #6046	P	VARIOUS	VARIOUS
g PARTNERSHIP INCOME	P		
h			
i			
j			
k			
l			
m			
n			
o			

(e) Gross sales price	(f) Depreciation allowed (or allowable)	(g) Cost or other basis plus expense of sale	(h) Gain or (loss) (e) plus (f) minus (g)
a 10,766.		10,315.	451.
b 128,142.		119,969.	8,173.
c 36,234.		45,742.	<9,508.>
d 129,855.		193,808.	<63,953.>
e 1,660.		2,720.	<1,060.>
f 19,905.		45,614.	<25,709.>
g		2,062.	<2,062.>
h			
i			
j			
k			
l			
m			
n			
o			

Complete only for assets showing gain in column (h) and owned by the foundation on 12/31/69			(l) Losses (from col. (h)) Gains (excess of col. (h) gain over col. (k), but not less than "-0-")
(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	
a			451.
b			8,173.
c			<9,508.>
d			<63,953.>
e			<1,060.>
f			<25,709.>
g			<2,062.>
h			
i			
j			
k			
l			
m			
n			
o			

2 Capital gain net income or (net capital loss) { If gain, also enter in Part I, line 7 If (loss), enter "-0-" in Part I, line 7 }	2	<93,668.>
3 Net short-term capital gain or (loss) as defined in sections 1222(5) and (6): If gain, also enter in Part I, line 8, column (c). If (loss), enter "-0-" in Part I, line 8 }	3	N/A

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

SOURCE	AMOUNT
PARTNERSHIP INTEREST	122.
TOTAL TO FORM 990-PF, PART I, LINE 3, COLUMN A	122.

FORM 990-PF DIVIDENDS AND INTEREST FROM SECURITIES STATEMENT 2

SOURCE	GROSS AMOUNT	CAPITAL GAINS DIVIDENDS	COLUMN (A) AMOUNT
WACHOVIA - 6046	3,402.	0.	3,402.
WACHOVIA - 6046 INTEREST	1.	0.	1.
WACHOVIA - 7443	415.	0.	415.
WACHOVIA - 7520 INTEREST	3.	0.	3.
WACHOVIA - 7619 INTEREST	14,951.	0.	14,951.
WACHOVIA - 7619 INTEREST	36.	0.	36.
WACHOVIA - 7677 INTEREST	35.	0.	35.
WACHOVIA- 7520	6,361.	0.	6,361.
TOTAL TO FM 990-PF, PART I, LN 4	25,204.	0.	25,204.

FORM 990-PF OTHER INCOME STATEMENT 3

DESCRIPTION	(A) REVENUE PER BOOKS	(B) NET INVEST- MENT INCOME	(C) ADJUSTED NET INCOME
PARTNERSHIP INCOME	<5,674.>	<5,674.>	
WELLS FARGO - N/T DISTRIBUTIONS	133.	133.	
TOTAL TO FORM 990-PF, PART I, LINE 11	<5,541.>	<5,541.>	

FORM 990-PF		ACCOUNTING FEES		STATEMENT	4
DESCRIPTION	(A) EXPENSES PER BOOKS	(B) NET INVEST- MENT INCOME	(C) ADJUSTED NET INCOME	(D) CHARITABLE PURPOSES	
	3,871.	0.		0.	
TO FORM 990-PF, PG 1, LN 16B	3,871.	0.		0.	

FORM 990-PF		TAXES		STATEMENT	5
DESCRIPTION	(A) EXPENSES PER BOOKS	(B) NET INVEST- MENT INCOME	(C) ADJUSTED NET INCOME	(D) CHARITABLE PURPOSES	
FOREIGN TAXES	384.	0.		0.	
FEDERAL TAXES	100.	0.		0.	
TO FORM 990-PF, PG 1, LN 18	484.	0.		0.	

FORM 990-PF		OTHER EXPENSES		STATEMENT	6
DESCRIPTION	(A) EXPENSES PER BOOKS	(B) NET INVEST- MENT INCOME	(C) ADJUSTED NET INCOME	(D) CHARITABLE PURPOSES	
BROKERAGE ADVISORY FEES	6,334.	0.		0.	
TO FORM 990-PF, PG 1, LN 23	6,334.	0.		0.	

