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Form **990-PF**

Department of the Treasury
Internal Revenue Service

Return 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 01-01-2009 , and ending 12-31-2009

G

Check all that apply

☐ Initial return

☐ Initial return of a former public charity

☐ Final return

☐ Amended return

☐ Address change

☐ Name change

Use the IRS label. Otherwise, print or type. See Specific Instructions.	Name of foundation THE MARLENE AND JO STEWART JR FOUNDATION RON ACTON TRUSTEE		A Employer identification number 74-2958268	
	Number and street (or P O box number if mail is not delivered to street address) Room/suite 124 W CASTELLANO		B Telephone number (see page 10 of the instructions) (915) 833-6488	
	City or town, state, and ZIP code EL PASO, TX 79912		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) \$ 1,802,740		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.	30,305	30,305	30,305	
	5a Gross rents	112	112	112	
	b Net rental income or (loss) <u>112</u>				
	6a Net gain or (loss) from sale of assets not on line 10	-679,597			
	b Gross sales price for all assets on line 6a <u>1,185,389</u>				
	7 Capital gain net income (from Part IV , line 2)				
	8 Net short-term capital gain				
	9 Income modifications				
	10a Gross sales less returns and allowances				
	b Less Cost of goods sold				
Operating and Administrative Expenses	c Gross profit or (loss) (attach schedule)				
	11 Other income (attach schedule)	59,893	59,893	59,893	
	12 Total. Add lines 1 through 11	-589,287	90,310	90,310	
	13 Compensation of officers, directors, trustees, etc	39,670			
	14 Other employee salaries and wages				
	15 Pension plans, employee benefits				
	16a Legal fees (attach schedule)				
	b Accounting fees (attach schedule)	16,525	16,525	16,525	0
	c Other professional fees (attach schedule)				
	17 Interest	6,462	6,462	6,462	
	18 Taxes (attach schedule) (see page 14 of the instructions)	4,107	4,107	4,107	
	19 Depreciation (attach schedule) and depletion				
	20 Occupancy				
	21 Travel, conferences, and meetings				
	22 Printing and publications				
	23 Other expenses (attach schedule)	10,115	10,115	10,115	
	24 Total operating and administrative expenses. Add lines 13 through 23	76,879	37,209	37,209	0
	25 Contributions, gifts, grants paid	217,071			217,071
	26 Total expenses and disbursements. Add lines 24 and 25	293,950	37,209	37,209	217,071
	27 Subtract line 26 from line 12				
	a Excess of revenue over expenses and disbursements	-883,237			
	b Net investment income (if negative, enter -0-)		53,101		
	c Adjusted net income (if negative, enter -0-)			53,101	

Part II Balance Sheets		Attached schedules and amounts in the description column should be for end-of-year amounts only (See instructions)	Beginning of year	End of year	
			(a) Book Value	(b) Book Value	(c) Fair Market Value
Assets	1	Cash—non-interest-bearing			
	2	Savings and temporary cash investments	42,684	181,548	181,548
	3	Accounts receivable ▶ _____ Less allowance for doubtful accounts ▶ _____			
	4	Pledges receivable ▶ _____ Less allowance for doubtful accounts ▶ _____			
	5	Grants receivable			
	6	Receivables due from officers, directors, trustees, and other disqualified persons (attach schedule) (see page 15 of the instructions)			
	7	Other notes and loans receivable (attach schedule) ▶ _____ Less allowance for doubtful accounts ▶ _____			
	8	Inventories for sale or use			
	9	Prepaid expenses and deferred charges			
	10a	Investments—U S and state government obligations (attach schedule)			
	b	Investments—corporate stock (attach schedule)	1,761,088	1,795,071	1,621,192
	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)			
	14	Land, buildings, and equipment basis ▶ _____ Less accumulated depreciation (attach schedule) ▶ _____			
15	Other assets (describe ▶ _____)	1,058,650			
16	Total assets (to be completed by all filers—see the instructions Also, see page 1, item I)	2,862,422	1,976,619	1,802,740	
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 ▶ _____)	2,566	0	
	23	Total liabilities (add lines 17 through 22)	2,566	0	
Net Assets or Fund Balances	Foundations that follow SFAS 117, check here ▶ ☐ and complete lines 24 through 26 and lines 30 and 31.				
	24	Unrestricted			
	25	Temporarily restricted			
	26	Permanently restricted			
	Foundations that do not follow SFAS 117, check here ▶ ☒ and complete lines 27 through 31.				
	27	Capital stock, trust principal, or current funds	2,859,856	1,976,619	
	28	Paid-in or capital surplus, or land, bldg , and equipment fund			
	29	Retained earnings, accumulated income, endowment, or other funds	0	0	
	30	Total net assets or fund balances (see page 17 of the instructions)	2,859,856	1,976,619	
	31	Total liabilities and net assets/fund balances (see page 17 of the instructions)	2,862,422	1,976,619	

