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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

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

OMB No 1545-0052

2009

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

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
SHIRLEY AND DAVID TOOMIM FOUNDATION

A Employer identification number
76-0585077

Number and street (or P O box number if mail is not delivered to street address) | Room/suite
5333 GULFTON

B Telephone number (see page 10 of the instructions)
(713) 662-7784

City or town, state, and ZIP code
HOUSTON, TX 77081-2801

C If exemption application is pending, check here . . . . . ▶ ☐
D 1. Foreign organizations, check here . ▶ ☐
2. Foreign organizations meeting the 85% test, check here and attach computation . . . . . ▶ ☐

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

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

I Fair market value of all assets at end of year (from Part II, col (c), line 16) ▶ $ 2,673,676.

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

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

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)
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	39.	39.		ATCH 1
4 Dividends and interest from securities	65,229.	65,229.		ATCH 2
5a Gross rents				
b Net rental income or (loss)				
6a Net gain or (loss) from sale of assets not on line 10	-151,296.			
b Gross sales price for all assets on line 6a 1,256,970.				
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				
c Gross profit or (loss) (attach schedule)				
11 Other income (attach schedule)				
12 Total. Add lines 1 through 11	-86,028.	65,268.		
13 Compensation of officers, directors, trustees, etc	6,000.	3,000.		3,000.
14 Other employee salaries and wages				
15 Pension plans, employee benefits				
16a Legal fees (attach schedule)				
b Accounting fees (attach schedule) ATCH 3	4,000.	2,000.	0.	2,000.
c Other professional fees (attach schedule) *	14,613.	14,613.		
17 Interest				
18 Taxes (attach schedule) (see page 14 of the instructions) **	804.	49.		
19 Depreciation (attach schedule) and depletion				
20 Occupancy				
21 Travel, conferences, and meetings				
22 Printing and publications				
23 Other expenses (attach schedule) ATCH 6	72.	36.		36.
24 Total operating and administrative expenses. Add lines 13 through 23	25,489.	19,698.	0.	5,036.
25 Contributions, gifts, grants paid	90,000.			90,000.
26 Total expenses and disbursements. Add lines 24 and 25	115,489.	19,698.	0.	95,036.
27 Subtract line 26 from line 12				
a Excess of revenue over expenses and disbursements	-201,517.			
b Net investment income (if negative, enter -0-)		45,570.		
c Adjusted net income (if negative, enter -0-)			-0-	

Operating and Administrative Expenses

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

		Beginning of year	End of year	
		(a) Book Value	(b) Book Value	(c) Fair Market Value
Assets	1 Cash - non-interest-bearing	10,062.	19,573.	19,573.
	2 Savings and temporary cash investments	168,066.	238,493.	238,493.
	3 Accounts receivable ▶			
	Less allowance for doubtful accounts ▶			
	4 Pledges receivable ▶			
	Less allowance for doubtful accounts ▶			
	5 Grants receivable			
	6 Receivables due from officers, directors, trustees, and other disqualified persons (attach schedule) (see page 16 of the instructions)			
	7 Other notes and loans receivable (attach schedule) ▶			
	Less allowance for doubtful accounts ▶			
	8 Inventories for sale or use			
	9 Prepaid expenses and deferred charges ATCH 7	1,100.	800.	800.
	10 a Investments - U S and state government obligations (attach schedule) **	552,860.	445,172.	450,077.
	b Investments - corporate stock (attach schedule) ATCH 9	1,650,332.	1,320,004.	1,533,891.
	c Investments - corporate bonds (attach schedule) ATCH 10	256,745.	413,606.	430,842.
	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 ▶)			
	16 **Total assets** (to be completed by all filers - see the instructions. Also, see page 1, item I)	2,639,165.	2,437,648.	2,673,676.
Liabilities	17 Accounts payable and accrued expenses			
	18 Grants payable			
	19 Deferred revenue			
	20 Loans from officers, directors, trustees, and other disqualified persons			
	21 Mortgages and other notes payable (attach schedule)			
	22 Other liabilities (describe ▶)			
	23 **Total liabilities** (add lines 17 through 22)			
Net Assets or Fund Balances	**Foundations that follow SFAS 117, check here ▶ ☐ 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. ▶ X			
	27 Capital stock, trust principal, or current funds	150,000.	150,000.	
	28 Paid-in or capital surplus, or land, bldg , and equipment fund			
	29 Retained earnings, accumulated income, endowment, or other funds	2,489,165.	2,287,648.	
	30 **Total net assets or fund balances** (see page 17 of the instructions)	2,639,165.	2,437,648.	
	31 **Total liabilities and net assets/fund balances** (see page 17 of the instructions)	2,639,165.	2,437,648.	

Part III Analysis of Changes in Net Assets or Fund Balances

1	Total net assets or fund balances at beginning of year - Part II, column (a), line 30 (must agree with end-of-year figure reported on prior year's return)	1	2,639,165.
2	Enter amount from Part I, line 27a	2	-201,517.
3	Other increases not included in line 2 (itemize) ▶	3	
4	Add lines 1, 2, and 3	4	2,437,648.
5	Decreases not included in line 2 (itemize) ▶	5	
6	Total net assets or fund balances at end of year (line 4 minus line 5) - Part II, column (b), line 30	6	2,437,648.

**ATCH 8

Part IV Capital Gains and Losses for Tax on Investment Income

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

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

	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				

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	-151,296.
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	293,532.	2,781,298.	0.105538
2007	98,116.	1,938,946.	0.050603
2006	96,342.	1,187,112.	0.081157
2005	96,559.	1,200,140.	0.080456
2004	77,531.	1,184,134.	0.065475

2	**Total** of line 1, column (d)	2	0.383229
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	0.076646
4	Enter the net value of noncharitable-use assets for 2009 from Part X, line 5	4	2,433,213.
5	Multiply line 4 by line 3	5	186,496.
6	Enter 1% of net investment income (1% of Part I, line 27b)	6	456.
7	Add lines 5 and 6	7	186,952.
8	Enter qualifying distributions from Part XII, line 4	8	95,036.

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

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

1a	Exempt operating foundations described in section 4940(d)(2), check here ▶ ☐ and enter "N/A" on line 1. Date of ruling or determination letter _____ (attach copy of ruling letter if necessary - see instructions)		
b	Domestic foundations that meet the section 4940(e) requirements in Part V, check here ▶ ☐ and enter 1% of Part I, line 27b	1	911.
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	911.
4	Subtitle A (income) tax (domestic section 4947(a)(1) trusts and taxable foundations only Others enter -0-)	4	0.
5	**Tax based on investment income.** Subtract line 4 from line 3 If zero or less, enter -0-	5	911.
6	Credits/Payments		
a	2009 estimated tax payments and 2008 overpayment credited to 2009 — 6a: 800.		
b	Exempt foreign organizations-tax withheld at source — 6b: 0.		
c	Tax paid with application for extension of time to file (Form 8868) — 6c: 0.		
d	Backup withholding erroneously withheld — 6d:		
7	Total credits and payments Add lines 6a through 6d	7	800.
8	Enter any **penalty** for underpayment of estimated tax. Check here ☐ if Form 2220 is attached	8	
9	**Tax due.** If the total of lines 5 and 8 is more than line 7, enter **amount owed** ▶	9	111.
10	**Overpayment.** If line 7 is more than the total of lines 5 and 8, enter the **amount overpaid** ▶	10	
11	Enter the amount of line 10 to be **Credited to 2010 estimated tax** ▶ 0. **Refunded** ▶	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?	1a		X
b	Did it spend more than $100 during the year (either directly or indirectly) for political purposes (see page 19 of the instructions for definition)?	1b		X
	If the answer is "Yes" to 1a or 1b, attach a detailed description of the activities and copies of any materials published or distributed by the foundation in connection with the activities	1c		X
c	Did the foundation file **Form 1120-POL** for this year?			
d	Enter the amount (if any) of tax on political expenditures (section 4955) imposed during the year (1) On the foundation ▶ $ _____ (2) On foundation managers ▶ $ _____			
e	Enter the reimbursement (if any) paid by the foundation during the year for political expenditure tax imposed on foundation managers. ▶ $ _____			
2	Has the foundation engaged in any activities that have not previously been reported to the IRS? *If "Yes," attach a detailed description of the activities*	2		X
3	Has the foundation made any changes, not previously reported to the IRS, in its governing instrument, articles of incorporation, or bylaws, or other similar instruments? *If "Yes," attach a conformed copy of the changes*	3		X
4a	Did the foundation have unrelated business gross income of $1,000 or more during the year?	4a		X
b	If "Yes," has it filed a tax return on **Form 990-T** for this year?	4b		
5	Was there a liquidation, termination, dissolution, or substantial contraction during the year? *If "Yes," attach the statement required by General Instruction T*	5		X
6	Are the requirements of section 508(e) (relating to sections 4941 through 4945) satisfied either: • By language in the governing instrument, or • By state legislation that effectively amends the governing instrument so that no mandatory directions that conflict with the state law remain in the governing instrument?	6	X	
7	Did the foundation have at least $5,000 in assets at any time during the year? *If "Yes," complete Part II, col (c), and Part XV*	7	X	
8a	Enter the states to which the foundation reports or with which it is registered (see page 19 of the instructions) ▶ 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	X	
9	Is the foundation claiming status as a private operating foundation within the meaning of section 4942(j)(3) or 4942(j)(5) for calendar year 2009 or the taxable year beginning in 2009 (see instructions for Part XIV on page 27)? *If "Yes," complete Part XIV*	9		X
10	Did any persons become substantial contributors during the tax year? *If "Yes," attach a schedule listing their names and addresses*	10		X

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

11	At any time during the year, did the foundation, directly or indirectly, own a controlled entity within the meaning of section 512(b)(13)? If "Yes," attach schedule (see page 20 of the instructions)	11		X
12	Did the foundation acquire a direct or indirect interest in any applicable insurance contract before August 17, 2008?	12		X
13	Did the foundation comply with the public inspection requirements for its annual returns and exemption application?	13	X	

Website address ▶ N/A

14 The books are in care of ▶ BRUCE M LEVY Telephone no ▶ 713-662-7784

Located at ▶ 5333 GULFTON HOUSTON, TX ZIP + 4 ▶ 77081

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		X
2	Taxes on failure to distribute income (section 4942) (does not apply for years the foundation was a private operating foundation defined in section 4942(j)(3) or 4942(j)(5)):			
a	At the end of tax year 2009, did the foundation have any undistributed income (lines 6d and 6e, Part XIII) for tax year(s) beginning before 2009?		☐ Yes	☒ No
	If "Yes," list the years ▶ _____, _____, _____, _____			
b	Are there any years listed in 2a for which the foundation is **not** applying the provisions of section 4942(a)(2) (relating to incorrect valuation of assets) to the year's undistributed income? (If applying section 4942(a)(2) to **all** years listed, answer "No" and attach statement - see page 20 of the instructions)	2b		
c	If the provisions of section 4942(a)(2) are being applied to **any** of the years listed in 2a, list the years here ▶ _____, _____, _____, _____			
3a	Did the foundation hold more than a 2% direct or indirect interest in any business enterprise at any time during the year?		☐ Yes	☒ No
b	If "Yes," did it have excess business holdings in 2009 as a result of **(1)** any purchase by the foundation or disqualified persons after May 26, 1969, **(2)** the lapse of the 5-year period (or longer period approved by the Commissioner under section 4943(c)(7)) to dispose of holdings acquired by gift or bequest, or **(3)** the lapse of the 10-, 15-, or 20-year first phase holding period? *(Use Schedule C, Form 4720, to determine if the foundation had excess business holdings in 2009)*	3b		
4a	Did the foundation invest during the year any amount in a manner that would jeopardize its charitable purposes?	4a		X
b	Did the foundation make any investment in a prior year (but after December 31, 1969) that could jeopardize its charitable purpose that had not been removed from jeopardy before the first day of the tax year beginning in 2009?	4b		X

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

5a	During the year did the foundation pay or incur any amount to:				
	(1) Carry on propaganda, or otherwise attempt to influence legislation (section 4945(e))?	☐ Yes	☒ No		
	(2) Influence the outcome of any specific public election (see section 4955), or to carry on, directly or indirectly, any voter registration drive?	☐ Yes	☒ No		
	(3) Provide a grant to an individual for travel, study, or other similar purposes?	☐ Yes	☒ No		
	(4) Provide a grant to an organization other than a charitable, etc , organization described in section 509(a)(1), (2), or (3), or section 4940(d)(2)? (see page 22 of the instructions)	☐ Yes	☒ No		
	(5) Provide for any purpose other than religious, charitable, scientific, literary, or educational purposes, or for the prevention of cruelty to children or animals?	☐ Yes	☒ No		
b	If any answer is "Yes" to 5a(1)-(5), did **any** of the transactions fail to qualify under the exceptions described in Regulations section 53 4945 or in a current notice regarding disaster assistance (see page 22 of the instructions)?			5b	
	Organizations relying on a current notice regarding disaster assistance check here ▶ ☐				
c	If the answer is "Yes" to question 5a(4), does the foundation claim exemption from the tax because it maintained expenditure responsibility for the grant?	☐ Yes	☐ No		
	If "Yes," attach the statement required by Regulations section 53 4945-5(d)				
6a	Did the foundation, during the year, receive any funds, directly or indirectly, to pay premiums on a personal benefit contract?	☐ Yes	☒ No		
b	Did the foundation, during the year, pay premiums, directly or indirectly, on a personal benefit contract?			6b	
	If "Yes" to 6b, file Form 8870				
7a	At any time during the tax year, was the foundation a party to a prohibited tax shelter transaction?	☐ Yes	☒ No		
b	If yes, did the foundation receive any proceeds or have any net income attributable to the transaction?			7b	

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

1 List all officers, directors, trustees, foundation managers and their compensation (see page 22 of the instructions).

(a) Name and address	(b) Title, and average hours per week devoted to position	(c) Compensation (If not paid, enter -0-)	(d) Contributions to employee benefit plans and deferred compensation	(e) Expense account, other allowances
ATTACHMENT 11		6,000.	0.	0.

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

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

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

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

3 Five highest-paid independent contractors for professional services (see page 23 of the instructions). If none, enter "NONE."

(a) Name and address of each person paid more than $50,000	(b) Type of service	(c) Compensation
NONE		

Total number of others receiving over $50,000 for professional services ▶ NONE

Part IX-A **Summary of Direct Charitable Activities**

List the foundation's four largest direct charitable activities during the tax year Include relevant statistical information such as the number of organizations and other beneficiaries served, conferences convened, research papers produced, etc	Expenses
1 N/A	
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 N/A	
2	
All other program-related investments See page 24 of the instructions	
3 NONE	
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	2,333,410.
b	Average of monthly cash balances	1b	136,057.
c	Fair market value of all other assets (see page 24 of the instructions)	1c	800.
d	**Total** (add lines 1a, b, and c)	1d	2,470,267.
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	2,470,267.
4	Cash deemed held for charitable activities Enter 1 1/2 % of line 3 (for greater amount, see page 25 of the instructions)	4	37,054.
5	**Net value of noncharitable-use assets.** Subtract line 4 from line 3 Enter here and on Part V, line 4	5	2,433,213.
6	**Minimum investment return.** Enter 5% of line 5	6	121,661.

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	121,661.
2a	Tax on investment income for 2009 from Part VI, line 5	2a	911.		
b	Income tax for 2009 (This does not include the tax from Part VI)	2b			
c	Add lines 2a and 2b			2c	911.
3	Distributable amount before adjustments Subtract line 2c from line 1			3	120,750.
4	Recoveries of amounts treated as qualifying distributions			4	
5	Add lines 3 and 4			5	120,750.
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	120,750.