# Realized Gain/Loss



As of Date 1/22/10

JAMES AVERY CHARITABLE  
FNDTN TR UAD 2/11/92  
FIXED INCOME ACCOUNT

## Important Realized Gain/Loss Information

This information is provided for courtesy purposes only. Each individual taxpayer should consult with a tax advisor as to any additional reporting requirements or adjustments. NO COST BASIS OR REALIZED GAIN/LOSS INFORMATION IS PROVIDED TO THE IRS, NOR IS THIS INFORMATION VERIFIED OR GUARANTEED BY FIRST CLEARING, LLC TO BE ACCURATE FOR EACH TAXPAYER'S UNIQUE REPORTING REQUIREMENTS. THEREFORE, YOU SHOULD NEVER ASSUME THIS STATEMENT IS ACCURATE IN LIEU OF COMPLETING SCHEDULE D OF YOUR TAX RETURN AND CONSULTING WITH YOUR TAX ADVISOR.

Federal tax reporting requirements will create differences between the information presented here and what appears on your Form 1099-B, including but not limited to the following situations:

- \* Cost basis for many fixed income tax lots has been amortized (for securities purchased at a premium) or accreted (for securities purchased at a discount), when possible, for applicable securities. For securities that were purchased at an Original Issue Discount (OID), only those positions whose cost basis has been adjusted will reflect the impacts of the OID accruals on the original cost basis. The original issue discount amount reported on your Form 1099-OID is not adjusted for market discount, acquisition premium or bond premium. Therefore, the amortization and accretion adjustments used on this statement may not be consistent with the Form 1099-OID amount because the reporting requirements on the Form 1099-OID are different.
- \* The Original Price represents the unadjusted price of the security. The Original Price can be used to calculate the original unadjusted cost of the security.
- \* Short sales are reportable on Form 1099-B before the position is closed.
- \* Implicit redemptions by the issuer of a structured product are reportable on Form 1099-B, but will not appear on the Realized Gain/Loss Statement if that implicit redemption did not result in a closed tax lot at that time.
- \* Securities subject to market reporting requirements for those investors are not included here nor is that information available on our systems.
- \* Long-term capital gains reported by a RIC or REIT appear on Form 1099-DIV only, as noted in the instructions for that form.
- \* Lots closed due to transfers or journals will not be reflected in the Realized Gain/Loss Statement, or on the Form 1099-B.

Realized Gain/Loss Summary	THIS YEAR GAIN	THIS YEAR LOSS	THIS YEAR NET
Short term	451.00	0.00	451.00
Long term	9,728.70	-1,555.11	8,173.59
<b>Total - Realized Gain/Loss</b>	<b>\$10,179.70</b>	<b>-\$1,555.11</b>	<b>\$8,624.59</b>

## Realized Gain/Loss

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As of Date 1/22/10

CHRISTOPHER M AVERY TTEE  
 JAMES AVERY CHARITABLE  
 FNDTN TR UAD 2/11/92  
 FIXED INCOME ACCOUNT

## Realized Gain/Loss Detail for Year

Short Term							
DESCRIPTION	QUANTITY	ADJ PRICE/ ORIG PRICE	DATE ACQUIRED	CLOSE DATE	PROCEEDS	ADJ COST/ ORIG COST	GAIN/LOSS
PEPSICO INC SENIOR NOTES CPN 4 650% DUE 02/15/13 DTD 12/04/07 FC 08/15/08	10,000 0000	103 1500	05/08/08	01/27/09	10,766 00	10,315 00	451 00
<b>Total - Short Term</b>					<b>\$10,766 00</b>	<b>\$10,315 00</b>	<b>\$451 00</b>
Long Term							
DESCRIPTION	QUANTITY	ADJ PRICE/ ORIG PRICE	DATE ACQUIRED	CLOSE DATE	PROCEEDS	ADJ COST/ ORIG COST	GAIN/LOSS
CITIGROUP INC SENIOR NOTES CPN 6 500% DUE 01/18/11 DTD 01/16/01 FC 07/18/01	10,000 0000	103 8951	05/09/06	05/13/09	9,937 50	10,389 51	-452 01
ET DU PONT DE NEMOURS GLOBAL NOTES CALLABLE CPN 4 125% DUE 04/30/10 DTD 04/30/04 FC 10/30/04	10,000 0000	99 4650	11/09/07	10/21/09	10,181 70	9,946 50	235 20
EMERSON ELECTRIC CO NOTES CPN 7 125% DUE 08/15/10 DTD 08/11/00 FC 02/15/01	10,000 0000	109 4300	11/30/05	12/10/09	10,436 20	10,943 00	-506 80
GENERAL ELECTRIC COMPANY GLOBAL NOTES CPN 5 000% DUE 02/01/13 DTD 01/28/03 FC 08/01/03	10,000 0000 5,000 0000	99 5460 103 4440	11/30/05 02/21/08	07/01/09 07/01/09	10,448 12 5,224 06	9,954 60 5,172 20	493 52 51 86