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)	12,859,856
2	Enter amount from Part I, line 27a	-883,237
3	Other increases not included in line 2 (itemize) ▶ _____	
4	Add lines 1, 2, and 3	1,976,619
5	Decreases not included in line 2 (itemize) ▶ _____	
6	Total net assets or fund balances at end of year (line 4 minus line 5)—Part II, column (b), line 30	1,976,619

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					
(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) 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					
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
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

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	533,570	2,511,990	0 212409	
2007	547,488	4,069,179	0 134545	
2006	351,717	4,060,821	0 086612	
2005	344,059	4,010,971	0 085779	
2004	240,289	4,020,351	0 059768	
2 Total of line 1, column (d).			2	0 579113
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 115823
4 Enter the net value of noncharitable-use assets for 2009 from Part X, line 5.			4	1,786,387
5 Multiply line 4 by line 3.			5	206,905
6 Enter 1% of net investment income (1% of Part I, line 27b).			6	531
7 Add lines 5 and 6.			7	207,436
8 Enter qualifying distributions from Part XII, line 4.			8	217,071
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 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	531
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	531
4		Subtitle A (income) tax (domestic section 4947(a)(1) trusts and taxable foundations only Others enter -0-)		4	
5		Tax based on investment income. Subtract line 4 from line 3 If zero or less, enter -0-		5	531
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	650	
d		Backup withholding erroneously withheld	6d		
7		Total credits and payments Add lines 6a through 6d.		7	650
8		Enter any penalty for underpayment of estimated tax Check here ☐ if Form 2220 is attached		8	16
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	103
11		Enter the amount of line 10 to be Credited to 2010 estimated tax 103	Refunded	11	

Part VII-A				Statements Regarding Activities		
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?			Yes	No
				1a		No
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)?				No
		If the answer is "Yes" to 1a or 1b, attach a detailed description of the activities and copies of any materials published or distributed by the foundation in connection with the activities.				
c		Did the foundation file Form 1120-POL for this year?.		1c		No
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		No
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		No
4a		Did the foundation have unrelated business gross income of \$1,000 or more during the year?.		4a	Yes	
b		If "Yes," has it filed a tax return on Form 990-T for this year?.		4b	Yes	
5		Was there a liquidation, termination, dissolution, or substantial contraction during the year? If "Yes," attach the statement required by General Instruction T.		5		No
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	Yes	
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	Yes	
8a		Enter the states to which the foundation reports or with which it is registered (see page 19 of the instructions) TX				
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	Yes	
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		No
10		Did any persons become substantial contributors during the tax year? If "Yes," attach a schedule listing their names and addresses		10		No

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		No
12	Did the foundation acquire a direct or indirect interest in any applicable insurance contract before August 17, 2008?	12		No
13	Did the foundation comply with the public inspection requirements for its annual returns and exemption application?	13	Yes	
Website address				
14	The books are in care of	Telephone no		
Located at		ZIP+4		
15	Section 4947(a)(1) nonexempt charitable trusts filing Form 990-PF in lieu of Form 1041 —Check here			
and enter the amount of tax-exempt interest received or accrued during the year		15		