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	95,036.
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	95,036.
5	Foundations that qualify under section 4940(e) for the reduced rate of tax on net investment income Enter 1% of Part I, line 27b (see page 26 of the instructions)	5	N/A
6	**Adjusted qualifying distributions.** Subtract line 5 from line 4	6	95,036.

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				120,750.
2 Undistributed income, if any, as of the end of 2009				
a Enter amount for 2008 only				
b Total for prior years 20 07 ,20 06 ,20 05				
3 Excess distributions carryover, if any, to 2009				
a From 2004 19,346.				
b From 2005 37,308.				
c From 2006 38,510.				
d From 2007 11,407.				
e From 2008 155,977.				
f Total of lines 3a through e	262,548.			
4 Qualifying distributions for 2009 from Part XII, line 4 ▶ $ 95,036.				
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				95,036.
e Remaining amount distributed out of corpus	0.			
5 Excess distributions carryover applied to 2009 *(If an amount appears in column (d), the same amount must be shown in column (a).)*	25,714.			25,714.
6 **Enter the net total of each column as indicated below:**				
a Corpus Add lines 3f, 4c, and 4e Subtract line 5	236,834.			
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				
f Undistributed income for 2009 Subtract lines 4d and 5 from line 1 This amount must be distributed in 2010				
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)				
9 **Excess distributions carryover to 2010.** Subtract lines 7 and 8 from line 6a	236,834.			
10 Analysis of line 9				
a Excess from 2005 30,940.				
b Excess from 2006 38,510.				
c Excess from 2007 11,407.				
d Excess from 2008 155,977.				
e Excess from 2009				

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

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

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

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

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

1 ***Information Regarding Foundation Managers:***

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

SHIRLEY TOOMIM

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

ATTACHMENT 12

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

NO PRESCRIBED FORM

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.

NONE

Part XV Supplementary Information (continued)

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

Recipient Name and address (home or business)	If recipient is an individual, show any relationship to any foundation manager or substantial contributor	Foundation status of recipient	Purpose of grant or contribution	Amount
a *Paid during the year*				
ATTACHMENT 13				
Total. . . . . . ▶ **3a**				90,000.
b *Approved for future payment*				
ATTACHMENT 14				
Total. . . . . . ▶ **3b**				72,500.

Part XVI-A Analysis of Income-Producing Activities

Enter gross amounts unless otherwise indicated	Unrelated business income		Excluded by section 512, 513, or 514		(e) Related or exempt function income (See page 28 of the instructions)
	(a) Business code	(b) Amount	(c) Exclusion code	(d) Amount	
1 Program service revenue					
a					
b					
c					
d					
e					
f					
g Fees and contracts from government agencies					
2 Membership dues and assessments					
3 Interest on savings and temporary cash investments			14	39.	
4 Dividends and interest from securities			14	65,229.	
5 Net rental income or (loss) from real estate					
a Debt-financed property					
b Not debt-financed property					
6 Net rental income or (loss) from personal property					
7 Other investment income					
8 Gain or (loss) from sales of assets other than inventory			18	-151,296.	
9 Net income or (loss) from special events					
10 Gross profit or (loss) from sales of inventory					
11 Other revenue a					
b					
c					
d					
e					
12 Subtotal Add columns (b), (d), and (e)				-86,028.	
13 Total. Add line 12, columns (b), (d), and (e)				13	-86,028.

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

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

Line No. ▼	Explain below how each activity for which income is reported in column (e) of Part XVI-A contributed importantly to the accomplishment of the foundation's exempt purposes (other than by providing funds for such purposes) (See page 29 of the instructions)
	NOT APPLICABLE

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

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

d If the answer to any of the above is "Yes," complete the following schedule Column (b) should always show the fair market value of the goods, other assets, or services given by the reporting foundation If the foundation received less than fair market value in any transaction or sharing arrangement, show in column (d) the value of the goods, other assets, or services received

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

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

Signature of officer or trustee: Trustee Date: 5/7/10 Title: TRUSTEE

Paid Preparer's Use Only

Preparer's signature: [signature] Date: MAY 07 2010 Check if self-employed ☐ Preparer's identifying number (See Signature on page 30 of the instructions) P00178307

Firm's name (or yours if self-employed), address, and ZIP code: MARGOLIS, PHIPPS & WRIGHT P.C., 1400 POST OAK BLVD., STE 900, HOUSTON, TX 77056-3009 EIN ▶ 76-0324056 Phone no 713-625-3500

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

Kind of Property		Description				P or D	Date acquired	Date sold
Gross sale price less expenses of sale	Depreciation allowed/ allowable	Cost or other basis	FMV as of 12/31/69	Adj basis as of 12/31/69	Excess of FMV over adj basis		Gain or (loss)	
		1.96 GOLDMAN SACHS TR FINL SQ GV INS PROPERTY TYPE: SECURITIES				P	08/29/2008 0.	12/21/2009
		AVALON EQUITY (STMT D-1) PROPERTY TYPE: SECURITIES				P	VARIOUS -130,883.	VARIOUS
		AVALON EQUITY (STMT D-1) PROPERTY TYPE: SECURITIES				P	VARIOUS -40,832.	VARIOUS
		AVALON FIXED (STMT D-2) PROPERTY TYPE: SECURITIES				P	VARIOUS 16,631.	VARIOUS
		AVALON FIXED (STMT D-2) PROPERTY TYPE: SECURITIES				P	VARIOUS 3,788.	VARIOUS
TOTAL GAIN(LOSS)		.....					-151,296.	

ATTACHMENT 1

FORM 990PF, PART I - INTEREST ON TEMPORARY CASH INVESTMENTS

DESCRIPTION	REVENUE AND EXPENSES PER BOOKS	NET INVESTMENT INCOME
CHECKING ACCOUNT	39.	39.
TOTAL	39.	39.

ATTACHMENT 2

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

DESCRIPTION	REVENUE AND EXPENSES PER BOOKS	NET INVESTMENT INCOME
DIVIDENDS	37,732.	37,732.
INTEREST INCOME	31,069.	31,069.
BOND PREMIUM AMORTIZATION	-3,572.	-3,572.
TOTAL	65,229.	65,229.

ATTACHMENT 3

FORM 990PF, PART I - ACCOUNTING FEES

DESCRIPTION	REVENUE AND EXPENSES PER BOOKS	NET INVESTMENT INCOME	ADJUSTED NET INCOME	CHARITABLE PURPOSES
TAX PREPARATION	4,000.	2,000.		2,000.
TOTALS	4,000.	2,000.	0.	2,000.

ATTACHMENT 4

FORM 990PF, PART I - OTHER PROFESSIONAL FEES

DESCRIPTION	REVENUE AND EXPENSES PER BOOKS	NET INVESTMENT INCOME
INVESTMENT MANAGEMENT FEES	14,613.	14,613.
TOTALS	14,613.	14,613.

ATTACHMENT 5

FORM 990PF, PART I - TAXES

DESCRIPTION	REVENUE AND EXPENSES PER BOOKS	NET INVESTMENT INCOME
FEDERAL EXCISE TAX	755.	
FOREIGN TAXES	49.	49.
TOTALS	804.	49.

ATTACHMENT 6

FORM 990PF, PART I - OTHER EXPENSES

DESCRIPTION	REVENUE AND EXPENSES PER BOOKS	NET INVESTMENT INCOME	CHARITABLE PURPOSES
OFFICE EXPENSES	72.	36.	36.
TOTALS	72.	36.	36.

FORM 990PF, PART II - PREPAID EXPENSES AND DEFERRED CHARGES

ATTACHMENT 7

DESCRIPTION	ENDING BOOK VALUE	ENDING FMV
PREPAID FEDERAL INCOME TAX	800.	800.
TOTALS	800.	800.

FORM 990PF, PART II - U.S. AND STATE OBLIGATIONS

ATTACHMENT 8

DESCRIPTION	ENDING BOOK VALUE	ENDING FMV
FIDELITY MANAGED ACCOUNT SEE ATTACHMENT 9.1	445,172.	450,077.
US OBLIGATIONS TOTAL	445,172.	450,077.

16-U5072011

AVALON
ADVISORS, LLC

AVALON ADVISORS, LLC
717 TEXAS, SUITE 3000
HOUSTON, TEXAS 77002
PH 713-238-2050

Avalon Advisors, LLC

VALUATION REPORT

December 31, 2009

SHIRLEY & DAVID TOOMIM FOUNDATION - EQUITY BALANCED ACCOUNT
ACCOUNT #646002151
TOOMIM_RH_FDTN

Security Symbol	Cusip	Security	Quantity	Unit Cost	Total Cost	Total Adjusted Cost (Adjusted)	Current Market Price	Current Market Value	Unrealized Gain/Loss	Unrealized Gain/Loss (Adjusted)	Pct. Assets	Est Annual Income	Div. Yield
CASH AND EQUIVALENTS													
Cash & Short-Term Instruments													
Cash & Short-Term Instruments													
cash	$cash	U S DOLLAR			72,447	72,447		72,447			4 5	72	0 10
					72,447	72,447		72,447			4 5	72	0 10
					72,447	72,447		72,447			4 5	72	0 10
COMMON STOCK													
Energy													
Energy													
cvx	166764100	CHEVRON CORP	294	66 66	19,597	19,597	76 99	22,635	3,038 21	3,038 21	1 4	800	3 53
cop	20825c104	CONOCOPHILLIPS	427	72 25	30,852	30,852	51 07	21,807	-9,045 38	-9,045 38	1 4	854	3 92
xom	30231g102	EXXON MOBIL CORP	541	59 52	32,199	32,199	68 19	36,891	4,691 82	4,691 82	2 3	909	2 46
oxy	674599105	OCCIDENTAL PETE CORP	807	68 04	54,905	54,905	81 35	65,649	10,744 50	10,744 50	4 1	1,065	1 62
slb	806857108	SCHLUMBERGER LTD ADR	277	67 59	18,723	18,723	65 09	18,030	-693 01	-693 01	1 1	233	1 29
					156,276	156,276		165,012	8,736 14	8,736 14	10 3	3,860	2 34
					156,276	156,276		165,012	8,736 14	8,736 14	10 3	3,860	2 34
Materials													
Materials													
bhp	088606108	BHP BILLITON LTD SPONSORED ADR	514	41 79	21,479	21,479	76 58	39,362	17,883 20	17,883 20	2 5	843	2 14
mon	61166w101	MONSANTO CO NEW DEL COM	351	77 97	27,366	27,366	81 75	28,694	1,327 99	1,327 99	1 8	372	1 30
					48,845	48,845		68,056	19,211 19	19,211 19	4 2	1,215	1 79
					48,845	48,845		68,056	19,211 19	19,211 19	4 2	1,215	1 79
Industrials													
Capital Goods													
flr	343412102	FLUOR CORP NEW COM	453	48 48	21,959	21,959	45 04	20,403	-1,556 17	-1,556 17	1 3	226	1 11
utx	913017109	UNITED TECHNOLOGIES CORP	406	51 25	20,806	20,806	69 41	28,180	7,374 78	7,374 78	1 8	625	2 22
					42,765	42,765		48,584	5,818 60	5,818 60	3 0	852	1 75
Transportation													
bni	12189t104	BURLINGTON NRTHN SANTA COM	295	91 42	26,968	26,968	98 62	29,093	2,124 98	2,124 98	1 8	472	1 62
ups	911312106	UNITED PARCEL SERVICE CL B	271	65 85	17,846	17,846	57 37	15,547	-2,298 46	-2,298 46	1 0	488	3 14
					44,814	44,814		44,640	-173 48	-173 48	2 8	960	2 15
					87,579	87,579		93,224	5,645 12	5,645 12	5 8	1,812	1 94

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ATTACHMENT 8.1

AVALON
ADVISORS LLC

AVALON ADVISORS, LLC
717 TEXAS, SUITE 3000
HOUSTON, TEXAS 77002
PH 713-238-2050

Avalon Advisors, LLC

VALUATION REPORT

December 31, 2009

SHIRLEY & DAVID TOOMIM FOUNDATION - EQUITY BALANCED ACCOUNT
ACCOUNT #646002151
TOOMIM_RH_FDTN

Security Symbol	Cusip	Security	Quantity	Unit Cost	Total Cost	Total Adjusted Cost (Adjusted)	Current Market Price	Current Market Value	Unrealized Gain/Loss	Unrealized Gain/Loss (Adjusted)	Pct. Assets	Est Annual Income	Div. Yield
Consumer Discretionary													
Consumer Services													
mcd	580135101	MCDONALDS CORP COM	779	58 23	45,360	45,360	62 44	48,641	3,280 64	3,280 64	3 0	1,714	3 52
yum	988498101	YUM BRANDS INC COM	725	34 90	25,304	25,304	34 97	25,353	48 80	48 80	1 6	609	2 40
					70,665	70,665		73,994	3,329 44	3,329 44	4 6	2,323	3 14
Retailing													
amzn	023135106	AMAZON COM INC COM	454	67 50	30,643	30,643	134 52	61,072	30,428 60	30,428 60	3 8	0	0 00
hd	437076102	HOME DEPOT INC	832	21 83	18,163	18,163	28 93	24,070	5,907 12	5,907 12	1 5	749	3 11
low	548661107	LOWE'S COMPANIES INC	1,470	19 91	29,263	29,263	23 39	34,383	5,120 72	5,120 72	2 1	529	1 54
					78,069	78,069		119,525	41,456 44	41,456 44	7 4	1,278	1 07
					148,733	148,733		193,519	44,785 88	44,785 88	12 0	3,601	1 86
Consumer Staples													
Food & Staples Retailing													
cost	22160k105	COSTCO WHOLESALE CORP NEW	569	55 41	31,528	31,528	59 17	33,668	2,140 07	2,140 07	2 1	410	1 22
wmt	931142103	WAL-MART STORES INC	988	52 67	52,033	52,033	53 45	52,809	775 22	775 22	3 3	1,077	2 04
					83,561	83,561		86,476	2,915 29	2,915 29	5 4	1,487	1 72
Food, Beverage & Tobacco													
ko	191216100	COCA COLA CMN	350	47 83	16,742	16,742	57 00	19,950	3,207 84	3,207 84	1 2	574	2 88
deo	25243q205	DIAGEO PLC SPON ADR (NEW)	334	73 64	24,595	24,595	69 41	23,183	-1,412 42	-1,412 42	1 4	965	4 16
hnz	423074103	HJ HEINZ CO	504	38 36	19,333	19,333	42 76	21,551	2,217 98	2,217 98	1 3	847	3 93
pep	713448108	PEPSICO INC	493	60 38	29,769	29,769	60 80	29,974	205 47	205 47	1 9	887	2 96
pm	718172109	PHILIP MORRIS INTL INC COM	1,243	42 64	52,997	52,997	48 19	59,900	6,902 88	6,902 88	3 7	2,884	4 81
					143,437	143,437		154,559	11,121 76	11,121 76	9 6	6,157	3 98
					226,998	226,998		241,035	14,037 05	14,037 05	15 0	7,644	3 17
Health Care													
Health Care Equipment & Services													
bdx	075887109	BECTON DICKINSON & CO	234	81 18	18,997	18,997	78 86	18,453	-543 72	-543 72	1 1	346	1 88
Pharmaceuticals & Biotechnology													
abt	002824100	ABBOTT LABS	428	54 44	23,302	23,302	53 99	23,108	-194 48	-194 48	1 4	685	2 96
bmy	110122108	BRISTOL-MYERS SQUIBB CO	549	22 08	12,120	12,120	25 25	13,862	1,742 53	1 742 53	0 9	703	5 07
genz	372917104	GENZYME CORPORATION	490	74 95	36,726	36,726	49 01	24,015	-12,710 90	-12,710 90	1 5	0	0 00
gild	375558103	GILEAD SCIENCES INC	382	48 61	18,569	18,569	43 27	16,529	-2,039 84	-2,039 84	1 0	0	0 00