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## Realized Gain/Loss

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As of Date 1/22/10



CHRISTOPHER M AVERY TTEE  
 JAMES AVERY CHARITABLE  
 FNDTN TR UAD 2/11/92  
 FIXED INCOME ACCOUNT

Long Term	Continued							
DESCRIPTION		QUANTITY	ADJ PRICE/ ORIG PRICE	DATE ACQUIRED	CLOSE DATE	PROCEEDS	ADJ COST/ ORIG COST	GAIN/LOSS
ILLINOIS TOOL WORKS NOTES CALL @MAKE WHOLE +12 5BP CPN 5 750% DUE 03/01/09 DTD 02/24/99 FC 09/01/99		10 000 0000	102 8100	11/30/05	03/02/09	10,000 00	10,281 00	-281 00
PROCTER & GAMBLE CO GLOBAL NOTES NON CALL LIFE CPN 6 875% DUE 09/15/09 DTD 09/16/99 FC 03/15/00		10,000 0000	106 9030	11/30/05	01/14/09	10 375 00	10,690 30	-315 30
US TREAS STRIPS 08/19 INTEREST PMT DUE 08/15/19 DTD 08/15/89		20,000 0000	0 5985 55 2050	05/14/07	01/13/09	14,150 20	11,971 01 11 041 00	2,179 19
US TREAS STRIPS 08/23 GENERIC INT PMT DUE 08/15/23 DTD 08/15/93		30,000 0000	0 4852 44 6690	05/14/07	01/13/09	17,626 80	14,556 11 13,400 70	3,070 69
US TREASURY WI NOTES CPN 4 750% DUE 08/15/17 DTD 08/15/07 FC 02/15/08		25,000 0000	104 2617	12/17/07	01/13/09	29,763 67	26,065 43	3,698 24
<b>Total - Long Term</b>						<b>\$128,143 25</b>	<b>\$119,969 66</b> <b>\$117,884 24</b>	<b>\$8,173 59</b>

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## Realized Gain/Loss

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Amended Date 2/19/10

CHRISTOPHER M AVERY TTEE  
 JAMES AVERY CHARITABLE  
 FNDTN TR UAD 2/11/92  
 CAAP EQUITY ACCOUNT

## Important Realized Gain/Loss Information

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Federal tax reporting requirements will create differences between the information presented here and what appears on your Form 1099-B, including but not limited to the following situations:

- \* Cost basis for many fixed income tax lots has been amortized (for securities purchased at a premium) or accreted (for securities purchased at a discount), when possible, for applicable securities. For securities that were purchased at an Original Issue Discount (OID), only those positions whose cost basis has been adjusted will reflect the impacts of the OID accruals on the original cost basis. The original issue discount amount reported on your Form 1099-OID is not adjusted for market discount, acquisition premium or bond premium. Therefore, the amortization and accretion adjustments used on this statement may not be consistent with the Form 1099-OID amount because the reporting requirements on the Form 1099-OID are different.
- \* The Original Price represents the unadjusted price of the security. The Original Price can be used to calculate the original unadjusted cost of the security.
- \* Short sales are reportable on Form 1099-B before the position is closed.
- \* Implicit redemptions by the issuer of a structured product are reportable on Form 1099-B, but will not appear on the Realized Gain/Loss Statement if that implicit redemption did not result in a closed tax lot at that time.
- \* Securities subject to marked to market reporting requirements for those investors are not included here nor is that information available on our systems.
- \* Long term capital gains reported by a RIC or REIT appear on Form 1099-DIV only, as noted in the instructions for that form.
- \* Lots closed due to transfers or journals will not be reflected in the Realized Gain/Loss Statement, or on the Form 1099-B.