Part VII-B

Statements Regarding Activities for Which Form 4720 May Be Required

File Form 4720 if any item is checked in the "Yes" column, unless an exception applies.			Yes	No
1a	During the year did the foundation (either directly or indirectly)			
(1)	Engage in the sale or exchange, or leasing of property with a disqualified person?	Yes	No	
(2)	Borrow money from, lend money to, or otherwise extend credit to (or accept it from) a disqualified person?	Yes	No	
(3)	Furnish goods, services, or facilities to (or accept them from) a disqualified person?	Yes	No	
(4)	Pay compensation to, or pay or reimburse the expenses of, a disqualified person?	Yes	No	
(5)	Transfer any income or assets to a disqualified person (or make any of either available for the benefit or use of a disqualified person)?	Yes	No	
(6)	Agree to pay money or property to a government official? (Exception. Check "No" if the foundation agreed to make a grant to or to employ the official for a period after termination of government service, if terminating within 90 days).	Yes	No	
b	If any answer is "Yes" to 1a(1)–(6), did any of the acts fail to qualify under the exceptions described in Regulations section 53.4941(d)-3 or in a current notice regarding disaster assistance (see page 20 of the instructions)?	1b		
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		No
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?			
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		
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?			
b	If "Yes," did it have excess business holdings in 2009 as a result of (1) any purchase by the foundation or disqualified persons after May 26, 1969, (2) the lapse of the 5-year period (or longer period approved by the Commissioner under section 4943(c)(7)) to dispose of holdings acquired by gift or bequest, or (3) the lapse of the 10-, 15-, or 20-year first phase holding period? (Use Schedule C, Form 4720, to determine if the foundation had excess business holdings in 2009.).	3b		
4a	Did the foundation invest during the year any amount in a manner that would jeopardize its charitable purposes?	4a		No
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		No

Part VII-B

Statements Regarding Activities for Which Form 4720 May Be Required (continued)

5a	During the year did the foundation pay or incur any amount to			
	(1) Carry on propaganda, or otherwise attempt to influence legislation (section 4945(e))?	☐ Yes	☒ No	
	(2) Influence the outcome of any specific public election (see section 4955), or to carry on, directly or indirectly, any voter registration drive?	☐ Yes	☒ No	
	(3) Provide a grant to an individual for travel, study, or other similar purposes?	☐ Yes	☒ No	
	(4) Provide a grant to an organization other than a charitable, etc , organization described in section 509(a)(1), (2), or (3), or section 4940(d)(2)? (see page 22 of the instructions).	☐ Yes	☒ No	
	(5) Provide for any purpose other than religious, charitable, scientific, literary, or educational purposes, or for the prevention of cruelty to children or animals?	☐ Yes	☒ No	
b	If any answer is "Yes" to 5a(1)–(5), did any of the transactions fail to qualify under the exceptions described in Regulations section 53.4945 or in a current notice regarding disaster assistance (see page 22 of the instructions)?	5b		
	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
	<i>If "Yes," attach the statement required by Regulations section 53.4945–5(d).</i>			
6a	Did the foundation, during the year, receive any funds, directly or indirectly, to pay premiums on a personal benefit contract?		☐ Yes	☒ No
b	Did the foundation, during the year, pay premiums, directly or indirectly, on a personal benefit contract?	6b		No
	<i>If "Yes" to 6b, file Form 8870.</i>			
7a	At any time during the tax year, was the foundation a party to a prohibited tax shelter transaction?		☐ Yes	☒ No
b	If yes, did the foundation receive any proceeds or have any net income attributable to the transaction?	7b		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 (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 Additional Data Table				
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
Total number of other employees paid over \$50,000.				

Part VIII Information About Officers 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

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

Part IX-A Summary of Direct Charitable Activities

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

1	
2	
3	
4	

Part IX-B Summary of Program-Related Investments (see page 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		

Total. Add lines 1 through 3.