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VALUATION REPORT

December 31, 2009

SHIRLEY & DAVID TOOMIM FOUNDATION - EQUITY BALANCED ACCOUNT
ACCOUNT #646002151
TOOMIM_RH_FDTN

Security Symbol	Cusip	Security	Quantity	Unit Cost	Total Cost	Total Adjusted Cost (Adjusted)	Current Market Price	Current Market Value	Unrealized Gain/Loss	Unrealized Gain/Loss (Adjusted)	Pct. Assets	Est Annual Income	Div. Yield
jnj	478160104	JOHNSON & JOHNSON	483	63 12	30,486	30,486	64 41	31,110	624 16	624 16	1 9	947	3 04
mhs	58405u102	MEDCO HEALTH SOLUTIONS INC	267	47 84	12,773	12,773	63 91	17,064	4,290 66	4 290 66	1 1	0	0 00
nvs	66987v109	NOVARTIS AG-ADR	448	49 95	22,376	22,376	54 43	24,385	2,009 01	2,009 01	1 5	766	3 14
teva	881624209	TEVA PHARMACEUTICAL INDS ADR	717	45 51	32,628	32,628	56 18	40,281	7,652 83	7,652 83	2 5	452	1 12
					188,980	188,980		190,354	1,373 97	1,373 97	11 9	3,552	1 87
					207,977	207,977		208,807	830 25	830 25	13 0	3,898	1 87
Financials													
Banks													
ntrs	665859104	NORTHERN TR CORP COM	568	69 98	39,747	39,747	52 40	29,763	-9,984 11	-9,984 11	1 9	636	2 14
usb	902973304	US BANCORP	792	32 60	25,817	25,817	22 51	17,828	-7,988 78	-7,988 78	1 1	158	0 89
wfc	949746101	WELLS FARGO & CO NEW	1,227	30 38	37,275	37,275	26 99	33,117	-4,158 61	-4,158 61	2 1	245	0 74
					102,839	102,839		80,708	-22,131 50	-22,131 50	5 0	1,040	1 29
Diversified Financials													
jpm	46625h100	JP MORGAN CHASE & CO	1,574	33 79	53,186	53,186	41 67	65,589	12,402 93	12 402 93	4 1	315	0 48
ms	617446448	MORGAN STANLEY	1,258	18 93	23,819	23,819	29 60	37,237	13,418 27	13,418 27	2 3	252	0 68
					77,004	77,004		102,825	25,821 20	25,821 20	6 4	566	0 55
					179,844	179,844		183,533	3,689 70	3,689 70	11 4	1,606	0 88
Information Technology													
Commercial Services & Supplies													
v	92826c839	VISA INC	859	57 48	49,376	49,376	87 46	75,128	25,752 21	25,752 21	4 7	429	0 57
Software & Services													
goog	38259p508	GOOGLE INC CL A	72	329 59	23,731	23,731	619 98	44,639	20,908 01	20,908 01	2 8	0	0 00
msft	594918104	MICROSOFT CORP	696	27 22	18,946	18,946	30 48	21,214	2,267 94	2,267 94	1 3	362	1 71
orcl	68389x105	ORACLE CORP	1,565	18 92	29,611	29,611	24 53	38,389	8,778 52	8,778 52	2 4	313	0 82
					72,288	72,288		104,242	31,954 48	31,954 48	6 5	675	0 65
Technology Hardware & Equipment													
aapl	037833100	APPLE INC	290	99 17	28,760	28,760	210 73	61,112	32,352 74	32,352 74	3 8	0	0 00
csco	17275r102	CISCO SYS INC	1,060	22 37	23,710	23,710	23 94	25,376	1,665 94	1,665 94	1 6	0	0 00
hpq	428236103	HEWLETT-PACKARD CO CMN	801	33 84	27,108	27,108	51 51	41,260	14,151 40	14,151 40	2 6	256	0 62

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ATTACHMENT 8.1

AVALON
ADVISORS LLC

AVALON ADVISORS, LLC
717 TEXAS, SUITE 3000
HOUSTON, TEXAS 77002
PH 713-238-2050

Avalon Advisors, LLC

VALUATION REPORT

December 31, 2009

SHIRLEY & DAVID TOOMIM FOUNDATION - EQUITY BALANCED ACCOUNT
ACCOUNT #646002151
TOOMIM_RH_FDTN

Security Symbol	Cusip	Security	Quantity	Unit Cost	Total Cost	Total Adjusted Cost (Adjusted)	Current Market Price	Current Market Value	Unrealized Gain/Loss	Unrealized Gain/Loss (Adjusted)	Pct. Assets	Est Annual Income	Div. Yield
ibm	459200101	INTL BUSINESS MACHINES CORP	358	103 46	37,039	37,039	130 90	46,862	9,823 24	9,823 24	2 9	788	1 68
					116,617	116 617		174,610	57 993 32	57,993 32	10 9	1,044	0 60
Semiconductors & Semiconductor Equipment													
intc	458140100	INTEL CORP	1,310	19 44	25,473	25,473	20 40	26,724	1,251 38	1,251 38	1 7	825	3 09
					263,753	263,753		380,705	116,951 39	116,951 39	23 7	2,974	0 78
					1,320,004	1,320,004		1,533,891	213,886 72	213,886 72	95 5	26,610	1 73
MUTUAL FUNDS													
fgtxx	38141w273	GOLDMAN SACHS TR FINL SQ GV INS	0 770	1 00	1	1	1 00	1	0 00	0 00	0 0	0	5 27
TOTAL					**1,392,452**	**1,392,452**		**1,606,339**	**213,886 72**	**213,886.72**	**100.0**	**26,682**	**1.66**

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ATTACHMENT 8.1

FORM 990PF, PART II - CORPORATE STOCK ATTACHMENT 9

DESCRIPTION	ENDING BOOK VALUE	ENDING FMV
FIDELITY MANAGED ACCOUNT SEE ATTACHMENT 8.1	1,320,004.	1,533,891.
TOTALS	1,320,004.	1,533,891.

10-CV-2011

AVALON
ADVISORS LLC

AVALON ADVISORS, LLC
717 TEXAS, SUITE 3000
HOUSTON, TEXAS 77002
PH 713-238-2050

Avalon Advisors, LLC

VALUATION REPORT

December 31, 2009

SHIRLEY & DAVID TOOMIM FOUNDATION - FIXED INCOME BALANCED ACCOUNT
ACCOUNT #646002127
TOOMIM_FI_FDTN

Security Symbol	Cusip	Security	Quantity	Unit Cost	Total Cost	Total Adjusted Cost (Adjusted)	Current Market Price	Current Market Value	Unrealized Gain/Loss	Unrealized Gain/Loss (Adjusted)	Pct. Assets	Est Annual Income	Div. Yield
ADJUSTABLE RATE MORTGAGE													
31391nm40	31391NM40	FNMA PASS-THRU ADJ LIBOR 3 665% Due 11-01-32	2,290	100 75	2,307	2,307	102 41	2,345	38 00	38 00	0 2	84	3 58
	Accrued Inte							7			0 0		
					2,307	2,307		2,352	38 00	38 00	0 2	84	3 58
CASH AND EQUIVALENTS													
Cash & Short-Term Instruments													
Cash & Short-Term Instruments													
cash	$cash	U S DOLLAR			65,853	65,853		65,853			7 0	66	0 10
					65,853	65,853		65,853			7 0	66	0 10
					65,853	65,853		65,853			7 0	66	0 10
CMO													
31396c3c2	31396C3C2	FHLMC REMIC SERIES R003 5 125% Due 10-15-15	6,770	99 66	6,747	6,747	102 58	6,945	197 85	197 85	0 7	347	5 00
31392klg9	31392KLG9	FHLMC REMIC SERIES 2450 6 000% Due 07-15-21	7,095	100 75	7,149	7,149	102 42	7,267	118 51	118 51	0 8	426	5 86
	Accrued Inte							64			0 0		
					13,896	13,896		14,276	316 36	316 36	1 5	773	5 44
COMMON STOCK													
_Fixed Income ETFs													
ETFs - US Fixed Income													
lqd	464287242	IBOXX INVESTM GRADE CORP BOND ISHARES ETF	460	96 03	44,172	44,172	104 15	47,909	3,736 58	3,736 58	5 1	2,725	5 69
					44,172	44,172		47,909	3,736 58	3,736 58	5 1	2,725	5 69
					44,172	44,172		47,909	3,736 58	3,736 58	5 1	2,725	5 69
FHLMC													
31394wne4	31394WNE4	FHLMC REMIC SERIES 2777 5 000% Due 04-15-15	27,610	104 88	28,956	28,956	106 52	29,409	453 29	453 29	3 1	1,380	4 69
31393f6k7	31393F6K7	FHR 2530 5 000% Due 11-15-17	33,861	104 16	35,269	35,269	105 56	35,745	476 62	476 62	3 8	1,693	4 74
31393gxt6	31393GXT6	FREDDIE MAC- FHR 2541 5 000% Due 12-15-17	25,000	105 31	26,328	26,328	105 90	26,476	147 42	147 42	2 8	1,250	4 72
	Accrued Inte							360			0 0		
					90,552	90,552		91,990	1,077 33	1,077 33	9 7	4,324	4 72

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ATTACHMENT 9.1

16-0700511

AVALON
ADVISORS LLC

AVALON ADVISORS, LLC
717 TEXAS, SUITE 3000
HOUSTON, TEXAS 77002
PH 713-238-2050

Avalon Advisors, LLC

VALUATION REPORT

December 31, 2009

SHIRLEY & DAVID TOOMIM FOUNDATION - FIXED INCOME BALANCED ACCOUNT
ACCOUNT #646002127
TOOMIM_FI_FDTN

Security Symbol	Cusip	Security	Quantity	Unit Cost	Total Cost	Total Adjusted Cost (Adjusted)	Current Market Price	Current Market Value	Unrealized Gain/Loss	Unrealized Gain/Loss (Adjusted)	Pct. Assets	Est Annual Income	Div. Yield
FNMA													
31392er85	31392ER85	FNMA REMIC TRUST 2002-M2 4 717% Due 08-25-12	25,172	104 63	26,336	26,336	104 58	26,324	-12 34	-12 34	2 8	1,187	4 51
31393dm57	31393DM57	FNMA REMIC TRUST 2003-80 5 000% Due 04-25-16	54,023	102 42	55,328	55,328	105 65	57,075	1,746 91	1,746 91	6 0	2,701	4 73
31394vbq2	31394VBQ2	FNMA REMIC TRUST 2005-116 5 500% Due 12-25-16	34,911	101 66	35,489	35,489	105 96	36,990	1,501 36	1,501 36	3 9	1,920	5 19
31397ls75	31397LS75	FNR 2008-54 5 000% Due 07-25-19	17,859	103 38	18,462	18,462	105 60	18,858	396 51	396 51	2 0	893	4 74
	Accrued Inte							558			0 1		
					135,616	135,616		139,806	3,632 43	3,632 43	14 8	6,702	4 81
GOVERNMENT BONDS													
912828hc7	912828HC7	UNITED STATES TREAS NTS 4 125% Due 08-31-12	75,000	100 24	75,181	75,101	106 91	80,179	4,998 64	5,078 30	8 5	3,094	3 86
912828lr9	912828lr9	UNITED STATES TREAS NTS 1 375% Due 10-15-12	40,000	100 44	40,175	40,172	99 44	39,775	-399 80	-397 14	4 2	550	1 38
912828ba7	912828BA7	UNITED STATES TREAS NTS 3 625% Due 05-15-13	40,000	102 38	40,952	40,718	105 87	42,350	1,398 24	1,632 36	4 5	1,450	3 42
912828lq1	912828LQ1	UNITED STATES TREAS NTS 2 375% Due 09-30-14	100,000	101 09	101,086	101,068	99 16	99,156	-1,930 13	-1,912 41	10 5	2,375	2 40
912828ll2	912828ll2	UNITED STATES TREAS NTS 3 000% Due 08-31-16	25,000	100 33	25,082	25,079	98 35	24,588	-494 03	-490 73	2 6	750	3 05
3136f35p7	3136F35P7	FEDERAL NATL MTG ASSN MTN 5 240% Due 08-07-18	15,000	96 85	14,527	14,630	104 62	15,694	1,166 25	1,063 32	1 7	786	5 01
912828jr2	912828JR2	UNITED STATES TREAS NTS 3 750% Due 11-15-18	60,000	104 79	62,875	62,696	99 99	59,995	-2,879 41	-2,701 25	6 3	2,250	3 75
	Accrued Inte							2,797			0 3		
					359,878	359,465		364,534	1,859 75	2,272 46	38 5	11,255	3 11
GNMA													
38373mqj2	38373MQJ2	GNMA REMIC TRUST 2005-42 4 045% Due 07-16-20	9,926	97 94	9,721	9,721	101 75	10,099	378 11	378 11	1 1	402	3 98
38373mly4	38373MLY4	GNMA REMIC TRUST 2004-78 4 259% Due 10-16-21	55,000	97 09	53,402	53,402	102 68	56,473	3,071 39	3,071 39	6 0	2,342	4 15
38373mnr7	38373MNR7	GNMA REMIC TRUST 2005-9 4 026% Due 05-16-22	22,013	97 98	21,569	21,569	101 78	22,404	835 43	835 43	2 4	886	3 96

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ATTACHMENT 9.1

16-05552 11

AVALON
ADVISORS LLC

AVALON ADVISORS, LLC
717 TEXAS, SUITE 3000
HOUSTON, TEXAS 77002
PH 713-238-2050

Avalon Advisors, LLC

VALUATION REPORT

December 31, 2009

SHIRLEY & DAVID TOOMIM FOUNDATION - FIXED INCOME BALANCED ACCOUNT
ACCOUNT #646002127
TOOMIM_FI_FDTN

Security Symbol	Cusip	Security	Quantity	Unit Cost	Total Cost	Total Adjusted Cost (Adjusted)	Current Market Price	Current Market Value	Unrealized Gain/Loss	Unrealized Gain/Loss (Adjusted)	Pct. Assets	Est Annual Income	Div. Yield
38373msq4	38373MSQ4	GNR 2006-6 B 4 439% Due 02-16-27	20,000	97 59	19,519	19,519	103 34	20,667	1,148 43	1,148 43	2 2	888	4 30
38374bqn6	38374BQN6	GNMA REMIC TRUST 2003-72 4 355% Due 02-16-30	13,323	97 25	12,957	12,957	104 17	13,878	921 31	921 31	1 5	580	4 18
38373mua6	38373MUA6	GNMA REMIC TRUST 2006-19 5 121% Due 12-16-46	10,000	98 96	9,896	9,896	105 20	10,520	623 60	623 60	1 1	512	4 87
	Accrued Inte							468			0 0		
					127,063	127,063		134,509	6,978 27	6,978 27	14 2	5,610	4 19
TAXABLE MUNICIPAL BONDS													
916686cl0	916686CL0	UPPER UAMPA WTR CONS COLO 4 540% Due 11-15-10	10,000	101 11	10,111	10,019	102 72	10,272	161 20	252 83	1 1	454	4 42
678504lu3	678504LU3	OKLAHOMA AGRIC & MECHANICAL CO TAXABLE-B 2 553% Due 08-01-11	35,000	100 00	35,000	35,000	100 48	35,168	168 35	168 35	3 7	894	2 54
199491g96	199491g96	COLUMBUS OHIO TAXABLE L 3 260% Due 07-01-15	40,000	100 46	40,183	40,178	98 82	39,528	-655 20	-650 66	4 2	1,304	3 30
	Accrued Inte							575			0 1		
					85,294	85,198		85,543	-325 65	-229 47	9 0	2,652	3 12
TOTAL					**924,631**	**924,122**		**946,773**	**17,313.08**	**17,821.96**	**100.0**	**34,189**	**3.63**

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ATTACHMENT 9.1

FORM 990PF, PART II - CORPORATE BONDS

ATTACHMENT 10

DESCRIPTION	ENDING BOOK VALUE	ENDING FMV
FIDELITY MANAGED ACCOUNT SEE ATTACHMENT 9.1	413,606.	430,842.
TOTALS	413,606.	430,842.