Realized Gain/Loss Summary	THIS YEAR	THIS YEAR	THIS YEAR
	GAIN	LOSS	NET
Short term	1,024.37	-10,531.32	-9,506.95
Long term	78.94	-64,030.58	-63,951.64
<b>Total - Realized Gain/Loss</b>	<b>\$1,103.31</b>	<b>-\$74,561.90</b>	<b>-\$73,458.59</b>

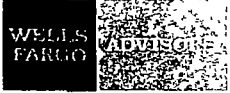
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## Realized Gain/Loss

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Amended Date 2/19/10



CHRISTOPHER M AVERY TTEE  
 JAMES AVERY CHARITABLE  
 FNDTN TR UAD 2/11/92  
 CAAP EQUITY ACCOUNT

## Realized Gain/Loss Detail for Year

Short Term DESCRIPTION	QUANTITY	ADJ PRICE/ ORIG PRICE	DATE ACQUIRED	CLOSE DATE	PROCEEDS	ADJ COST/ ORIG COST	GAIN/LOSS
ENERGY SELECT ETF SECTOR SPDR	2 0000	62 3102	10/01/08	10/01/09	105 83	124 62	-18 79
ISHARES IBOXX \$ YIELDEF CORPORATE BOND FUND	102 0000	78 8075	01/05/09	10/01/09	8,538 39	8,038 37	500 02
ISHARES S&P MIDCAP 400 VALUE INDEX FUND	39 0000	70 2650	04/03/09	10/01/09	3,264 69	2,740 34	524 35
ISHARES S&P MIDCAP 400 GROWTH INDEX FUND	23 0000	67 6400	10/01/08	01/05/09	1,179 02	1,555 72	-376 70
ISHARES S&P MIDCAP 400 GROWTH INDEX FUND	41 0000	67 6400	10/01/08	04/03/09	1,922 47	2,773 24	-850 77
ISHARES S&P SMALLCAP 600 GROWTH INDEX FUND	45 0000	74 0432	10/01/08	01/05/09	2,568 25	3,331 95	-763 70
ISHARES S&P SMALLCAP 600 GROWTH INDEX FUND	55 0000	74 0432	10/01/08	04/03/09	3,051 79	4,072 38	-1,020 59
ISHARES S&P SMALLCAP 600 VALUE INDEX FUND	67 0000	60 1225	10/01/08	01/05/09	3,037 65	4,028 21	-990 56
ISHARES TR S&P 500 INDEX FD	54 0000	64 3820	10/01/08	01/05/09	2,514 17	3,476 63	-862 46
ISHARES TR S&P 500 INDEX FD	9 0000	127 6301	07/01/08	07/01/09	837 05	1,148 68	-311 63
ISHARES TR MSCI EMERGING MKTS INDEX FD	78 0000	44 3106	07/01/08	01/05/09	2,059 34	3,456 23	-1,396 89
ISHARES TR MSCI EMERGING MKTS INDEX FD	207 0000	44 3106	07/01/08	04/03/09	5,595 65	9,172 29	-3,576 64
ISHARES TR MSCI EMERGING MKTS INDEX FD	54 0000	33 7468	10/01/08	04/03/09	1 459 74	1,822 33	-352 59
<b>Total - Short Term</b>					<b>\$36,234 04</b>	<b>\$45,740 99</b>	<b>-\$9,506 95</b>

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## Realized Gain/Loss

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Amended Date 2/19/10

CHRISTOPHER M AVERY TTEE  
 JAMES AVERY CHARITABLE  
 FNDTN TR UAD 2/11/92  
 CAAP EQUITY ACCOUNT

Long Term								
DESCRIPTION		QUANTITY	ADJ PRICE/ ORIG PRICE	DATE ACQUIRED	CLOSE DATE	PROCEEDS	ADJ COST/ ORIG COST	GAIN/LOSS
ENERGY SELECT	ETF							
SECTOR SPDR		68 0000	49 4600	11/28/05	07/01/09	3,292 32	3,363 28	-70 96
		6 0000	57 1160	07/05/06	07/01/09	290 50	342 70	-52 20
		70 0000	57 1160	07/05/06	10/01/09	3,703 92	3,998 12	-294 20
		36 0000	88 2188	07/01/08	10/01/09	1,904 87	3,175 88	-1,271 01
FINANCIAL SELECT	ETF							
SECTOR SPDR		253 0000	32 3400	11/28/05	04/03/09	2,371 22	8,182 02	-5,810 80
		132 0000	32 3400	11/28/05	07/01/09	1,576 52	4,268 88	-2,692 36
		150 0000	34 8091	10/01/07	07/01/09	1,791 51	5,221 37	-3,429 86
INDUSTRIAL SELECT	ETF							
SECTOR SPDR		246 0000	31 5000	11/28/05	07/01/09	5,453 47	7,749 00	-2,295 53
		154 0000	31 5000	11/28/05	10/01/09	3,988 54	4,851 00	-862 46
ISHARES MSCI EAFE INDEX								
FUND		64 0000	83 5469	10/01/07	01/05/09	2,862 76	5,347 00	-2,484 24
		73 0000	83 5469	10/01/07	04/03/09	2,931 07	6,098 92	-3,167 85
		377 0000	73 7135	04/01/08	04/03/09	15,137 18	27,789 99	-12,652 81
ISHARES S&P MIDCAP								
400 VALUE INDEX FUND		157 0000	70 6300	11/28/05	01/05/09	8,048 08	11,088 91	-3,040 83
ISHARES S&P MIDCAP								
400 GROWTH INDEX FUND		160 0000	75 1700	11/28/05	01/05/09	9,131 52	12,027 20	-2,895 68
ISHARES TR								
S&P 500 INDEX FD		91 0000	127 2250	07/05/06	07/01/09	8,463 47	11,577 47	-3,114 00
		101 0000	142 3290	01/03/07	07/01/09	9,393 54	14,375 23	-4,981 69
		114 0000	127 6301	07/01/08	10/01/09	11,887 97	14,549 83	-2,661 86