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	622,356
b	Average of monthly cash balances.	1b	379,751
c	Fair market value of all other assets (see page 24 of the instructions).	1c	811,484
d	Total (add lines 1a, b, and c).	1d	1,813,591
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	0
3	Subtract line 2 from line 1d.	3	1,813,591
4	Cash deemed held for charitable activities Enter 1 1/2% of line 3 (for greater amount, see page 25 of the instructions).	4	27,204
5	Net value of noncharitable-use assets. Subtract line 4 from line 3 Enter here and on Part V, line 4	5	1,786,387
6	Minimum investment return. Enter 5% of line 5.	6	89,319

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	89,319
2a	Tax on investment income for 2009 from Part VI, line 5.	2a	531
b	Income tax for 2009 (This does not include the tax from Part VI).	2b	
c	Add lines 2a and 2b.	2c	531
3	Distributable amount before adjustments Subtract line 2c from line 1.	3	88,788
4	Recoveries of amounts treated as qualifying distributions.	4	
5	Add lines 3 and 4.	5	88,788
6	Deduction from distributable amount (see page 25 of the instructions).	6	
7	Distributable amount as adjusted Subtract line 6 from line 5 Enter here and on Part XIII, line 1.	7	88,788

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	217,071
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	0
3	Amounts set aside for specific charitable projects that satisfy the		
a	Suitability test (prior IRS approval required).	3a	0
b	Cash distribution test (attach the required schedule).	3b	0
4	Qualifying distributions. Add lines 1a through 3b Enter here and on Part V, line 8, and Part XIII, line 4	4	217,071
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	531
6	Adjusted qualifying distributions. Subtract line 5 from line 4.	6	216,540
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				88,788
2	Undistributed income, if any, as of the end of 2008				
a	Enter amount for 2008 only.				
b	Total for prior years 2007 , 2006 , 2005				
3	Excess distributions carryover, if any, to 2009				
a	From 2004.				44,113
b	From 2005.				148,026
c	From 2006.				153,762
d	From 2007.				349,543
e	From 2008.				409,042
f	Total of lines 3a through e.	1,104,486			
4	Qualifying distributions for 2009 from Part XII, line 4 ▶ \$ 217,071				
a	Applied to 2008, but not more than line 2a				
b	Applied to undistributed income of prior years (Election required—see page 26 of the instructions)				
c	Treated as distributions out of corpus (Election required—see page 26 of the instructions). . .				
d	Applied to 2009 distributable amount.				88,788
e	Remaining amount distributed out of corpus	128,283			
5	Excess distributions carryover applied to 2009 (If an amount appears in column (d), the same amount must be shown in column (a).)				
6	Enter the net total of each column as indicated below:				
a	Corpus Add lines 3f, 4c, and 4e Subtract line 5	1,232,769			
b	Prior years' undistributed income Subtract line 4b from line 2b.				
c	Enter the amount of prior years' undistributed income for which a notice of deficiency has been issued, or on which the section 4942(a) tax has been previously assessed.				
d	Subtract line 6c from line 6b Taxable amount—see page 27 of the instructions . . .				
e	Undistributed income for 2008 Subtract line 4a from line 2a Taxable amount—see page 27 of the instructions			0	
f	Undistributed income for 2009 Subtract lines 4d and 5 from line 1 This amount must be distributed in 2010				0
7	Amounts treated as distributions out of corpus to satisfy requirements imposed by section 170(b)(1)(F) or 4942(g)(3) (see page 27 of the instructions)				
8	Excess distributions carryover from 2004 not applied on line 5 or line 7 (see page 27 of the instructions)	44,113			
9	Excess distributions carryover to 2010. Subtract lines 7 and 8 from line 6a	1,188,656			
10	Analysis of line 9				
a	Excess from 2005.				148,026
b	Excess from 2006.				153,762
c	Excess from 2007.				349,543
d	Excess from 2008.				409,042
e	Excess from 2009.				128,283

Part XIV

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

1a

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

b

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

☐ 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 organization had \$5,000 or more in assets at any time during the year—see page 27 of the instructions.)