FORM 990PF, PART VIII - LIST OF OFFICERS, DIRECTORS, AND TRUSTEES ATTACHMENT 11

NAME AND ADDRESS	TITLE AND AVERAGE HOURS PER WEEK DEVOTED TO POSITION	COMPENSATION	CONTRIBUTIONS TO EMPLOYEE BENEFIT PLANS	EXPENSE ACCT AND OTHER ALLOWANCES
BRUCE M. LEVY 5333 GULFTON HOUSTON, TX 77081-2801	TRUSTEE 1.00	3,000.	0.	0.
ELLEN T. ROBINSON P.O. BOX 219169 HOUSTON, TX 77218-9169	TRUSTEE 1.00	3,000.	0.	0.
SHIRLEY W. TOOMIM P.O. BOX 219169 HOUSTON, TX 77024	TRUSTEE 1.00	0.	0.	0.
	GRAND TOTALS	6,000.	0.	0.

ATTACHMENT 12

FORM 990PF, PART XV - NAME, ADDRESS AND PHONE FOR APPLICATIONS

BRUCE M. LEVY
5333 GULFTON
HOUSTON, TX 77081
713-662-7784

FORM 990PF, PART XV - GRANTS AND CONTRIBUTIONS PAID DURING THE YEAR

ATTACHMENT 13

RECIPIENT NAME AND ADDRESS	RELATIONSHIP TO SUBSTANTIAL CONTRIBUTOR AND FOUNDATION STATUS OF RECIPIENT	PURPOSE OF GRANT OR CONTRIBUTION	AMOUNT
UNION FOR REFORM JUDAISM 12720 HILLCREST ROAD, STE 830 DALLAS, TX 75230	NONE PUBLIC CHARITY	RABBI EDUCATION SCHOLARSHIP SUPPORT	15,000.
OPERATION SMILES 502 EAST CORNWALLIS DRIVE GREENSBORO, NC 27405	NONE PUBLIC CHARITY	INDIGENT PROGRAM SUPPORT	1,000.
HOUSTON ACHEIVEMENT PLACE 245 W. 17TH STREET HOUSTON, TX 77008	NONE PUBLIC CHARITY	VIDEO & MUSIC FOR PROJECT CLASS	7,000
JEWISH CHILDREN'S REGIONAL SERVICES P.O. BOX 7368 METAIRIE, LA 70010	NONE PUBLIC CHARITY	SCHOLARSHIP PROGRAM SUPPORT	2,500
JCC MEALS ON WHEELS 5601 SOUTH BRAESWOOD HOUSTON, TX 77096	NONE PUBLIC CHARITY	WEEKEND PROGRAM FUNDING	11,500
JEWISH FEDERATION OF GREATER HOUSTON 5603 SOUTH BRAESWOOD HOUSTON, TX 77096	NONE PUBLIC CHARITY	SCHOLARSHIP PROGRAM SUPPORT	7,500

FORM 990PF, PART XV - GRANTS AND CONTRIBUTIONS PAID DURING THE YEAR

ATTACHMENT 13 (CONT'D)

RECIPIENT NAME AND ADDRESS	RELATIONSHIP TO SUBSTANTIAL CONTRIBUTOR AND FOUNDATION STATUS OF RECIPIENT	PURPOSE OF GRANT OR CONTRIBUTION	AMOUNT
WOMEN ON THE WAY UP 3325 WESTHEIMER HOUSTON, TX 77098	NONE PUBLIC CHARITY	JOAN KARFF MENTORING PROGRAM SUPPORT	2,500
CASA DE ESPERANZA P O BOX 66581 HOUSTON, TX 77266	NONE PUBLIC CHARITY	SUPPLY PANTRY	5,000.
JEWISH FAMILY SERVICE 4131 SOUTH BRAESWOOD HOUSTON, TX 77025	NONE PUBLIC CHARITY	PROGRAM SUPPORT	7,500.
INITIATIVE FOR JEWISH WOMEN 5925 KIRBY #474 HOUSTON, TX 77005	NONE PUBLIC CHARITY	PROGRAM SUPPORT	2,500
GREEN FAMILY CAMP 1192 SMITH LANE BRUCEVILLE, TX 76630	NONE PUBLIC CHARITY	PROGRAM SUPPORT	10,000
AMIGOS DE LAS AMERICAS - HOUSTON CHAPTER 5618 STAR LANE HOUSTON, TX 77057	NONE PUBLIC CHARITY	PROGRAM SUPPORT	5,000

FORM 990PF, PART XV - GRANTS AND CONTRIBUTIONS PAID DURING THE YEAR

ATTACHMENT 13 (CONT'D)

RECIPIENT NAME AND ADDRESS	RELATIONSHIP TO SUBSTANTIAL CONTRIBUTOR AND FOUNDATION STATUS OF RECIPIENT	PURPOSE OF GRANT OR CONTRIBUTION	AMOUNT
THE CENTER FOR HEARING & SPEECH 3636 WEST DALLAS HOUSTON, TX 77019	NONE PUBLIC CHARITY	PROGRAM SUPPORT	3,000
JEWISH FEDERATION OF GREATER HOUSTON 5603 SOUTH BRAESWOOD HOUSTON, TX 77096	NONE PUBLIC CHARITY	JCC MEALS ON WHEELS NEW TRUCK	10,000.
		TOTAL CONTRIBUTIONS PAID	90,000

FORM 990PF, PART XV - CONTRIBUTIONS APPROVED FOR FUTURE PAYMENT

ATTACHMENT 14

RECIPIENT NAME AND ADDRESS	RELATIONSHIP TO SUBSTANTIAL CONTRIBUTOR AND FOUNDATION STATUS OF RECIPIENT	PURPOSE OF GRANT OR CONTRIBUTION	AMOUNT
GREEN FAMILY CAMP 1192 SMITH LANE BRUCEVILLE, TX 77630	NONE	SOFTBALL FIELD	40,000.
JEWISH FAMILY SERVICE 4131 S. BRAESWOOD BLVD HOUSTON, TX 77025	NONE	SENIOR ADULT FINANCIAL AID	30,000.
INITIATIVE FOR JEWISH WOMEN 5925 KIRBY DRIVE #474 HOUSTON, TX 77005	NONE	HOUSTON TEEN SEXUALITY PROGRAM	2,500.
		TOTAL CONTRIBUTIONS APPROVED	72,500

SCHEDULE D (Form 1041)

Department of the Treasury
Internal Revenue Service

Capital Gains and Losses

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

OMB No 1545-0092

2009

Name of estate or trust: SHIRLEY AND DAVID TOOMIM FOUNDATION

Employer identification number: 76-0585077

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

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

(a) Description of property (Example 100 shares 7% preferred of "Z" Co)	(b) Date acquired (mo , day, yr)	(c) Date sold (mo , day, yr)	(d) Sales price	(e) Cost or other basis (see page 4 of the instructions)	(f) Gain or (loss) for the entire year Subtract (e) from (d)
1a					

b	Enter the short-term gain or (loss), if any, from Schedule D-1, line 1b	1b	-114,252.
2	Short-term capital gain or (loss) from Forms 4684, 6252, 6781, and 8824	2	
3	Net short-term gain or (loss) from partnerships, S corporations, and other estates or trusts	3	
4	Short-term capital loss carryover Enter the amount, if any, from line 9 of the 2008 Capital Loss Carryover Worksheet	4	( )
5	**Net short-term gain or (loss).** Combine lines 1a through 4 in column (f) Enter here and on line 13, column (3) on the back ▶	5	-114,252.

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

(a) Description of property (Example 100 shares 7% preferred of "Z" Co)	(b) Date acquired (mo , day, yr)	(c) Date sold (mo , day, yr)	(d) Sales price	(e) Cost or other basis (see page 4 of the instructions)	(f) Gain or (loss) for the entire year Subtract (e) from (d)
6a					

b	Enter the long-term gain or (loss), if any, from Schedule D-1, line 6b	6b	-37,044.
7	Long-term capital gain or (loss) from Forms 2439, 4684, 6252, 6781, and 8824	7	
8	Net long-term gain or (loss) from partnerships, S corporations, and other estates or trusts	8	
9	Capital gain distributions	9	
10	Gain from Form 4797, Part I	10	
11	Long-term capital loss carryover Enter the amount, if any, from line 14 of the 2008 Capital Loss Carryover Worksheet	11	( )
12	**Net long-term gain or (loss).** Combine lines 6a through 11 in column (f) Enter here and on line 14a, column (3) on the back ▶	12	-37,044.

Part III Summary of Parts I and II Caution: *Read the instructions **before** completing this part.*		(1) Beneficiaries' (see page 5)	(2) Estate's or trust's	(3) Total
13 **Net short-term gain or (loss)**	13			-114,252.
14 **Net long-term gain or (loss):**				
a Total for year	14a			-37,044.
b Unrecaptured section 1250 gain (see line 18 of the wrksht)	14b			
c 28% rate gain	14c			
15 **Total net gain or (loss).** Combine lines 13 and 14a ▶	15			-151,296.

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

Part IV Capital Loss Limitation

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

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

Part V Tax Computation Using Maximum Capital Gains Rates

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

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

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

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

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

SCHEDULE D-1 (Form 1041)

Department of the Treasury
Internal Revenue Service

Continuation Sheet for Schedule D (Form 1041)

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

OMB No 1545-0092

2009

Name of estate or trust
SHIRLEY AND DAVID TOOMIM FOUNDATION

Employer identification number
76-0585077

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

(a) Description of property (Example 100 sh 7% preferred of "Z" Co)	(b) Date acquired (mo , day, yr)	(c) Date sold (mo , day, yr)	(d) Sales price (see page 4 of the instructions)	(e) Cost or other basis (see page 4 of the instructions)	(f) Gain or (loss) Subtract (e) from (d)
1a					
AVALON EQUITY (STMT D-1)	VARIOUS	VARIOUS			-130,883.
AVALON FIXED (STMT D-2)	VARIOUS	VARIOUS			16,631.

Name of estate or trust as shown on Form 1041 Do not enter name and employer identification number if shown on the other side | **Employer identification number**

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

(a) Description of property (Example 100 sh 7% preferred of "Z" Co)	(b) Date acquired (mo , day, yr)	(c) Date sold (mo , day, yr)	(d) Sales price (see page 4 of the instructions)	(e) Cost or other basis (see page 4 of the instructions)	(f) Gain or (loss) Subtract (e) from (d)
6a 1.96 GOLDMAN SACHS TR FINL SQ GV INS	08/29/2008	12/21/2009			0.
AVALON EQUITY (STMT D-1)	VARIOUS	VARIOUS			-40,832.
AVALON FIXED (STMT D-2)	VARIOUS	VARIOUS			3,788.

AVALON
ADVISORS, LLC

AVALON ADVISORS, LLC
717 TEXAS, SUITE 3000
HOUSTON, TEXAS 77002
PH 713-238-2050

Avalon Advisors, LLC

REALIZED GAINS AND LOSSES

SHIRLEY & DAVID TOOMIM FOUNDATION - EQUITY BALANCED ACCOUNT
ACCOUNT #646002151
TOOMIM_RH_FDTN
From 01-01-09 Through 12-31-09

Open Date	Close Date	Quantity	Security	Cost Basis	Amort. or Accretion	Proceeds	Gain Or Loss	
							Short Term	Long Term
10-24-08	01-15-09	948	BANK OF AMERICA CORP	20,273 830		7,589 257	(12,684 573)	
12-18-08	01-15-09	15	BANK OF AMERICA CORP	210 750		120 083	(90 667)	
10-02-08	01-15-09	420	CITIGROUP INC	9,566 004		1,528 370	(8,037 634)	
03-26-08	01-15-09	75	CITIGROUP INC	1,674 490		272 923	(1,401 567)	
09-09-08	01-15-09	147	CITIGROUP INC	2,857 680		534 929	(2,322 751)	
09-05-08	01-15-09	76	CITIGROUP INC	1,445 100		276 562	(1,168 538)	
10-16-08	01-15-09	221	CITIGROUP INC	3,493 240		804 214	(2,689 026)	
10-08-08	01-15-09	90	CITIGROUP INC	1,275 370		327 508	(947 862)	
12-18-08	01-15-09	14	CITIGROUP INC	105 140		50 946	(54 194)	
04-12-07	01-15-09	163	CITIGROUP INC	8,414 955		593 153		(7,821 802)
09-16-04	01-15-09	97	CITIGROUP INC	4,604 590		352 980		(4,251 610)
10-26-05	01-15-09	127	CITIGROUP INC	5,794 650		462 150		(5,332 500)
07-26-05	01-15-09	18	CITIGROUP INC	805 140		65 502		(739 638)
09-30-04	01-15-09	65	CITIGROUP INC	2,871 050		236 533		(2,634 517)
03-26-08	01-22-09	46	CVS CAREMARK CORP	1,875 110		1,221 666	(653 444)	
03-04-08	01-22-09	290	CVS CAREMARK CORP	11,788 590		7,701 804	(4,086 786)	
09-09-08	01-22-09	90	CVS CAREMARK CORP	3,363 300		2,390 215	(973 085)	
09-05-08	01-22-09	47	CVS CAREMARK CORP	1,682 620		1,248 224	(434 396)	
10-01-08	01-22-09	139	CVS CAREMARK CORP	4,636 870		3,691 555	(945 315)	
10-08-08	01-22-09	59	CVS CAREMARK CORP	1,716 220		1,566 919	(149 301)	
10-16-08	01-22-09	116	CVS CAREMARK CORP	3,274 850		3,080 721	(194 129)	
12-18-08	01-22-09	7	CVS CAREMARK CORP	189 970		185 906	(4 064)	
08-20-08	01-22-09	104	MEDTRONIC INC	5,768 560		3,390 838	(2,377 722)	
09-09-08	01-22-09	102	MEDTRONIC INC	5,552 880		3,325 630	(2,227 250)	
08-13-08	01-22-09	84	MEDTRONIC INC	4,477 380		2,738 754	(1,738 626)	
09-05-08	01-22-09	54	MEDTRONIC INC	2,861 120		1,760 628	(1,100 492)	
09-23-08	01-22-09	79	MEDTRONIC INC	4,152 210		2,575 733	(1,576 477)	
07-15-08	01-22-09	192	MEDTRONIC INC	10,090 980		6,260 009	(3,830 971)	
10-08-08	01-22-09	52	MEDTRONIC INC	2,334 400		1,695 419	(638 981)	
10-16-08	01-22-09	116	MEDTRONIC INC	4,629 400		3,782 089	(847 311)	
12-18-08	01-22-09	7	MEDTRONIC INC	225 450		228 230	2 780	

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AVALON
ADVISORS, LLC

AVALON ADVISORS, LLC
717 TEXAS, SUITE 3000
HOUSTON, TEXAS 77002
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REALIZED GAINS AND LOSSES

SHIRLEY & DAVID TOOMIM FOUNDATION - EQUITY BALANCED ACCOUNT
ACCOUNT #646002151
TOOMIM_RH_FDTN
From 01-01-09 Through 12-31-09