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## Realized Gain/Loss

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CHRISTOPHER M AVERY TTEE  
 JAMES AVERY CHARITABLE  
 FNDTN TR UAD 2/11/92  
 CAAP EQUITY ACCOUNT

Long Term	Continued							
DESCRIPTION	QUANTITY	ADJ PRICE/ ORIG PRICE	DATE ACQUIRED	CLOSE DATE	PROCEEDS	ADJ COST/ ORIG COST	GAIN/LOSS	
ISHARES TR -DOW JONES US TELECOM SECTOR INDEX FD	112 0000	24 1400	11/28/05	07/01/09	1,998 14	2,703 68	-705 54	
	150 0000	24 1400	11/28/05	10/01/09	2,765 20	3,621 00	-855 80	
ISHARES TR -DOW JONES US UTILS SECTOR INDEX FD	3 0000	77 2000	11/28/05	01/05/09	213 53	231 60	-18 07	
	6 0000	77 2000	11/28/05	04/03/09	371 32	463 20	-91 88	
SECTOR SPDR TR TECHNOLOGY SELECT SECTOR	327 0000	21 8500	11/28/05	07/01/09	6,002 22	7,144 95	-1,142 73	
	114 0000	21 8500	11/28/05	10/01/09	2,330 53	2,490 90	-160 37	
	43 0000	20 2755	07/05/06	10/01/09	879 06	871 85	7 21	
SELECT SECTOR SPDR FD HEALTH CARE	93 0000	35 6055	10/01/07	07/01/09	2,450 72	3,311 31	-860 59	
	28 0000	35 6055	10/01/07	10/01/09	796 33	996 96	-200 63	
SELECT SECTOR SPDR FD CONSUMER DISCRETIONARY	97 0000	33 3900	11/28/05	07/01/09	2,262 14	3,238 83	-976 69	
	30 0000	33 0951	07/05/06	07/01/09	699 64	992 86	-293 22	
	55 0000	33 0951	07/05/06	10/01/09	1,482 16	1,820 23	-338 07	
SELECT SECTOR SPDR TR CONSUMER STAPLES	85 0000	23 1918	01/20/06	07/01/09	1,991 24	1,971 30	19 94	
	25 0000	23 1918	01/20/06	10/01/09	631 58	579 79	51 79	
	176 0000	27 2643	07/02/07	10/01/09	4,446 34	4,798 53	-352 19	
VANGUARD REIT ETF	238 0000	61 1880	01/02/08	01/05/09	8,306 27	14,562 73	-6,256 46	
<b>Total - Long Term</b>					<b>\$129,854 88</b>	<b>\$193,806 52</b>	<b>-\$63,951 64</b>	

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## Realized Gain/Loss

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JAMES AVERY CHARITABLE  
FOUNDATION TR  
CHRISTOPHER M AVERY TTEE  
U/A 2/11/92 MASTERS/BRANDES

## Important Realized Gain/Loss Information

This information is provided for courtesy purposes only. Each individual taxpayer should consult with a tax advisor as to any additional reporting requirements or adjustments. NO COST BASIS OR REALIZED GAIN/LOSS INFORMATION IS PROVIDED TO THE IRS, NOR IS THIS INFORMATION VERIFIED OR GUARANTEED BY FIRST CLEARING, LLC TO BE ACCURATE FOR EACH TAXPAYER'S UNIQUE REPORTING REQUIREMENTS. THEREFORE, YOU SHOULD NEVER ASSUME THIS STATEMENT IS ACCURATE IN LIEU OF COMPLETING SCHEDULE D OF YOUR TAX RETURN AND CONSULTING WITH YOUR TAX ADVISOR.