1

Information Regarding Foundation Managers:

a

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

NONE

b

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

NONE

2

Information Regarding Contribution, Grant, Gift, Loan, Scholarship, etc., Programs:

Check here ☐ if the foundation only makes contributions to preselected charitable organizations and does not accept unsolicited requests for funds. If the foundation makes gifts, grants, etc. (see page 28 of the instructions) to individuals or organizations under other conditions, complete items 2a, b, c, and d.

a

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

RON ACTON
124 W CASTELLANO - SUITE 213
EL PASO, TX 79912
(915) 833-6488

b

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

APPLICATIONS SHOULD BE IN WRITING AND THE INFORMATION SHOULD INCLUDE THE NAME OF THE CHARITY, THE PRIMARY FUNCTION OF THE CHARITY, WHO THE CHARITY BENEFITS AND THE AMOUNT OF CONTRIBUTION REQUESTED

c

Any submission deadlines

NONE

d

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

MUST BE A 501(C)(3) CHARITY

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)				
a Paid during the year See Additional Data Table				
Total			▶ 3a	217,071
b Approved for future payment				
Total			▶ 3b	

Enter gross amounts unless otherwise indicated

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

Form **990-PF** (2009)

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?		Yes	No
a	Transfers from the reporting foundation to a noncharitable exempt organization of			
	(1) Cash.	1a(1)		No
	(2) Other assets.	1a(2)		No
b	Other transactions			
	(1) Sales of assets to a noncharitable exempt organization.	1b(1)		No
	(2) Purchases of assets from a noncharitable exempt organization.	1b(2)		No
	(3) Rental of facilities, equipment, or other assets.	1b(3)		No
	(4) Reimbursement arrangements.	1b(4)		No
	(5) Loans or loan guarantees.	1b(5)		No
	(6) Performance of services or membership or fundraising solicitations.	1b(6)		No
c	Sharing of facilities, equipment, mailing lists, other assets, or paid employees.	1c		No
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

Sign Here

Under penalties of perjury, I declare that I have examined this return, including accompanying schedules and statements, and to the best of my knowledge and belief, it is true, correct, and complete Declaration of preparer (other than taxpayer or fiduciary) is based on all information of which preparer has any knowledge				
*****			2010-11-09	*****
Signature of officer or trustee			Date	Title
Paid Preparer's Use Only	Preparer's Signature		Date	Check if self-employed ☐
	Preparer's identifying number (see Signature on page 30 of the instructions)			
	Firm's name (or yours if self-employed), address, and ZIP code		EIN	Phone no
	MAURINE COX PC 124 W CASTELLANO SUITE 202 EL PASO, TX 79912			(915) 772-3660

Additional Data

Software ID: 09000054
Software Version: 09-8.5
EIN: 74-2958268
Name: THE MARLENE AND JO STEWART JR FOUNDATION
RON ACTON TRUSTEE

Form 990PF Part VIII Line 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
J O STEWART JR	VPRES & DIRECTOR 0	0	0	0
801 CERVANTES COURT EL PASO,TX 79922				
MARLENE STEWART	VPRES & DIRECTOR 0	0	0	0
801 CERVANTES COURT EL PASO,TX 79922				
JAMES O STEWART III	VPRES & DIRECTOR 0	0	0	0
745 WILLOW GLEN EL PASO,TX 79922				
RON F ACTON	PRESIDENT & DIRECTOR 0	39,670	0	0
1328 CERRITO ALEGRE EL PASO,TX 79912				
MYRON BROWN	VPRES & DIRECTOR 0	0	0	0
124 W CASTELLANO - SUITE 100 EL PASO,TX 79912				