Open Date	Close Date	Quantity	Security	Cost Basis	Amort. or Accretion	Proceeds	Gain Or Loss Short Term	Gain Or Loss Long Term
09-09-08	01-22-09	141	MARSH & MCLENNAN COS INC	4,609 290		2,939 254	(1,670 036)	
09-05-08	01-22-09	77	MARSH & MCLENNAN COS INC	2,477 810		1,605 124	(872 686)	
08-08-08	01-22-09	357	MARSH & MCLENNAN COS INC	10,875 680		7,441 940	(3,433 740)	
08-13-08	01-22-09	164	MARSH & MCLENNAN COS INC	4,974 250		3,418 706	(1,555 544)	
10-08-08	01-22-09	62	MARSH & MCLENNAN COS INC	1,787 160		1,292 438	(494 722)	
10-16-08	01-22-09	138	MARSH & MCLENNAN COS INC	3,589 450		2,876 716	(712 734)	
12-18-08	01-22-09	9	MARSH & MCLENNAN COS INC	203 980		187 612	(16 368)	
09-09-08	01-22-09	79	MERCK & CO INC SHS	2,772 110		2,161 498	(610 612)	
09-05-08	01-22-09	42	MERCK & CO INC SHS	1,430 100		1,149 151	(280 949)	
10-08-08	01-22-09	34	MERCK & CO INC SHS	983 470		930 265	(53 205)	
10-16-08	01-22-09	78	MERCK & CO INC SHS	2,179 620		2,134 137	(45 483)	
12-18-08	01-22-09	5	MERCK & CO INC SHS	138 280		136 804	(1 476)	
04-12-07	01-22-09	81	MERCK & CO INC SHS	3,766 500		2,216 219		(1,550 281)
10-17-06	01-22-09	213	MERCK & CO INC SHS	9,340 690		5,827 836		(3,512 854)
10-01-08	01-23-09	741	PFIZER INC	13,781 266		12,571 210	(1,210 056)	
09-09-08	01-23-09	84	PROCTER & GAMBLE CO	6,081 600		4,702 467	(1,379 133)	
09-05-08	01-23-09	44	PROCTER & GAMBLE CO	3,110 540		2,463 197	(647 343)	
03-26-08	01-23-09	43	PROCTER & GAMBLE CO	3,003 710		2,407 215	(596 495)	
10-08-08	01-23-09	37	PROCTER & GAMBLE CO	2,407 200		2,071 324	(335 876)	
10-16-08	01-23-09	4	PROCTER & GAMBLE CO	246 868		223 927	(22 941)	
09-05-08	01-23-09	16	DEVON ENERGY CORPORATION (NEW)	1,524 220		987 269	(536 951)	
08-15-08	01-23-09	113	DEVON ENERGY CORPORATION (NEW)	10,587 830		6,972 587	(3,615 243)	
09-09-08	01-23-09	30	DEVON ENERGY CORPORATION (NEW)	2,719 500		1,851 130	(868 370)	

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REALIZED GAINS AND LOSSES

SHIRLEY & DAVID TOOMIM FOUNDATION - EQUITY BALANCED ACCOUNT
ACCOUNT #646002151
TOOMIM_RH_FDTN
From 01-01-09 Through 12-31-09

Open Date	Close Date	Quantity	Security	Cost Basis	Amort. or Accretion	Proceeds	Gain Or Loss	
							Short Term	Long Term
10-16-08	01-23-09	30	DEVON ENERGY CORPORATION (NEW)	2,045 690		1,851 129	(194 561)	
10-08-08	01-23-09	13	DEVON ENERGY CORPORATION (NEW)	883 360		802 156	(81 204)	
12-18-08	01-23-09	2	DEVON ENERGY CORPORATION (NEW)	129 060		123 409	(5 651)	
09-05-08	01-23-09	15	MICROSOFT CORP	388 800		260 504	(128 296)	
10-16-08	01-23-09	154	MICROSOFT CORP	3,639 870		2,674 503	(965 367)	
10-08-08	01-23-09	68	MICROSOFT CORP	1,556 510		1,180 949	(375 561)	
12-18-08	01-23-09	9	MICROSOFT CORP	173 130		156 302	(16 828)	
06-27-07	01-23-09	48	MICROSOFT CORP	1,427 183		833 612		(593 571)
09-09-08	01-29-09	1	XTO ENERGY INC	45 631		38 000	(7 631)	
10-01-08	02-13-09	731	PFIZER INC	13,595 284		10,689 571	(2,905 713)	
10-08-08	02-13-09	142	PFIZER INC	2,482 440		2,076 497	(405 943)	
12-18-08	02-13-09	17	PFIZER INC	290 860		248 595	(42 265)	
10-16-08	02-13-09	279	PFIZER INC	4,699 810		4,079 877	(619 933)	
03-26-08	02-13-09	17	DEERE & CO	1,379 970		626 516	(753 454)	
03-17-08	02-13-09	99	DEERE & CO	7,900 940		3,648 534	(4,252 406)	
03-26-08	02-13-09	25	JOY GLOBAL INC COM	1,662 510		536 540	(1,125 970)	
09-05-08	02-13-09	19	JOY GLOBAL INC COM	973 005		407 770	(565 235)	
03-17-08	02-20-09	8	DEERE & CO	638 460		232 503	(405 957)	
09-05-08	02-20-09	17	DEERE & CO	1,070 180		494 068	(576 112)	
09-09-08	02-20-09	33	DEERE & CO	2,014 650		959 073	(1,055 577)	
10-01-08	02-20-09	119	DEERE & CO	5,598 050		3,458 475	(2,139 575)	
10-16-08	02-20-09	54	DEERE & CO	2,096 570		1,569 392	(527 178)	
12-18-08	02-20-09	4	DEERE & CO	154 410		116 251	(38 159)	
10-08-08	02-20-09	24	DEERE & CO	864 960		697 508	(167 452)	
09-05-08	02-20-09	6	JOY GLOBAL INC COM	307 265		110 850	(196 415)	
09-09-08	02-20-09	50	JOY GLOBAL INC COM	2,166 000		923 750	(1,242 250)	
10-08-08	02-20-09	21	JOY GLOBAL INC COM	633 560		387 975	(245 585)	
10-16-08	02-20-09	48	JOY GLOBAL INC COM	1,173 730		886 800	(286 930)	
12-18-08	02-20-09	3	JOY GLOBAL INC COM	69 050		55 425	(13 625)	
01-09-08	02-20-09	158	JOY GLOBAL INC COM	9,296 360		2,919 050		(6,377 310)

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REALIZED GAINS AND LOSSES

SHIRLEY & DAVID TOOMIM FOUNDATION - EQUITY BALANCED ACCOUNT
ACCOUNT #646002151
TOOMIM_RH_FDTN
From 01-01-09 Through 12-31-09

Open Date	Close Date	Quantity	Security	Cost Basis	Amort. or Accretion	Proceeds	Gain Or Loss	
							Short Term	Long Term
03-26-08	02-23-09	85	GENERAL ELECTRIC CO	3,155 440		753 221	(2,402 219)	
09-09-08	02-23-09	167	GENERAL ELECTRIC CO	4,811 270		1,479 857	(3,331 413)	
09-05-08	02-23-09	87	GENERAL ELECTRIC CO	2,409 980		770 943	(1,639 037)	
10-08-08	02-23-09	73	GENERAL ELECTRIC CO	1,487 290		646 883	(840 407)	
10-16-08	02-23-09	11	GENERAL ELECTRIC CO	216 876		97 476	(119 400)	
09-09-08	02-23-09	14	BLACKROCK INC CL A	3,063 900		1,390 181	(1,673 719)	
08-14-08	02-23-09	48	BLACKROCK INC CL A	10,458 270		4,766 334	(5,691 936)	
09-05-08	02-23-09	7	BLACKROCK INC CL A	1,466 740		695 091	(771 649)	
10-08-08	02-23-09	5	BLACKROCK INC CL A	834 030		496 493	(337 537)	
10-16-08	02-23-09	13	BLACKROCK INC CL A	1,880 870		1,290 882	(589 988)	
12-18-08	02-23-09	1	BLACKROCK INC CL A	127 340		99 299	(28 041)	
10-16-08	03-04-09	153	GENERAL ELECTRIC CO	3,016 544		903 413	(2,113 131)	
12-18-08	03-04-09	10	GENERAL ELECTRIC CO	159 600		59 047	(100 553)	
04-12-07	03-04-09	145	GENERAL ELECTRIC CO	5,105 450		856 175		(4,249 275)
04-21-06	03-04-09	39	GENERAL ELECTRIC CO	1,328 032		230 282		(1,097 750)
09-16-04	03-04-09	212	GENERAL ELECTRIC CO	7,138 040		1,251 787		(5,886 253)
09-30-04	03-04-09	141	GENERAL ELECTRIC CO	4,731 960		832 556		(3,899 404)
10-16-08	03-06-09	78	PROCTER & GAMBLE CO	4,813 922		3,548 658	(1,265 264)	
12-18-08	03-06-09	5	PROCTER & GAMBLE CO	300 980		227 478	(73 502)	
04-12-07	03-06-09	22	PROCTER & GAMBLE CO	1,397 220		1,000 904		(396 316)
03-26-08	03-06-09	48	COCA COLA CMN	2,942 490		1,858 457	(1,084 033)	
09-05-08	03-06-09	49	COCA COLA CMN	2,545 030		1,897 175	(647 855)	
10-16-08	03-06-09	92	COCA COLA CMN	4,151 570		3,562 043	(589 527)	
04-12-07	03-06-09	63	COCA COLA CMN	3,129 840		2,439 225		(690 615)
07-11-08	03-09-09	347	KROGER CO	9,985 580		6,817 606	(3,167 974)	
09-09-08	03-09-09	94	KROGER CO	2,672 420		1,846 844	(825 576)	
10-01-08	03-09-09	255	KROGER CO	7,050 850		5,010 056	(2,040 794)	
09-05-08	03-09-09	49	KROGER CO	1,319 080		962 717	(356 363)	
10-16-08	03-09-09	139	KROGER CO	3,632 280		2,730 972	(901 308)	
12-18-08	03-09-09	8	KROGER CO	207 960		157 178	(50 782)	
10-08-08	03-09-09	60	KROGER CO	1,516 450		1,178 837	(337 613)	
04-12-07	03-10-09	149	PROCTER & GAMBLE CO	9,462 990		6,680 358		(2,782 632)
09-16-04	03-10-09	100	PROCTER & GAMBLE CO	4,263 952		4,483 462		219 510

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SHIRLEY & DAVID TOOMIM FOUNDATION - EQUITY BALANCED ACCOUNT
ACCOUNT #646002151
TOOMIM_RH_FDTN
From 01-01-09 Through 12-31-09

Open Date	Close Date	Quantity	Security	Cost Basis	Amort. or Accretion	Proceeds	Gain Or Loss	
							Short Term	Long Term
09-05-08	03-26-09	36	GENENTECH INC	3,465 830		3,420 000	(45 830)	
03-07-08	03-26-09	112	GENENTECH INC	8,834 200		10,640 000		1,805 800
09-09-08	03-26-09	69	GENENTECH INC	6,534 300		6,555 000	20 700	
03-26-08	03-26-09	18	GENENTECH INC	1,472 090		1,710 000	237 910	
07-18-08	03-26-09	64	GENENTECH INC	5,202 550		6,080 000	877 450	
10-16-08	03-26-09	67	GENENTECH INC	5,440 080		6,365 000	924 920	
07-17-08	03-26-09	61	GENENTECH INC	4,919 950		5,795 000	875 050	
12-18-08	03-26-09	4	GENENTECH INC	320 380		380 000	59 620	
10-08-08	03-26-09	30	GENENTECH INC	2,281 100		2,850 000	568 900	
02-13-09	05-05-09	690	SCHERING PLOUGH CORP	13,377 650		15,852 270	2,474 620	
09-05-08	06-03-09	49	JOHNSON & JOHNSON	3,463 180		2,740 882	(722 298)	
09-23-08	06-03-09	115	JOHNSON & JOHNSON	7,912 436		6,432 681	(1,479 755)	
09-05-08	06-03-09	78	PHILIP MORRIS INTL INC COM	4,168 170		3,440 148	(728 022)	
09-17-08	06-03-09	148	PHILIP MORRIS INTL INC COM	7,686 127		6,527 461	(1,158 666)	
09-09-08	06-03-09	92	JOHNSON & JOHNSON	6,615 720		5,146 146	(1,469 574)	
09-09-08	06-03-09	149	PHILIP MORRIS INTL INC COM	8,276 950		6,571 564	(1,705 386)	
01-23-09	06-03-09	183	CEPHALON INC COM	14,292 520		10,790 000	(3,502 520)	
09-09-08	06-05-09	80	BAXTER INTERNATIONAL INCCMN	5,464 800		3,780 407	(1,684 393)	
09-05-08	06-05-09	42	BAXTER INTERNATIONAL INCCMN	2,803 290		1,984 713	(818 577)	
10-08-08	06-05-09	35	BAXTER INTERNATIONAL INCCMN	2,159 430		1,653 928	(505 502)	
10-16-08	06-05-09	78	BAXTER INTERNATIONAL INCCMN	4,675 240		3,685 896	(989 344)	

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AVALON
ADVISORS LLC

AVALON ADVISORS, LLC
717 TEXAS, SUITE 3000
HOUSTON, TEXAS 77002
PH 713-238-2050

Avalon Advisors, LLC

REALIZED GAINS AND LOSSES

SHIRLEY & DAVID TOOMIM FOUNDATION - EQUITY BALANCED ACCOUNT
ACCOUNT #646002151
TOOMIM_RH_FDTN
From 01-01-09 Through 12-31-09

Open Date	Close Date	Quantity	Security	Cost Basis	Amort. or Accretion	Proceeds	Gain Or Loss Short Term	Gain Or Loss Long Term
12-18-08	06-05-09	5	BAXTER INTERNATIONAL INCCMN	264 330		236 275	(28 055)	
10-24-07	06-05-09	258	BAXTER INTERNATIONAL INCCMN	15,100 660		12,191 812		(2,908 848)
03-26-08	06-05-09	40	BAXTER INTERNATIONAL INCCMN	2,319 020		1,890 203		(428 817)
03-09-09	07-07-09	352	KNIGHT CAPITAL GRP INC CL A	5,752 810		5,933 653	180 843	
03-06-09	07-07-09	357	KNIGHT CAPITAL GRP INC CL A	5,729 060		6,017 937	288 877	
03-27-09	07-07-09	1,395	VALERO ENERGY CORP-NEW	27,158 700		22,263 060	(4,895 640)	
03-06-09	07-07-09	154	NETFLIX COM INCCMN	5,780 420		5,998 880	218 460	
01-07-09	07-07-09	856	MEMC ELECTR MATLS INC COM	14,563 130		13,185 310	(1,377 820)	
09-09-08	11-24-09	17	APPLE INC	2,660 670		3,477 600		816 930
09-09-08	11-24-09	25	ABBOTT LABS	1,446 500		1,358 460		(88 040)
08-12-08	11-24-09	42	AMAZON COM INC COM	3,657 917		5,582 910		1,924 993
03-26-08	11-24-09	14	BECTON DICKINSON & CO	1,231 337		1,058 090		(173 247)
07-08-09	11-24-09	30	BHP BILLITON LTD SPONSORED ADR	1,496 130		2,235 240	739 110	
02-12-09	11-24-09	33	BRISTOL-MYERS SQUIBB CO	728 508		827 280	98 772	
03-04-08	11-24-09	25	CONOCOPHILLIPS	2,008 515		1,313 460		(695 055)
09-09-08	11-24-09	34	COSTCO WHOLESALE CORP NEW	2,349 060		2,057 280		(291 780)
04-12-07	11-24-09	63	CISCO SYS INC	1,636 740		1,495 580		(141 160)
03-26-08	11-24-09	18	CHEVRON CORP	1,542 420		1,421 060		(121 360)