Federal tax reporting requirements will create differences between the information presented here and what appears on your Form 1099-B, including but not limited to the following situations:

- \* Cost basis for many fixed income tax lots has been amortized (for securities purchased at a premium) or accreted (for securities purchased at a discount), when possible, for applicable securities. For securities that were purchased at an Original Issue Discount (OID), only those positions whose cost basis has been adjusted will reflect the impacts of the OID accruals on the original cost basis. The original issue discount amount reported on your Form 1099-OID is not adjusted for market discount, acquisition premium or bond premium. Therefore, the amortization and accretion adjustments used on this statement may not be consistent with the Form 1099-OID amount because the reporting requirements on the Form 1099-OID are different.
- \* The Original Price represents the unadjusted price of the security. The Original Price can be used to calculate the original unadjusted cost of the security.
- \* Short sales are reportable on Form 1099-B before the position is closed.
- \* Implicit redemptions by the issuer of a structured product are reportable on Form 1099-B, but will not appear on the Realized Gain/Loss Statement if that implicit redemption did not result in a closed tax lot at that time.
- \* Securities subject to marked to market reporting requirements for those investors are not included here nor is that information available on our systems.
- \* Long-term capital gains reported by a RIC or REIT appear on Form 1099-DIV only, as noted in the instructions for that form.
- \* Lots closed due to transfers or journals will not be reflected in the Realized Gain/Loss Statement, or on the Form 1099-B.

Realized Gain/Loss Summary	THIS YEAR	THIS YEAR	THIS YEAR
	GAIN	LOSS	NET
Short term	550 00	-1,614 64	-1,064 64
Long term	1,606 49	-27,314 00	-25,707 51
<b>Total - Realized Gain/Loss</b>	<b>\$2,156 49</b>	<b>-\$28,928 64</b>	<b>-\$26,772 15</b>

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## Realized Gain/Loss

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Amended Date 3/26/10

JAMES AVERY CHARITABLE  
 FOUNDATION TR  
 CHRISTOPHER M AVERY TTEE  
 U/A 2/11/92 MASTERS/BRANDES

## Realized Gain/Loss Detail for Year

Short Term							
DESCRIPTION	QUANTITY	ADJ PRICE/ ORIG PRICE	DATE ACQUIRED	CLOSE DATE	PROCEEDS	ADJ COST/ ORIG COST	GAIN/LOSS
CITIGROUP INC	40 0000	20 3218	06/06/08	03/30/09	95 01	812 87	-717 86
	0 7692	2 0061	03/30/09	07/30/09	2 35	1 54	0 81
HSBC HLDGS PLC RTS XXX ADR EXP 03/31/09 NON TRANSFERABLE	14 0000	0 0000	03/23/09	04/08/09	0 00	0 00	0 00
	0 5830	0 0000	03/23/09	04/22/09	4 96	0 00	0 00
HSBC HOLDINGS PLC SPON ADR	14 0000	0 0000	04/08/09	11/09/09	807 90	258 83	549 07
PFIZER INCORPORATED	0 5500	17 5150	10/16/09	10/16/09	9 75	9 63	0 12
PNC FINANCIAL SERVICES GROUP	0 1434	164 2265	04/23/08	01/02/09	6 85	22 41	-15 56
	0 1912	127 7189	06/10/08	01/02/09	9 12	23 23	-14 11
SLM CORP	40 0000	16 8812	08/07/08	01/20/09	474 34	675 25	-200 91
	20 0000	16 8812	08/07/08	03/23/09	89 79	337 62	-247 83
	30 0000	15 7001	08/18/08	03/23/09	134 70	471 00	-336 30
WELLS FARGO COMPANY	0 2140	134 6750	04/23/08	01/02/09	6 24	28 05	-21 81
	0 0803	154 8387	05/07/08	01/02/09	2 34	12 10	-9 76
	0 2140	144 1852	05/13/08	01/02/09	6 24	30 03	-23 79
	0 1070	129 0823	05/23/08	01/02/09	3 12	13 45	-10 33
	0 0803	113 7801	06/04/08	01/02/09	2 34	8 89	-6 55
	0 1605	92 8387	06/25/08	01/02/09	4 68	14 51	-9 83
<b>Total - Short Term</b>					<b>\$1,659 73</b>	<b>\$2,719 41</b>	<b>-\$1,064 64</b>

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## Realized Gain/Loss

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JAMES AVERY CHARITABLE  
 FOUNDATION TR  
 CHRISTOPHER M AVERY TTEE  
 U/A 2/11/92 MASTERS/BRADES