Form 990PF Part XV Line 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)				
a Paid during the year				
GLORY REBORN111 WEST SUNSET DRIVE EL PASO,TX 79922	NONE	501(C)(3) CHARITY	CONTRIBUTION TO GENERAL FUND OF CHURCH	2,000
CAMPUS CRUSADE FOR CHRISTPO BOX 62822 ORLANDO,FL 32862	NONE	501(C)(3) CHARITY	PROMOTE CHRISTIANITY ON CAMPUSES	1,000
CORONADO BAPTIST CHURCH THUNDERBIRD DRIVE EL PASO,TX 79912	NONE	501(C)(3) CHARITY	CONTRIBUTION TO GENERAL FUND OF CHURCH	36,000
EL PASO SYMPHONY ORCHESTRA PO BOX 180 EL PASO,TX 79942	NONE	501(C)(3) CHARITY	PROMOTE THE ARTS IN EL PASO	15,600
EL PASO FOR JESUSPO BOX 221212 EL PASO,TX 79913	NONE	501(C)(3) CHARITY	PROMOTE CHRISTIANITY IN EL PASO	2,596
EL PASO PRO MUSICAPO BOX 13328 EL PASO,TX 79913	NONE	501(C)(3) CHARITY	BRING CHRISTIAN AND OTHER CONCERTS TO EL PASO TO PROMOTE THE ARTS IN THIS AREA	35,300
EL PASO WIND SYMPHONY6308 LAPOSTA DRIVE EL PASO,TX 799121863	NONE	501(C)(3) CHARITY	PROMOTE THE ARTS IN THE EL PASO AREA	500
KINGS KIDS936 W SUNSET EL PASO,TX 799222149	NONE	501(C)(3) CHARITY	PROVIDE CHRISTIAN ENVIRONMENT FOR KIDS	2,000
LUIS PALAU EVANGELISTIC ASSOCIATIONPO BOX 50 PORTLAND,OR 97207	NONE	501(C)(3) CHARITY	PROVIDE EVANGELICAL CHRISTIAN GATHERINGS	5,000
CHALIES LUNCH MINISTRIESPO BOX 12428 EL PASO,TX 79913	NONE	501(C)(3) CHARITY	PROVIDE MEALS TO NEEDY CHILDREN & FAMILIES	1,000
LYDIA PATTERSON INSTITUTE517 S FLORENCE - PO BOX 11 EL PASO,TX 79940	NONE	501(C)(3) CHARITY	WORK SCHOLARSHIP PROGRAM FOR NEEDY CHILDREN	11,145
YWCA PASO DEL NORTE1918 EXAS AVENUE EL PASO,TX 79901	NONE	501(C)(3) CHARITY	CONTRIBUTION TO GENERAL FUND TO PROMOTE NUMEROUS PROGRAMS IN THE EL PASO AREA	1,000
YOUNG LIFEPO BOX 12733 EL PASO,TX 79913	NONE	501(C)(3) CHARITY	PROMOTE CHRISTIAN ORGANIZATION FOR YOUTH	1,000
UNIVERSITY OF TEXAS UNIVERSITY OF TEXAS AT EL PASO 500 WEST UNIVERSITY EL PASO,TX 79998	NONE	501(C)(3) CHARITY	PROVIDE SCHOLARSHIPS AND EQUIPMENT	25,000
TEACH TO FISH305 HARRISON ST S E 3RD FLOOR LEESBURG,VA 20175	NONE	501(C)(3) CHARITY	HELP UNDERPRIVILIGED COUNTRIES BECOME MORE INDEPENDENT	51,000
Total  3a				217,071