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SHIRLEY & DAVID TOOMIM FOUNDATION - EQUITY BALANCED ACCOUNT
ACCOUNT #646002151
TOOMIM_RH_FDTN
From 01-01-09 Through 12-31-09

Open Date	Close Date	Quantity	Security	Cost Basis	Amort. or Accretion	Proceeds	Gain Or Loss	
							Short Term	Long Term
03-26-08	11-24-09	20	DIAGEO PLC SPON ADR (NEW)	1,679 962		1,379 360		(300 602)
12-18-08	11-24-09	3	FLUOR CORP NEW COM	144 290		129 506	(14 784)	
03-26-08	11-24-09	20	FLUOR CORP NEW COM	1,424 190		863 371		(560 819)
09-05-08	11-24-09	5	FLUOR CORP NEW COM	325 671		215 843		(109 828)
12-18-08	11-24-09	5	GENZYME CORPORATION	334 890		251 243	(83 647)	
08-13-08	11-24-09	24	GENZYME CORPORATION	1,931 694		1,205 967		(725 727)
01-22-09	11-24-09	23	GILEAD SCIENCES INC	1,118 028		1,078 900	(39 128)	
02-03-09	11-24-09	4	GOOGLE INC CL A	1,364 928		2,333 740	968 812	
01-22-09	11-24-09	45	HOME DEPOT INC	982 354		1,237 010	254 656	
10-24-08	11-24-09	30	HJ HEINZ CO	1,188 927		1,296 260		107 333
10-24-08	11-24-09	46	HEWLETT-PACKARD CO CMN	1,481 968		2,310 980		829 012
03-18-08	11-24-09	21	INTL BUSINESS MACHINES CORP	2,444 026		2,685 620		241 594
10-11-06	11-24-09	77	INTEL CORP	1,620 704		1,494 530		(126 174)
09-23-08	11-24-09	9	JOHNSON & JOHNSON	619 234		569 594		(49 640)
12-13-07	11-24-09	20	JOHNSON & JOHNSON	1,353 555		1,265 766		(87 789)
10-02-08	11-24-09	99	JP MORGAN CHASE & CO	4,843 228		4,196 500		(646 728)
09-09-08	11-24-09	20	COCA COLA CMN	1,086 200		1,161 170		74 970
12-18-08	11-24-09	14	LOWE'S COMPANIES INC	317 030		307 292	(9 738)	
10-03-08	11-24-09	73	LOWE'S COMPANIES INC	1,637 558		1,602 308		(35 250)
09-09-08	11-24-09	45	MCDONALDS CORP COM	2,883 150		2,889 370		6 220
07-09-09	11-24-09	16	MEDCO HEALTH SOLUTIONS INC	765 442		1,007 330	241 888	
03-12-09	11-24-09	19	MONSANTO CO NEW DEL COM	1,511 571		1,520 720	9 149	
07-08-09	11-24-09	76	MORGAN STANLEY	1,924 534		2,441 050	516 516	
06-27-07	11-24-09	25	MICROSOFT CORP	743 325		745 726		2 401
04-12-07	11-24-09	16	MICROSOFT CORP	456 320		477 264		20 944

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STATEMENT D-1

AVALON
ADVISORS, LLC

AVALON ADVISORS, LLC
717 TEXAS, SUITE 3000
HOUSTON, TEXAS 77002
PH. 713-238-2050

Avalon Advisors, LLC

REALIZED GAINS AND LOSSES

SHIRLEY & DAVID TOOMIM FOUNDATION - EQUITY BALANCED ACCOUNT
ACCOUNT #646002151
TOOMIM_RH_FDTN
From 01-01-09 Through 12-31-09

Open Date	Close Date	Quantity	Security	Cost Basis	Amort. or Accretion	Proceeds	Gain Or Loss	
							Short Term	Long Term
01-22-09	11-24-09	35	NORTHERN TR CORP COM	1,911 238		1,675 400	(235 838)	
10-02-08	11-24-09	27	NOVARTIS AG-ADR	1,406 233		1,491 980		85 747
03-26-08	11-24-09	1	ORACLE CORP	20 734		22 089		1 355
09-05-08	11-24-09	95	ORACLE CORP	1,925 640		2,098 491		172 851
08-14-08	11-24-09	45	OCCIDENTAL PETE CORP	3,448 573		3,712 400		263 827
03-26-08	11-24-09	30	PEPSICO INC	2,148 490		1,873 450		(275 040)
09-17-08	11-24-09	58	PHILIP MORRIS INTL INC COM	3,012 131		2,932 980		(79 151)
03-26-08	11-24-09	17	SCHLUMBERGER LTD ADR	1,458 251		1,111 260		(346 991)
06-05-09	11-24-09	41	TEVA PHARMACEUTICAL INDS ADR	1,971 997		2,180 320	208 322	
03-06-08	11-24-09	16	UNITED PARCEL SERVICE CL B	1,155 272		923 330		(231 942)
12-18-08	11-24-09	8	US BANCORP	196 400		189 115	(7 285)	
03-26-08	11-24-09	39	US BANCORP	1,330 875		921 935		(408 940)
10-21-08	11-24-09	24	UNITED TECHNOLOGIES CORP	1,230 017		1,636 990		406 973
09-05-08	11-24-09	41	VISA INC	2,887 550		3,299 178		411 628
09-09-08	11-24-09	8	VISA INC	546 400		643 742		97 342
12-18-08	11-24-09	12	WELLS FARGO & CO NEW	357 800		332 870	(24 930)	
10-16-08	11-24-09	60	WELLS FARGO & CO NEW	2,030 508		1,664 350		(366 158)
12-18-08	11-24-09	17	WAL-MART STORES INC	942 570		930 894	(11 676)	
09-09-08	11-24-09	41	WAL-MART STORES INC	2,525 190		2,245 096		(280 094)
12-18-08	11-24-09	6	EXXON MOBIL CORP	461 590		455 087	(6 503)	
04-12-07	11-24-09	26	EXXON MOBIL CORP	2,011 620		1,972 043		(39 577)
09-09-08	11-24-09	43	YUM BRANDS INC COM	1,671 840		1,525 170		(146 670)
09-05-08	11-24-09	17	BURLINGTON NRTHN SANTA COM	1,682 880		1,670 200		(12 680)

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HOUSTON, TEXAS 77002
PH 713-238-2050

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REALIZED GAINS AND LOSSES

SHIRLEY & DAVID TOOMIM FOUNDATION - EQUITY BALANCED ACCOUNT
ACCOUNT #646002151
TOOMIM_RH_FDTN
From 01-01-09 Through 12-31-09

Open Date	Close Date	Quantity	Security	Cost Basis	Amort. or Accretion	Proceeds	Gain Or Loss	
							Short Term	Long Term
08-12-08	12-04-09	65	AMAZON COM INC COM	5,661 063		9,058 174		3,397 111
08-13-08	12-04-09	64	AMAZON COM INC COM	5,485 640		8,918 818		3,433 178
08-18-08	12-04-09	67	AMAZON COM INC COM	5,635 100		9,336 887		3,701 787
09-09-08	12-04-09	69	AMAZON COM INC COM	5,597 970		9,615 601		4,017 631
09-09-08	12-17-09	9	APPLE INC	1,408 590		1,737 270		328 680
09-09-08	12-17-09	13	ABBOTT LABS	752 180		691 710		(60 470)
09-09-08	12-17-09	14	AMAZON COM INC COM	1,135 820		1,782 150		646 330
03-26-08	12-17-09	5	BECTON DICKINSON & CO	439 763		379 764		(59 999)
09-09-08	12-17-09	2	BECTON DICKINSON & CO	174 540		151 906		(22 634)
07-08-09	12-17-09	16	BHP BILLITON LTD SPONSORED ADR	797 936		1,158 260	360 324	
02-12-09	12-17-09	18	BRISTOL-MYERS SQUIBB CO	397 368		463 120	65 752	
09-05-08	12-17-09	7	BURLINGTON NRTHN SANTA COM	692 950		688 989		(3 961)
09-09-08	12-17-09	3	BURLINGTON NRTHN SANTA COM	294 750		295 281		0 531
12-18-08	12-17-09	4	CONOCOPHILLIPS	205 720		201 735	(3 985)	
03-04-08	12-17-09	9	CONOCOPHILLIPS	723 065		453 905		(269 160)
09-09-08	12-17-09	18	COSTCO WHOLESALE CORP NEW	1,243 620		1,050 250		(193 370)
04-12-07	12-17-09	33	CISCO SYS INC	857 340		765 910		(91 430)
03-26-08	12-17-09	9	CHEVRON CORP	771 210		694 600		(76 610)
03-26-08	12-17-09	10	DIAGEO PLC SPON ADR (NEW)	839 981		674 030		(165 951)
09-05-08	12-17-09	15	FLUOR CORP NEW COM	977 014		649 030		(327 984)
08-13-08	12-17-09	15	GENZYME CORPORATION	1,207 309		729 290		(478 019)
01-22-09	12-17-09	12	GILEAD SCIENCES INC	583 319		514 540	(68 779)	
02-03-09	12-17-09	2	GOOGLE INC CL A	682 464		1,190 960	508 496	
01-22-09	12-17-09	27	HOME DEPOT INC	589 413		780 400	190 987	

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HOUSTON, TEXAS 77002
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REALIZED GAINS AND LOSSES

SHIRLEY & DAVID TOOMIM FOUNDATION - EQUITY BALANCED ACCOUNT
ACCOUNT #646002151
TOOMIM_RH_FDTN
From 01-01-09 Through 12-31-09

Open Date	Close Date	Quantity	Security	Cost Basis	Amort. or Accretion	Proceeds	Gain Or Loss	
							Short Term	Long Term
10-24-08	12-17-09	15	HJ HEINZ CO	594 464		640 110		45 646
10-24-08	12-17-09	26	HEWLETT-PACKARD CO CMN	837 634		1,311 920		474 286
03-18-08	12-17-09	2	INTL BUSINESS MACHINES CORP	232 764		255 224		22 460
09-09-08	12-17-09	9	INTL BUSINESS MACHINES CORP	1,046 430		1,148 506		102 076
10-11-06	12-17-09	41	INTEL CORP	862 972		784 300		(78 672)
12-13-07	12-17-09	15	JOHNSON & JOHNSON	1,015 166		964 990		(50 176)
10-02-08	12-17-09	50	JP MORGAN CHASE & CO	2,446 075		2,020 700		(425 375)
09-09-08	12-17-09	11	COCA COLA CMN	597 410		630 680		33 270
10-03-08	12-17-09	46	LOWE'S COMPANIES INC	1,031 886		1,092 930		61 044
09-09-08	12-17-09	25	MCDONALDS CORP COM	1,601 750		1,552 260		(49 490)
07-09-09	12-17-09	9	MEDCO HEALTH SOLUTIONS INC	430 561		562 210	131 649	
03-12-09	12-17-09	11	MONSANTO CO NEW DEL COM	875 120		885 250	10 130	
07-08-09	12-17-09	40	MORGAN STANLEY	1,012 912		1,176 430	163 517	
04-12-07	12-17-09	22	MICROSOFT CORP	627 440		652 500		25 060
01-22-09	12-17-09	18	NORTHERN TR CORP COM	982 922		877 740	(105 182)	
10-02-08	12-17-09	14	NOVARTIS AG-ADR	729 158		751 660		22 502
09-05-08	12-17-09	49	ORACLE CORP	993 225		1,127 240		134 015
08-14-08	12-17-09	26	OCCIDENTAL PETE CORP	1,992 509		2,034 930		42 421
03-26-08	12-17-09	11	PEPSICO INC	787 780		663 777		(124 003)
09-09-08	12-17-09	4	PEPSICO INC	282 720		241 373		(41 347)
09-17-08	12-17-09	39	PHILIP MORRIS INTL INC COM	2,025 398		1,934 110		(91 288)
03-26-08	12-17-09	1	SCHLUMBERGER LTD ADR	85 779		62 967		(22 812)
09-05-08	12-17-09	7	SCHLUMBERGER LTD ADR	595 858		440 773		(155 085)

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SHIRLEY & DAVID TOOMIM FOUNDATION - EQUITY BALANCED ACCOUNT
ACCOUNT #646002151
TOOMIM_RH_FDTN
From 01-01-09 Through 12-31-09

Open Date	Close Date	Quantity	Security	Cost Basis	Amort. or Accretion	Proceeds	Gain Or Loss	
							Short Term	Long Term
06-05-09	12-17-09	23	TEVA PHARMACEUTICAL INDS ADR	1,106 242		1,203 090	96 847	
03-06-08	12-17-09	9	UNITED PARCEL SERVICE CL B	649 841		524 550		(125 291)
03-26-08	12-17-09	7	US BANCORP	238 875		154 106		(84 769)
03-27-08	12-17-09	18	US BANCORP	604 524		396 274		(208 250)
10-21-08	12-17-09	13	UNITED TECHNOLOGIES CORP	666 259		906 420		240 161
09-09-08	12-17-09	27	VISA INC	1,844 100		2,316 790		472 690
10-16-08	12-17-09	39	WELLS FARGO & CO NEW	1,319 830		1,015 530		(304 300)
09-09-08	12-17-09	31	WAL-MART STORES INC	1,909 290		1,639 610		(269 680)
04-12-07	12-17-09	17	EXXON MOBIL CORP	1,315 290		1,169 220		(146 070)
09-09-08	12-17-09	23	YUM BRANDS INC COM	894 240		792 990		(101 250)
07-15-09	12-21-09	10,000 000	GOLDMAN SACHS TR FINL SQ GV INS	10,000 000		10,000 000	0 000	
07-31-09	12-21-09	1 000	GOLDMAN SACHS TR FINL SQ GV INS	1 000		1 000	0 000	
08-31-09	12-21-09	1 660	GOLDMAN SACHS TR FINL SQ GV INS	1 660		1 660	0 000	
09-30-09	12-21-09	1 450	GOLDMAN SACHS TR FINL SQ GV INS	1 450		1 450	0 000	
10-01-09	12-21-09	5,000 000	GOLDMAN SACHS TR FINL SQ GV INS	5,000 000		5,000 000	0 000	
10-30-09	12-21-09	1 390	GOLDMAN SACHS TR FINL SQ GV INS	1 390		1 390	0 000	

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AVALON
ADVISORS LLC

AVALON ADVISORS, LLC
717 TEXAS, SUITE 3000
HOUSTON, TEXAS 77002
PH 713-238-2050

Avalon Advisors, LLC

REALIZED GAINS AND LOSSES

SHIRLEY & DAVID TOOMIM FOUNDATION - EQUITY BALANCED ACCOUNT
ACCOUNT #646002151
TOOMIM_RH_FDTN
From 01-01-09 Through 12-31-09

Open Date	Close Date	Quantity	Security	Cost Basis	Amort. or Accretion	Proceeds	Gain Or Loss Short Term	Gain Or Loss Long Term
11-30-09	12-21-09	0 980	GOLDMAN SACHS TR FINL SQ GV INS	0 980		0 980	0 000	
TOTAL GAINS							11,295 059	24,690 310
TOTAL LOSSES							(142,178 436)	(65,521 882)
				774,450.095	**0.000**	**602,735.146**	**(130,883.377)**	**(40,831.572)**
TOTAL REALIZED GAIN/LOSS			(171,714 949)					

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HOUSTON, TEXAS 77002
PH 713-238-2050

Avalon Advisors, LLC

REALIZED GAINS AND LOSSES

SHIRLEY & DAVID TOOMIM FOUNDATION - FIXED INCOME BALANCED ACCOUNT
ACCOUNT #646002127
TOOMIM_FI_FDTN
From 01-01-09 Through 12-31-09