Long Term							
DESCRIPTION	QUANTITY	ADJ PRICE/ ORIG PRICE	DATE ACQUIRED	CLOSE DATE	PROCEEDS	ADJ COST/ ORIG COST	GAIN/LOSS
AKZO NOBEL N V ADR	5 0000	36 8244	03/31/04	10/26/09	337 22	184 12	153 10
BOSTON SCIENTIFIC CORP	30 0000	15 7919	10/26/06	06/23/09	292 79	473 76	-180 97
	35 0000	15 7919	10/26/06	07/27/09	367 57	552 72	-185 15
CENTRAIS ELEC BRAZ COM ELBRAS ON SPON ADR SHRS	75 0000	3 7000	07/26/02	06/22/09	1,084 10	277 50	806 60
CIT GROUP INC	20 0000	24 7801	02/20/08	07/16/09	7 69	495 60	-487 91
CITIGROUP INC	10 0000	38 6245	11/01/07	03/30/09	23 74	386 25	-362 51
	60 0000	31 5167	11/08/07	03/30/09	142 50	1,891 00	-1,748 50
	15 0000	32 1795	11/09/07	03/30/09	35 62	482 69	-447 07
	15 0000	30 1889	11/27/07	03/30/09	35 62	452 83	-417 21
	15 0000	26 9700	01/15/08	03/30/09	35 62	404 55	-368 93
	20 0000	24 7700	02/22/08	03/30/09	47 50	495 40	-447 90
	25 0000	21 1433	03/13/08	03/30/09	59 38	528 58	-469 20
CONSECO INC NEW	75 0000	19 7402	07/24/07	03/11/09	22 49	1,480 52	-1,458 03
DOW CHEMICAL COMPANY	15 0000	39 9911	12/05/06	07/30/09	325 88	599 87	-273 99
	20 0000	39 9911	12/05/06	09/18/09	531 84	799 81	-267 97
	5 0000	40 0000	01/03/07	09/18/09	132 96	200 00	-67 04
EASTMAN KODAK COMPANY	140 0000	25 2647	09/22/05	04/21/09	573 98	3,537 06	-2,963 08
FAIRPOINT COMMUNICATIONS INC	1 0000	7 8259	07/19/02	03/30/09	0 64	7 82	-7 18
FORD MOTOR COMPANY,DEL COM PAR \$0 01	5 0000	8 4749	11/23/05	03/18/09	12 51	42 37	-29 86
	120 0000	8 2497	12/15/05	03/18/09	300 36	989 96	-589 60
	53 0000	8 1357	03/27/06	03/18/09	132 67	431 20	-298 53

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JAMES AVERY CHARITABLE  
 FOUNDATION TR  
 CHRISTOPHER M AVERY TTEE  
 U/A 2/11/92 MASTERS/BRANDES

Long Term	Continued							
DESCRIPTION	QUANTITY	ADJ PRICE/ ORIG PRICE	DATE ACQUIRED	CLOSE DATE	PROCEEDS	ADJ COST/ ORIG COST	GAIN/LOSS	
GANNETT CO INC DEL	30 0000	59 8747	03/30/06	08/10/09	243 95	1,796 24	-1,552 29	
	10 0000	54 7167	05/12/06	08/10/09	81 31	547 17	-465 86	
	20 0000	54 6598	06/01/06	08/10/09	162 64	1,093 20	-930 56	
	10 0000	59 4853	01/04/07	08/10/09	81 32	594 85	-513 53	
	10 0000	53 6694	07/18/07	08/10/09	81 32	536 69	-455 37	
	10 0000	47 5375	08/10/07	08/10/09	81 32	475 38	-394 06	
	20 0000	44 2375	09/28/07	08/10/09	162 64	884 75	-722 11	
GLAXOSMITHKLINE PLC-ADR	15 0000	42 6011	02/26/04	01/21/09	527 01	639 02	-112 01	
	15 0000	42 6011	02/26/04	04/06/09	458 68	639 01	-180 33	
	5 0000	53 6366	12/01/06	04/06/09	152 90	268 19	-115 29	
HOME DEPOT INC	25 0000	30 9351	10/19/07	04/08/09	628 06	773 38	-145 32	
	20 0000	30 9351	10/19/07	06/25/09	470 50	618 70	-148 20	
	20 0000	28 6870	12/03/07	08/18/09	539 78	573 74	-33 96	
HSBC HOLDINGS PLC SPON ADR	20 0000	87 9986	03/26/07	08/07/09	1,092 31	1,759 98	-667 67	
	15 0000	87 9986	03/26/07	11/09/09	865 60	1,319 97	-454 37	
INTEL CORP	20 0000	19 7900	03/22/06	07/31/09	389 98	395 80	-5 82	
KT CORP SP ADR	40 0000	19 0000	07/09/03	04/07/09	577 24	760 00	-182 76	
MCCLATCHY COMPANY CL A	15 0000	28 9900	05/09/07	03/30/09	8 99	434 85	-425 86	
	45 0000	29 1700	05/10/07	03/30/09	27 00	1,312 65	-1,285 65	
MERCK & CO INC NEW	0 8350	19 7635	09/03/08	11/05/09	27 15	16 03	11 12	
MICRON TECHNOLOGY INC	60 0000	12 3057	08/02/05	12/07/09	513 00	738 35	-225 35	
	95 0000	12 3057	08/02/05	12/16/09	850 77	1,169 04	-318 27	