Form 990PF Part XV Line 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)				
a Paid during the year				
RESCUE MISSION OF EL PASOPO BOX 1493 EL PASO,TX 79948	NONE	501(C)(3) CHARITY	PROVIDE FOR THE HOMELESS	1,000
BOY SCOUTS OF AMERICA -YUCCA COUNCIL7601 LOCKHEED DRIVE EL PASO,TX 79925	NONE	501(C)(3) CHARITY	CONTRIBUTION TO GENERAL OPERATING FUND	1,000
YOUTH WITH A MISSIONPO BOX 300 GARDEN VALLEY,TX 75771	NONE	501(C)(3) CHARITY	INTERNATIONAL EVANGELISTIC MINISTRY FOR TEENS	1,000
LIVING HOPE CHRISTIAN COUNSELING6044 GATEWAY BOULEVARD - SUITE 506 EL PASO,TX 79902	NONE	501(C)(3) CHARITY	CHRISTIAN COUNSELING	2,500
YMCA701 MONTANA AVENUE EL PASO,TX 79902	NONE	501(C)(3) CHARITY	CONTRIBUTION TO GENERAL FUND	10,000
HOSPICE OF EL PASO2525 E MISSOURI EL PASO,TX 79903	NONE	501(C)(3) CHARITY	TO AID IN PROVIDING CARE FOR TERMINALLY ILL PATIENTS AND SUPPORT TO THEIR FAMILIES DURING THE ILLNESS AND BEREAVEMENT PERIOD	2,450
CHRISTMAS STREET1101 E SCHUSTER AVE EL PASO,TX 79902	NONE	501(C) (3) CHARITY	PROMOTE AND ADVANCE THE WELFARE OF THE PASO DEL NORTE CHILDREN'S DEVELOPMENT CENTER	750
YOUTH FOR CHRIST3331 IDALIA AVE EL PASO,TX 79930	NONE	501(C) (3) CHARITY	EVANGELISTIC MINISTRY FOR TEENS	200
EL PASO BAPTIST CLINIC8308 ECHO ST EL PASO,TX 79904	NONE	501(C) (3) CHARITY	FREE MEDICAL CARE FOR THE MEDICALLY INDIGENT	200
SHIELD-A-BADGE WITH PRAYER INC912A CESSNA EL PASO,TX 79925	NONE	501(C) (3) CHARITY	EVANGELICAL MINISTRY TO POLICE, SHERIFF, BORDER PATROL AND FIRE DEPARTMENT PERSONNEL	50
FELLOWSHIP OF CHRISTIAN ATHLETES8701 LEEDS ROAD KANSAS CITY,MO 64129	NONE		TO PRESENT TO ATHLETES AND COACHES AND ALL WHOM THEY INFLUENCE THE CHALLENGE AND ADVENTURE OF RECEIVING JESUE CHRIST	1,000
CORONADO HIGH SCHOOLPO BOX 13618 EL PASO,TX 79912	NONE	501(C) (3) CHARITY	MUSICAL EDUCATION	50
ST MARK'S PSC5005 LOVE ROAD EL PASO,TX 79922	NONE	501(C) (3) CHARITY	CHILD CARE AND EDUCATION	5,240
CONNIE PAUL CONCERTS762 VIA LANZA EL PASO,TX 79912	NONE	501(C) (3) CHARITY	BRING CHRISTIAN MUSICAL GROUPS TO EL PASO	1,490
Total  3a				217,071

TY 2009 Accounting Fees Schedule

Name: THE MARLENE AND JO STEWART JR FOUNDATION
RON ACTON TRUSTEE
EIN: 74-2958268

Category	Amount	Net Investment Income	Adjusted Net Income	Disbursements for Charitable Purposes
ACCOUNTING & TAX	16,525	16,525	16,525	

**TY 2009 All Other Program
Related Investments Schedule**

Name: THE MARLENE AND JO STEWART JR FOUNDATION
RON ACTON TRUSTEE
EIN: 74-2958268

Category	Amount
NONE	

Note: To capture the full content of this document, please select landscape mode (11" x 8.5") when printing.

TY 2009 Depreciation Schedule

Name: THE MARLENE AND JO STEWART JR FOUNDATION
RON ACTON TRUSTEE

EIN: 74-2958268

Description of Property	Date Acquired	Cost or Other Basis	Prior Years' Depreciation	Computation Method	Rate / Life (# of years)	Current Year's Depreciation Expense	Net Investment Income	Adjusted Net Income	Cost of Goods Sold Not Included
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**TY 2009 Investments Corporate
Stock Schedule**

Name: THE MARLENE AND JO STEWART JR FOUNDATION
RON ACTON TRUSTEE

EIN: 74-2958268

Name of Stock	End of Year Book Value	End of Year Fair Market Value
SEE ATTACHED LIST		
MARKETABLE SECURITIES	801,791	829,861
ALTERNATIVE INVESTMENTS	993,280	791,331

TY 2009 Investments - Land Schedule

Name: THE MARLENE AND JO STEWART JR FOUNDATION
RON ACTON TRUSTEE

EIN: 74-2958268

Category/ Item	Cost/Other Basis	Accumulated Depreciation	Book Value	End of Year Fair Market Value
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TY 2009 Land, Etc. Schedule