Open Date	Close Date	Quantity	Security	Cost Basis	Amort. or Accretion	Proceeds	Gain Or Loss	
							Short Term	Long Term
10-02-06	01-15-09	245	FHLMC REMIC SERIES 2450 6 000% Due 07-15-21	247 291	0 000	245 450		(1 841)
12-28-05	01-15-09	157	FHLMC REMIC SERIES R003 5 125% Due 10-15-15	156 739	0 000	157 280		0 541
04-23-07	01-16-09	253	GNMA REMIC TRUST 2005-2 4 116% Due 03-16-19	247 557	0 000	252 680		5 123
04-24-07	01-16-09	155	GNMA REMIC TRUST 2005-9 4 026% Due 05-16-22	152 144	0 000	155 280		3 136
10-28-05	01-16-09	66	GNMA REMIC TRUST 2005-42 4 045% Due 07-16-20	64 335	0 000	65 690		1 355
12-09-05	01-16-09	42	GNMA REMIC TRUST 2003-72 4 355% Due 02-16-30	41 040	0 000	42 200		1 160
01-11-05	01-26-09	252	FNMA PASS-THRU ADJ LIBOR 3 665% Due 11-01-32	253 477	0 000	251 590		(1 887)
09-23-08	01-26-09	332	FNMA REMIC TRUST 2005-116 5 500% Due 12-25-16	337 682	0 000	332 180	(5 502)	
04-23-07	01-26-09	25,746	GNMA REMIC TRUST 2005-2 4 116% Due 03-16-19	25,224 100	0 000	25,818 490		594 390
12-12-08	01-28-09	40,000	UNITED STATES TREAS NTS 1 250% Due 11-30-10	40,325 000	(21 112)	40,321 880	17 992	
09-09-08	01-30-09	250	FNMA REMIC TRUST 2003-80 5 000% Due 04-25-16	249 006	0 000	249 630	0 624	

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AVALON
ADVISORS LLC

AVALON ADVISORS, LLC
717 TEXAS, SUITE 3000
HOUSTON, TEXAS 77002
PH 713-238-2050

Avalon Advisors, LLC

REALIZED GAINS AND LOSSES

SHIRLEY & DAVID TOOMIM FOUNDATION - FIXED INCOME BALANCED ACCOUNT
ACCOUNT #646002127
TOOMIM_FI_FDTN
From 01-01-09 Through 12-31-09

Open Date	Close Date	Quantity	Security	Cost Basis	Amort. or Accretion	Proceeds	Gain Or Loss	
							Short Term	Long Term
12-12-08	02-05-09	55,000	UNITED STATES TREAS NTS 1 250% Due 11-30-10	55,446 875	(33 974)	55,371 680	(41 221)	
10-02-06	02-17-09	387	FHLMC REMIC SERIES 2450 6 000% Due 07-15-21	390 396	0 000	387 490		(2 906)
12-28-05	02-17-09	307	FHLMC REMIC SERIES R003 5 125% Due 10-15-15	306 024	0 000	307 080		1 056
04-24-07	02-17-09	156	GNMA REMIC TRUST 2005-9 4 026% Due 05-16-22	152 810	0 000	155 960		3 150
10-28-05	02-17-09	462	GNMA REMIC TRUST 2005-42 4 045% Due 07-16-20	452 070	0 000	461 590		9 520
12-09-05	02-17-09	42	GNMA REMIC TRUST 2003-72 4 355% Due 02-16-30	41 224	0 000	42 390		1 166
01-11-05	02-25-09	115	FNMA PASS-THRU ADJ LIBOR 3 665% Due 11-01-32	116 004	0 000	115 140		(0 864)
09-09-08	02-25-09	251	FNMA REMIC TRUST 2003-80 5 000% Due 04-25-16	250 043	0 000	250 670	0 627	
09-23-08	02-25-09	334	FNMA REMIC TRUST 2005-116 5 500% Due 12-25-16	339 237	0 000	333 710	(5 527)	
04-24-07	03-16-09	157	GNMA REMIC TRUST 2005-9 4 026% Due 05-16-22	153 486	0 000	156 650		3 164
10-28-05	03-16-09	66	GNMA REMIC TRUST 2005-42 4 045% Due 07-16-20	64 384	0 000	65 740		1 356

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ADVISORS, LLC

AVALON ADVISORS, LLC
717 TEXAS, SUITE 3000
HOUSTON, TEXAS 77002
PH 713-238-2050

Avalon Advisors, LLC

REALIZED GAINS AND LOSSES

SHIRLEY & DAVID TOOMIM FOUNDATION - FIXED INCOME BALANCED ACCOUNT
ACCOUNT #646002127
TOOMIM_FI_FDTN
From 01-01-09 Through 12-31-09

Open Date	Close Date	Quantity	Security	Cost Basis	Amort. or Accretion	Proceeds	Gain Or Loss	
							Short Term	Long Term
12-09-05	03-16-09	43	GNMA REMIC TRUST 2003-72 4 355% Due 02-16-30	41 409	0 000	42 580		1 171
10-02-06	03-16-09	834	FHLMC REMIC SERIES 2450 6 000% Due 07-15-21	839 791	0 000	833 540		(6 251)
12-28-05	03-16-09	473	FHLMC REMIC SERIES R003 5 125% Due 10-15-15	471 304	0 000	472 930		1 626
12-12-08	03-23-09	25,000	UNITED STATES TREAS NTS 1 250% Due 11-30-10	25,203 125	(28 373)	25,159 180	(15 572)	
01-11-05	03-25-09	88	FNMA PASS-THRU ADJ LIBOR 3 665% Due 11-01-32	88 277	0 000	87 620		(0 657)
09-09-08	03-25-09	107	FNMA REMIC TRUST 2003-80 5 000% Due 04-25-16	106 330	0 000	106 597	0 267	
03-23-09	03-25-09	145	FNMA REMIC TRUST 2003-80 5 000% Due 04-25-16	151 462	0 000	145 113	(6 349)	
09-23-08	03-25-09	335	FNMA REMIC TRUST 2005-116 5 500% Due 12-25-16	340 792	0 000	335 240	(5 552)	
06-18-08	03-26-09	5,000	UNITED STATES TREAS NTS 4 750% Due 03-31-11	5,214 063	(57 364)	5,385 940	229 241	
12-12-08	03-26-09	15,000	UNITED STATES TREAS NTS 1 250% Due 11-30-10	15,121 875	(17 530)	15,094 340	(10 005)	
10-02-06	04-15-09	876	FHLMC REMIC SERIES 2450 6 000% Due 07-15-21	882 147	0 000	875 580		(6 567)

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ADVISORS, LLC

AVALON ADVISORS, LLC
717 TEXAS, SUITE 3000
HOUSTON, TEXAS 77002
PH 713-238-2050

Avalon Advisors, LLC

REALIZED GAINS AND LOSSES

SHIRLEY & DAVID TOOMIM FOUNDATION - FIXED INCOME BALANCED ACCOUNT
ACCOUNT #646002127
TOOMIM_FI_FDTN
From 01-01-09 Through 12-31-09

Open Date	Close Date	Quantity	Security	Cost Basis	Amort. or Accretion	Proceeds	Gain Or Loss	
							Short Term	Long Term
12-28-05	04-15-09	485	FHLMC REMIC SERIES R003 5 125% Due 10-15-15	483 642	0 000	485 310		1 668
04-24-07	04-16-09	158	GNMA REMIC TRUST 2005-9 4 026% Due 05-16-22	154 564	0 000	157 750		3 186
10-28-05	04-16-09	66	GNMA REMIC TRUST 2005-42 4 045% Due 07-16-20	64 688	0 000	66 050		1 362
12-09-05	04-16-09	43	GNMA REMIC TRUST 2003-72 4 355% Due 02-16-30	41 584	0 000	42 760		1 176
02-04-09	04-21-09	20,000	UNITED STATES TREAS NTS 3 750% Due 11-15-18	21,372 656	(25 321)	21,434 375	87 039	
10-22-08	04-21-09	20,000	FORT WORTH TEX INDPT SCH DIST G O SCH B 5 000% Due 02-15-17	21,046 400	(178 019)	21,818 000	949 619	
10-01-08	04-27-09	50,000	LEXINGTON CNTY S C HEALTH SVCS REV BDS 5 500% Due 05-01-37	54,543 000	(422 384)	58,125 000	4,004 384	
01-11-05	04-27-09	157	FNMA PASS-THRU ADJ LIBOR 3 665% Due 11-01-32	157 885	0 000	156 710		(1 175)
09-09-08	04-27-09	254	FNMA REMIC TRUST 2003-80 5 000% Due 04-25-16	253 586	0 000	254 222	0 636	
03-23-09	04-27-09	346	FNMA REMIC TRUST 2003-80 5 000% Due 04-25-16	361 219	0 000	346 078	(15 141)	

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HOUSTON, TEXAS 77002
PH 713-238-2050

Avalon Advisors, LLC

REALIZED GAINS AND LOSSES

SHIRLEY & DAVID TOOMIM FOUNDATION - FIXED INCOME BALANCED ACCOUNT
ACCOUNT #646002127
TOOMIM_FI_FDTN
From 01-01-09 Through 12-31-09

Open Date	Close Date	Quantity	Security	Cost Basis	Amort. or Accretion	Proceeds	Gain Or Loss	
							Short Term	Long Term
09-23-08	04-27-09	337	FNMA REMIC TRUST 2005-116 5 500% Due 12-25-16	342 348	0 000	336 770	(5 578)	
10-30-08	05-11-09	40,000	HARRIS CNTY TEX ULT RD RE 5 375% Due 10-01-18	42,775 600	(485 490)	43,881 600	1,591 490	
10-02-06	05-15-09	860	FHLMC REMIC SERIES 2450 6 000% Due 07-15-21	866 823	0 000	860 370		(6 453)
12-28-05	05-15-09	497	FHLMC REMIC SERIES R003 5 125% Due 10-15-15	494 873	0 000	496 580		I 707
04-24-07	05-18-09	158	GNMA REMIC TRUST 2005-9 4 026% Due 05-16-22	154 427	0 000	157 610		3 183
10-28-05	05-18-09	66	GNMA REMIC TRUST 2005-42 4 045% Due 07-16-20	64 991	0 000	66 360		1 369
12-09-05	05-18-09	43	GNMA REMIC TRUST 2003-72 4 355% Due 02-16-30	41 769	0 000	42 950		1 181
01-11-05	05-26-09	9	FNMA PASS-THRU ADJ LIBOR 3 665% Due 11-01-32	8 775	0 000	8 710		(0 065)
09-09-08	05-26-09	255	FNMA REMIC TRUST 2003-80 5 000% Due 04-25-16	254 646	0 000	255 284	0 638	
03-23-09	05-26-09	348	FNMA REMIC TRUST 2003-80 5 000% Due 04-25-16	362 730	0 000	347 526	(15 204)	
09-23-08	05-26-09	338	FNMA REMIC TRUST 2005-116 5 500% Due 12-25-16	343 923	0 000	338 320	(5 603)	

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ADVISORS LLC

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717 TEXAS, SUITE 3000
HOUSTON, TEXAS 77002
PH 713-238-2050

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REALIZED GAINS AND LOSSES

SHIRLEY & DAVID TOOMIM FOUNDATION - FIXED INCOME BALANCED ACCOUNT
ACCOUNT #646002127
TOOMIM_FI_FDTN
From 01-01-09 Through 12-31-09

Open Date	Close Date	Quantity	Security	Cost Basis	Amort. or Accretion	Proceeds	Gain Or Loss	
							Short Term	Long Term
10-02-06	06-15-09	1,105	FHLMC REMIC SERIES 2450 6 000% Due 07-15-21	1,113 549	0 000	1,105 260		(8 289)
12-28-05	06-15-09	540	FHLMC REMIC SERIES R003 5 125% Due 10-15-15	537 875	0 000	539 730		1 855
04-24-07	06-16-09	5,028	GNMA REMIC TRUST 2005-9 4 026% Due 05-16-22	4,926 164	0 000	5,027 700		101 536
10-28-05	06-16-09	67	GNMA REMIC TRUST 2005-42 4 045% Due 07-16-20	65 295	0 000	66 670		1 375
12-09-05	06-16-09	43	GNMA REMIC TRUST 2003-72 4 355% Due 02-16-30	41 963	0 000	43 150		1 187
11-18-08	06-23-09	30,000	UNITED STATES TREAS NTS 4 500% Due 11-15-15	33,111 330	(241 140)	32,400 000	(470 190)	
01-11-05	06-25-09	11	FNMA PASS-THRU ADJ LIBOR 3 665% Due 11-01-32	10 790	0 000	10 710		(0 080)
05-11-09	06-25-09	36	FNMA REMIC TRUST 2002-M2 4 717% Due 08-25-12	37 968	0 000	36 290	(1 678)	
09-09-08	06-25-09	256	FNMA REMIC TRUST 2003-80 5 000% Due 04-25-16	255 707	0 000	256 347	0 640	
03-23-09	06-25-09	349	FNMA REMIC TRUST 2003-80 5 000% Due 04-25-16	364 240	0 000	348 973	(15 267)	
09-23-08	06-25-09	340	FNMA REMIC TRUST 2005-116 5 500% Due 12-25-16	345 499	0 000	339 870	(5 629)	

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REALIZED GAINS AND LOSSES

SHIRLEY & DAVID TOOMIM FOUNDATION - FIXED INCOME BALANCED ACCOUNT
ACCOUNT #646002127
TOOMIM_FI_FDTN
From 01-01-09 Through 12-31-09

Open Date	Close Date	Quantity	Security	Cost Basis	Amort. or Accretion	Proceeds	Gain Or Loss	
							Short Term	Long Term
06-18-08	07-10-09	25,000	UNITED STATES TREAS NTS 4 750% Due 03-31-11	26,070 317	(396 812)	26,703 130		1,029 625
10-02-06	07-15-09	819	FHLMC REMIC SERIES 2450 6 000% Due 07-15-21	825 435	0 000	819 290		(6 145)
12-28-05	07-15-09	487	FHLMC REMIC SERIES R003 5 125% Due 10-15-15	485 226	0 000	486 900		1 674
04-24-07	07-16-09	150	GNMA REMIC TRUST 2005-9 4 026% Due 05-16-22	147 431	0 000	150 470		3 039
10-28-05	07-16-09	67	GNMA REMIC TRUST 2005-42 4 045% Due 07-16-20	65 599	0 000	66 980		1 381
12-09-05	07-16-09	43	GNMA REMIC TRUST 2003-72 4 355% Due 02-16-30	42 148	0 000	43 340		1 192
01-11-05	07-27-09	12	FNMA PASS-THRU ADJ LIBOR 3 665% Due 11-01-32	11 909	0 000	11 820		(0 089)
05-11-09	07-27-09	554	FNMA REMIC TRUST 2002-M2 4 717% Due 08-25-12	580 135	0 000	554 490	(25 645)	
09-09-08	07-27-09	257	FNMA REMIC TRUST 2003-80 5 000% Due 04-25-16	256 771	0 000	257 415	0 644	
03-23-09	07-27-09	350	FNMA REMIC TRUST 2003-80 5 000% Due 04-25-16	365 756	0 000	350 425	(15 331)	
09-23-08	07-27-09	341	FNMA REMIC TRUST 2005-116 5 500% Due 12-25-16	347 075	0 000	341 420	(5 655)	

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AVALON
ADVISORS, LLC

AVALON ADVISORS, LLC
717 TEXAS, SUITE 3000
HOUSTON, TEXAS 77002
PH 713-238-2050

Avalon Advisors, LLC

REALIZED GAINS AND LOSSES

SHIRLEY & DAVID TOOMIM FOUNDATION - FIXED INCOME BALANCED ACCOUNT
ACCOUNT #646002127
TOOMIM_FI_FDTN
From 01-01-09 Through 12-31-09