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JAMES AVERY CHARITABLE  
FOUNDATION TR  
CHRISTOPHER M AVERY TTEE  
U/A 2/11/92 MASTERS/BRANDES

Long Term	Continued							
DESCRIPTION	QUANTITY	ADJ PRICE/ ORIG PRICE	DATE ACQUIRED	CLOSE DATE	PROCEEDS	ADJ COST/ ORIG COST	GAIN/LOSS	
MITSUBISHI UFJ FINANCIAL ADR	160 0000	12 4237	11/15/06	04/06/09	823 01	1,987 79	-1 164 78	
	25 0000	11 8965	02/09/07	04/06/09	128 60	297 42	-168 82	
MOTOROLA INCORPORATED	105 0000	17 1221	07/27/07	11/05/09	973 46	1,797 83	-824 37	
PNC FINANCIAL SERVICES GROUP	0 1147	705 0339	09/07/07	01/02/09	5 48	76 94	-71 46	
	0 1147	629 1706	11/01/07	01/02/09	5 48	68 66	-63 18	
SANOFI-AVENTIS ADR	15 0000	37 4313	01/28/05	04/06/09	410 41	561 47	-151 06	
	20 0000	40 6986	03/02/05	04/06/09	547 22	813 98	-266 76	
SCHERING PLOUGH CORP CHG	21 1650	19 1912	09/03/08	11/06/09	525 00	406 18	118 82	
TÉLMEX INTERNACIONAL ADR	5 0000	7 1792	07/09/03	10/07/09	68 50	35 90	32 60	
	30 0000	7 1792	07/09/03	11/12/09	458 98	215 36	243 62	
TENET HEALTHCARE CORP	200 0000	14 7756	12/08/03	05/27/09	665 51	2,955 12	-2,289 61	
	40 0000	12 7338	02/18/04	05/27/09	133 11	509 36	-376 25	
UNILEVER N V ADR	20 0000	21 0960	06/14/06	08/24/09	560 74	421 92	138 82	
UNISYS CORP	55 0000	7 6756	02/16/05	08/04/09	111 17	422 15	-310 98	
	225 0000	7 0056	03/30/05	08/04/09	454 80	1,576 26	-1,121 46	
WYETH	30 0000	46 8584	08/29/07	10/16/09	1,507 56	1,405 75	101 81	
<b>Total - Long Term</b>					<b>\$19,905 18</b>	<b>\$45,612 69</b>	<b>-\$25,707 51</b>	

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• 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)

<b>Part II</b>		<b>Additional (Not Automatic) 3-Month Extension of Time.</b> 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	Employer identification number	
	JAMES AVERY CHARITABLE FOUNDATION ATTN: CHRIS AVERY	74-2627241	
	Number, street, and room or suite no. If a P O box, see instructions	For IRS use only	
	PO BOX 291367		
	City, town or post office, state, and ZIP code For a foreign address, see instructions		
	KERRVILLE, TX 78029-1367		

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

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

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

CHRISTOPHER MATTHEW AVERY

• The books are in the care of  P.O. BOX 291367, KERRVILLE, TX - 78029-1367  
 Telephone No  830-895-1122 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 NOVEMBER 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  
**THE ORGANIZATION NEEDS ADDITIONAL TIME IN WHICH TO GATHER COMPLETE AND ACCURATE INFORMATION.**

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	\$	0.
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	\$	0.
c	<b>Balance Due.</b> 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	\$	0.

**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  Jandra Seiffers Title  CPA Date  8/13/10