Name: THE MARLENE AND JO STEWART JR FOUNDATION
RON ACTON TRUSTEE
EIN: 74-2958268

Category / Item	Cost / Other Basis	Accumulated Depreciation	Book Value	End of Year Fair Market Value
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TY 2009 Legal Fees Schedule

Name: THE MARLENE AND JO STEWART JR FOUNDATION
RON ACTON TRUSTEE
EIN: 74-2958268

Category	Amount	Net Investment Income	Adjusted Net Income	Disbursements for Charitable Purposes
LEGAL FEES				

TY 2009 Other Assets Schedule

Name: THE MARLENE AND JO STEWART JR FOUNDATION
RON ACTON TRUSTEE

EIN: 74-2958268

Description	Beginning of Year - Book Value	End of Year - Book Value	End of Year - Fair Market Value
PARTNERSHIP INVESTMENT			
NEW ECONOMY GROWTH PARTNERS	284,168		
LONG SHORT PARTNERS LP	774,482		

TY 2009 Other Expenses Schedule

Name: THE MARLENE AND JO STEWART JR FOUNDATION
RON ACTON TRUSTEE

EIN: 74-2958268

Description	Revenue and Expenses per Books	Net Investment Income	Adjusted Net Income	Disbursements for Charitable Purposes
BANK CHARGES	65	65	65	
OFFICE EXPENSE				
ADVISORY FEES	10,053	10,053	10,053	
MISCELLANEOUS	-3	-3	-3	
SILVER CREEK LONG SHORT PARTNE				
NEW ECONOMY GROWTH PARTNERS LP				

TY 2009 Other Income Schedule

Name: THE MARLENE AND JO STEWART JR FOUNDATION

RON ACTON TRUSTEE

EIN: 74-2958268

Description	Revenue And Expenses Per Books	Net Investment Income	Adjusted Net Income
SILVER CREEK PARTNERS - K-1 INFORMATION	59,300	59,300	59,300
NEW ECONOMY GROWTH PARTNERS - K-1 INFO	2,953	2,953	2,953
ALLIANCE HOLDINGS GP,LP	-245	-245	-245
BOARDWALK PIPELINE PARTNERS,LP	-63	-63	-63
COPANO ENERGY, LLC	-496	-496	-496
DCP MIDSTREAM PARTNERS, LP	-80	-80	-80
EL PASO PIPELINE PARTNERS, LP	-53	-53	-53
ENBRIDGE ENERGY PARTNER, LP	16	16	16
ENERGY TRANSFER EQUITY, LP	-733	-733	-733
ENTERPRISE PRODUCTS PARTNERS, LP	-254	-254	-254
EV ENERGY PARTNERS,LP	38	38	38
EXTERRAN PARTNERS,LP	-156	-156	-156
GENESIS ENERGY, LP	-28	-28	-28
HOLLY ENERGY PARTNERS,LP	-25	-25	-25
INERGY, LP	-198	-198	-198
MAGELLAN MIDSTREAM PARTNERS, LP	-29	-29	-29
NUSTAR ENERGY ,LP	-78	-78	-78
ONEOK PARTNERS, LP	-269	-269	-269
PIONEER SOUTHWEST ENERGY PARTNERS, LP	-7	-7	-7
PLAINS ALL AMERICAN PIPELINE, LP	-36	-36	-36
TC PIPELINES, LP	-101	-101	-101
OTHER INCOME	437	437	437

TY 2009 Other Liabilities Schedule

Name: THE MARLENE AND JO STEWART JR FOUNDATION
RON ACTON TRUSTEE
EIN: 74-2958268

Description	Beginning of Year - Book Value	End of Year - Book Value
PAYROLL TAXES WITHHELD	2,566	

TY 2009 Taxes Schedule

Name: THE MARLENE AND JO STEWART JR FOUNDATION
RON ACTON TRUSTEE

EIN: 74-2958268

Category	Amount	Net Investment Income	Adjusted Net Income	Disbursements for Charitable Purposes
PAYROLL TAXES	3,058	3,058	3,058	
FOREIGN TAX	66	66	66	
INCOME TAX	983	983	983	
FOREIGN TAX FROM PARTNERSHIP				