Open Date	Close Date	Quantity	Security	Cost Basis	Amort. or Accretion	Proceeds	Gain Or Loss	
							Short Term	Long Term
06-11-09	07-27-09	121	FNR 2008-54 5 000% Due 07-25-19	124 722	0 000	120 650	(4 072)	
11-12-08	07-31-09	25,000	UNITED STATES TREAS NTS 3 625% Due 05-15-13	26,548 831	(235 778)	26,484 380	171 327	
06-22-09	08-11-09	151	FHR 2530 5 000% Due 11-15-17	156 974	0 000	150 710	(6 264)	
11-19-08	08-13-09	20,000	BERKELEY CNTY S C WTR & SWR RE REV BDS 5 000% Due 06-01-28	22,169 200	(333 908)	22,590 200	754 908	
10-02-06	08-17-09	663	FHLMC REMIC SERIES 2450 6 000% Due 07-15-21	668 164	0 000	663 190		(4 974)
12-28-05	08-17-09	350	FHLMC REMIC SERIES R003 5 125% Due 10-15-15	348 747	0 000	349 950		1 203
07-08-09	08-17-09	371	FHLMC REMIC SERIES 2777 5 000% Due 04-15-15	389 086	0 000	371 000	(18 086)	
06-22-09	08-17-09	922	FHR 2530 5 000% Due 11-15-17	959 987	0 000	921 680	(38 307)	
04-24-07	08-17-09	151	GNMA REMIC TRUST 2005-9 4 026% Due 05-16-22	148 078	0 000	151 130		3 052
10-28-05	08-17-09	67	GNMA REMIC TRUST 2005-42 4 045% Due 07-16-20	65 902	0 000	67 290		1 388
12-09-05	08-17-09	44	GNMA REMIC TRUST 2003-72 4 355% Due 02-16-30	42 333	0 000	43 530		1 197
01-11-05	08-25-09	4	FNMA PASS-THRU ADJ LIBOR 3 665% Due 11-01-32	4 010	0 000	3 980		(0 030)

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ADVISORS, LLC

AVALON ADVISORS, LLC
717 TEXAS, SUITE 3000
HOUSTON, TEXAS 77002
PH 713-238-2050

Avalon Advisors, LLC

REALIZED GAINS AND LOSSES

SHIRLEY & DAVID TOOMIM FOUNDATION - FIXED INCOME BALANCED ACCOUNT
ACCOUNT #646002127
TOOMIM_FI_FDTN
From 01-01-09 Through 12-31-09

Open Date	Close Date	Quantity	Security	Cost Basis	Amort. or Accretion	Proceeds	Gain Or Loss	
							Short Term	Long Term
05-11-09	08-25-09	36	FNMA REMIC TRUST 2002-M2 4 717% Due 08-25-12	37 811	0 000	36 140	(1 671)	
09-09-08	08-25-09	258	FNMA REMIC TRUST 2003-80 5 000% Due 04-25-16	257 840	0 000	258 486	0 646	
03-23-09	08-25-09	352	FNMA REMIC TRUST 2003-80 5 000% Due 04-25-16	367 279	0 000	351 884	(15 395)	
09-23-08	08-25-09	343	FNMA REMIC TRUST 2005-116 5 500% Due 12-25-16	348 671	0 000	342 990	(5 681)	
06-11-09	08-25-09	121	FNR 2008-54 5 000% Due 07-25-19	125 239	0 000	121 150	(4 089)	
10-02-06	09-15-09	791	FHLMC REMIC SERIES 2450 6 000% Due 07-15-21	797 104	0 000	791 170		(5 934)
12-28-05	09-15-09	253	FHLMC REMIC SERIES R003 5 125% Due 10-15-15	252 001	0 000	252 870		0 869
07-08-09	09-15-09	373	FHLMC REMIC SERIES 2777 5 000% Due 04-15-15	390 712	0 000	372 550	(18 162)	
06-22-09	09-15-09	1,067	FHR 2530 5 000% Due 11-15-17	1,111 816	0 000	1,067 450	(44 366)	
04-24-07	09-16-09	152	GNMA REMIC TRUST 2005-9 4 026% Due 05-16-22	148 725	0 000	151 790		3 065
10-28-05	09-16-09	68	GNMA REMIC TRUST 2005-42 4 045% Due 07-16-20	66 216	0 000	67 610		1 394

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ADVISORS LLC

AVALON ADVISORS, LLC
717 TEXAS, SUITE 3000
HOUSTON, TEXAS 77002
PH 713-238-2050

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REALIZED GAINS AND LOSSES

SHIRLEY & DAVID TOOMIM FOUNDATION - FIXED INCOME BALANCED ACCOUNT
ACCOUNT #646002127
TOOMIM_FI_FDTN
From 01-01-09 Through 12-31-09

Open Date	Close Date	Quantity	Security	Cost Basis	Amort or Accretion	Proceeds	Gain Or Loss	
							Short Term	Long Term
12-09-05	09-16-09	44	GNMA REMIC TRUST 2003-72 4 355% Due 02-16-30	42 518	0 000	43 720		1 202
01-11-05	09-25-09	92	FNMA PASS-THRU ADJ LIBOR 3 665% Due 11-01-32	92 881	0 000	92 190		(0 691)
05-11-09	09-25-09	36	FNMA REMIC TRUST 2002-M2 4 717% Due 08-25-12	38 042	0 000	36 360	(1 682)	
09-09-08	09-25-09	260	FNMA REMIC TRUST 2003-80 5 000% Due 04-25-16	258 917	0 000	259 566		0 649
03-23-09	09-25-09	353	FNMA REMIC TRUST 2003-80 5 000% Due 04-25-16	368 813	0 000	353 354	(15 459)	
09-23-08	09-25-09	345	FNMA REMIC TRUST 2005-116 5 500% Due 12-25-16	350 267	0 000	344 560		(5 707)
06-11-09	09-25-09	122	FNR 2008-54 5 000% Due 07-25-19	125 756	0 000	121 650	(4 106)	
10-02-06	10-15-09	518	FHLMC REMIC SERIES 2450 6 000% Due 07-15-21	522 258	0 000	518 370		(3 888)
12-28-05	10-15-09	219	FHLMC REMIC SERIES R003 5 125% Due 10-15-15	218 436	0 000	219 190		0 754
07-08-09	10-15-09	374	FHLMC REMIC SERIES 2777 5 000% Due 04-15-15	392 337	0 000	374 100	(18 237)	
06-22-09	10-15-09	755	FHR 2530 5 000% Due 11-15-17	786 630	0 000	755 240	(31 390)	

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ADVISORS, LLC

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HOUSTON, TEXAS 77002
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Avalon Advisors, LLC

REALIZED GAINS AND LOSSES

SHIRLEY & DAVID TOOMIM FOUNDATION - FIXED INCOME BALANCED ACCOUNT
ACCOUNT #646002127
TOOMIM_FI_FDTN
From 01-01-09 Through 12-31-09

Open Date	Close Date	Quantity	Security	Cost Basis	Amort. or Accretion	Proceeds	Gain Or Loss	
							Short Term	Long Term
04-24-07	10-16-09	287	GNMA REMIC TRUST 2005-9 4 026% Due 05-16-22	281 645	0 000	287 450		5 805
10-28-05	10-16-09	364	GNMA REMIC TRUST 2005-42 4 045% Due 07-16-20	356 688	0 000	364 200		7 512
12-09-05	10-16-09	48	GNMA REMIC TRUST 2003-72 4 355% Due 02-16-30	46 875	0 000	48 200		1 325
01-11-05	10-26-09	4	FNMA PASS-THRU ADJ LIBOR 3 665% Due 11-01-32	3 798	0 000	3 770		(0 028)
05-11-09	10-26-09	40	FNMA REMIC TRUST 2002-M2 4 717% Due 08-25-12	41 808	0 000	39 960	(1 848)	
09-09-08	10-26-09	261	FNMA REMIC TRUST 2003-80 5 000% Due 04-25-16	259 994	0 000	260 646		0 652
03-23-09	10-26-09	355	FNMA REMIC TRUST 2003-80 5 000% Due 04-25-16	370 348	0 000	354 824	(15 524)	
09-23-08	10-26-09	346	FNMA REMIC TRUST 2005-116 5 500% Due 12-25-16	351 873	0 000	346 140		(5 733)
06-11-09	10-26-09	122	FNR 2008-54 5 000% Due 07-25-19	126 283	0 000	122 160	(4 123)	
01-28-09	11-02-09	746	IBOXX INVESTM GRADE CORP BOND ISHARES ETF	75,010 300		78,349 170	3,338 870	
04-30-09	11-02-09	179	IBOXX INVESTM GRADE CORP BOND ISHARES ETF	17,190 838		18,799 600	1,608 762	

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717 TEXAS, SUITE 3000
HOUSTON, TEXAS 77002
PH 713-238-2050

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REALIZED GAINS AND LOSSES

SHIRLEY & DAVID TOOMIM FOUNDATION - FIXED INCOME BALANCED ACCOUNT
ACCOUNT #646002127
TOOMIM_FI_FDTN
From 01-01-09 Through 12-31-09

Open Date	Close Date	Quantity	Security	Cost Basis	Amort. or Accretion	Proceeds	Gain Or Loss	
							Short Term	Long Term
10-02-06	11-16-09	515	FHLMC REMIC SERIES 2450 6 000% Due 07-15-21	518 590	0 000	514 730		(3 860)
12-28-05	11-16-09	230	FHLMC REMIC SERIES R003 5 125% Due 10-15-15	229 518	0 000	230 310		0 792
07-08-09	11-16-09	376	FHLMC REMIC SERIES 2777 5 000% Due 04-15-15	393 973	0 000	375 660	(18 313)	
06-22-09	11-16-09	973	FHR 2530 5 000% Due 11-15-17	1,013 586	0 000	973 140	(40 446)	
04-24-07	11-16-09	18	GNMA REMIC TRUST 2005-9 4 026% Due 05-16-22	17 754	0 000	18 120		0 366
10-28-05	11-16-09	324	GNMA REMIC TRUST 2005-42 4 045% Due 07-16-20	317 288	0 000	323 970		6 682
12-09-05	11-16-09	44	GNMA REMIC TRUST 2003-72 4 355% Due 02-16-30	42 897	0 000	44 110		1 213
04-24-07	11-19-09	152	GNMA REMIC TRUST 2005-9 4 026% Due 05-16-22	149 371	0 000	152 450		3 079
04-24-07	11-19-09	(287)	GNMA REMIC TRUST 2005-9 4 026% Due 05-16-22	(281 645)	0 000	(287 450)		(5 805)
01-11-05	11-25-09	4	FNMA PASS-THRU ADJ LIBOR 3 665% Due 11-01-32	3 909	0 000	3 880		(0 029)
05-11-09	11-25-09	37	FNMA REMIC TRUST 2002-M2 4 717% Due 08-25-12	38 512	0 000	36 810	(1 702)	

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717 TEXAS, SUITE 3000
HOUSTON, TEXAS 77002
PH 713-238-2050

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REALIZED GAINS AND LOSSES

SHIRLEY & DAVID TOOMIM FOUNDATION - FIXED INCOME BALANCED ACCOUNT
ACCOUNT #646002127
TOOMIM_FI_FDTN
From 01-01-09 Through 12-31-09

Open Date	Close Date	Quantity	Security	Cost Basis	Amort. or Accretion	Proceeds	Gain Or Loss	
							Short Term	Long Term
09-09-08	11-25-09	262	FNMA REMIC TRUST 2003-80 5 000% Due 04-25-16	261 076	0 000	261 730		0 654
03-23-09	11-25-09	356	FNMA REMIC TRUST 2003-80 5 000% Due 04-25-16	371 888	0 000	356 300	(15 588)	
09-23-08	11-25-09	348	FNMA REMIC TRUST 2005-116 5 500% Due 12-25-16	353 489	0 000	347 730		(5 759)
06-11-09	11-25-09	123	FNR 2008-54 5 000% Due 07-25-19	126 810	0 000	122 670	(4 140)	
04-30-09	11-30-09	465	IBOXX INVESTM GRADE CORP BOND ISHARES ETF	44,657 763		49,604 920	4,947 157	
11-17-08	12-14-09	40,000	CANYON TEX INDPT SCH DIST G O REF I 5 375% Due 02-15-24	44,512 800	(1,094 987)	45,456 000		2,038 187
10-02-06	12-15-09	707	FHLMC REMIC SERIES 2450 6 000% Due 07-15-21	712 343	0 000	707 040		(5 303)
12-28-05	12-15-09	270	FHLMC REMIC SERIES R003 5 125% Due 10-15-15	269 241	0 000	270 170		0 929
07-08-09	12-15-09	377	FHLMC REMIC SERIES 2777 5 000% Due 04-15-15	395 620	0 000	377 230	(18 390)	
06-22-09	12-15-09	840	FHR 2530 5 000% Due 11-15-17	875 423	0 000	840 490	(34 933)	
04-24-07	12-16-09	570	GNMA REMIC TRUST 2005-9 4 026% Due 05-16-22	558 714	0 000	570 230		11 516

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REALIZED GAINS AND LOSSES

SHIRLEY & DAVID TOOMIM FOUNDATION - FIXED INCOME BALANCED ACCOUNT
ACCOUNT #646002127
TOOMIM_FI_FDTN
From 01-01-09 Through 12-31-09

Open Date	Close Date	Quantity	Security	Cost Basis	Amort. or Accretion	Proceeds	Gain Or Loss	
							Short Term	Long Term
10-28-05	12-16-09	68	GNMA REMIC TRUST 2005-42 4 045% Due 07-16-20	66 431	0 000	67 830		1 399
12-09-05	12-16-09	44	GNMA REMIC TRUST 2003-72 4 355% Due 02-16-30	43 091	0 000	44 310		1 219
01-11-05	12-28-09	8	FNMA PASS-THRU ADJ LIBOR 3 665% Due 11-01-32	7 657	0 000	7 600		(0 057)
05-11-09	12-28-09	40	FNMA REMIC TRUST 2002-M2 4 717% Due 08-25-12	42 279	0 000	40 410	(1 869)	
09-09-08	12-28-09	263	FNMA REMIC TRUST 2003-80 5 000% Due 04-25-16	262 166	0 000	262 823		0 657
03-23-09	12-28-09	358	FNMA REMIC TRUST 2003-80 5 000% Due 04-25-16	373 441	0 000	357 787	(15 654)	
09-23-08	12-28-09	349	FNMA REMIC TRUST 2005-116 5 500% Due 12-25-16	355 106	0 000	349 320		(5 786)
06-11-09	12-28-09	123	FNR 2008-54 5 000% Due 07-25-19	127 337	0 000	123 180	(4 157)	
04-24-07	12-31-09	(18)	GNMA REMIC TRUST 2005-9 4 026% Due 05-16-22	(17 754)	0 000	(18 120)		(0 366)

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REALIZED GAINS AND LOSSES

SHIRLEY & DAVID TOOMIM FOUNDATION - FIXED INCOME BALANCED ACCOUNT
ACCOUNT #646002127
TOOMIM_FI_FDTN
From 01-01-09 Through 12-31-09

Open Date	Close Date	Quantity	Security	Cost Basis	Amort. or Accretion	Proceeds	Gain Or Loss Short Term	Gain Or Loss Long Term
04-24-07	12-31-09	153	GNMA REMIC TRUST 2005-9 4 026% Due 05-16-22	150 028	0 000	153 120		3 092
TOTAL GAINS							17,705 510	3,885 461
TOTAL LOSSES							(1,074 305)	(97 219)
				637,385.269	**(3,572.191)**	**654,232.525**	**16,631.205**	**3,788.243**
TOTAL REALIZED GAIN/LOSS			20,419 448					

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