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

2009

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

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

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

Use the IRS label. Otherwise, print or type. See Specific Instructions	Name of foundation HERBERT K. CUMMINGS CHARITABLE TRUST		A Employer identification number 86-6148404
	Number and street (or P.O. box number if mail is not delivered to street address) Room/suite 20225 NORTH SCOTTSDALE ROAD		B Telephone number 480-515-5211
	City or town, state, and ZIP code SCOTTSDALE, AZ 85255		C If exemption application is pending, check here <input type="checkbox"/>
			D 1. Foreign organizations, check here <input type="checkbox"/> 2. Foreign organizations meeting the 85% test, check here and attach computation <input type="checkbox"/>
H Check type of organization: <input checked="" type="checkbox"/> Section 501(c)(3) exempt private foundation <input type="checkbox"/> Section 4947(a)(1) nonexempt charitable trust <input type="checkbox"/> Other taxable private foundation			E If private foundation status was terminated under section 507(b)(1)(A), check here <input type="checkbox"/>
I Fair market value of all assets at end of year (from Part II, col. (c), line 16) \$ 1,652,443. (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 <input type="checkbox"/>
J Accounting method: <input checked="" type="checkbox"/> Cash <input type="checkbox"/> Accrual <input type="checkbox"/> Other (specify)			

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).)		(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				N/A	
2 Check <input checked="" type="checkbox"/> if the foundation is not required to attach Sch. B					
3 Interest on savings and temporary cash investments		168.	168.		STATEMENT 1
4 Dividends and interest from securities		41,006.	41,006.		STATEMENT 2
5a Gross rents					
b Net rental income or (loss)					
6a Net gain or (loss) from sale of assets not on line 10		<755,835.>			
b Gross sales price for all assets on line 6a		780,413.			
7 Capital gain net income (from Part IV, line 2)			0.		
8 Net short-term capital gain					
9 Income modifications					
10a Gross sales less returns and allowances					
b Less Cost of goods sold					
c Gross profit or (loss)					
11 Other income		<7,717.>	<124.>		STATEMENT 3
12 Total. Add lines 1 through 11		<722,378.>	41,050.		
13 Compensation of officers, directors, trustees, etc.		0.	0.		0.
14 Other employee salaries and wages					
15 Pension plans, employee benefits					
16a Legal fees					
b Accounting fees STMT 4		6,779.	3,389.		3,390.
c Other professional fees					
17 Interest		34.	34.		0.
18 Taxes STMT 5		<1,952.>	39.		0.
19 Depreciation and depletion					
20 Occupancy					
21 Travel, conferences, and meetings					
22 Printing and publications					
23 Other expenses STMT 6		67.	10.		0.
24 Total operating and administrative expenses. Add lines 13 through 23		4,928.	3,472.		3,390.
25 Contributions, gifts, grants paid		75,000.			75,000.
26 Total expenses and disbursements. Add lines 24 and 25		79,928.	3,472.		78,390.
27 Subtract line 26 from line 12:					
a Excess of revenue over expenses and disbursements		<802,306.>			
b Net investment income (if negative, enter -0-)			37,578.		
c Adjusted net income (if negative, enter -0-)				N/A	

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Part II Balance Sheets		Beginning of year (a) Book Value	End of year	
			(b) Book Value	(c) Fair Market Value
Assets	1 Cash - non-interest-bearing		2,991.	2,991.
	2 Savings and temporary cash investments	127,139.	167,455.	167,455.
	3 Accounts receivable ▶ 16.			
	Less: allowance for doubtful accounts ▶	188.	16.	16.
	4 Pledges receivable ▶			
	Less: allowance for doubtful accounts ▶			
	5 Grants receivable			
	6 Receivables due from officers, directors, trustees, and other disqualified persons			
	7 Other notes and loans receivable ▶			
	Less: allowance for doubtful accounts ▶			
	8 Inventories for sale or use			
	9 Prepaid expenses and deferred charges			
	10a Investments - U.S. and state government obligations STMT 7	1,870.	1,460.	1,614.
	b Investments - corporate stock STMT 8	837,141.	827,187.	967,068.
	c Investments - corporate bonds			
Liabilities	11 Investments - land, buildings, and equipment, basis ▶			
	Less: accumulated depreciation ▶			
	12 Investments - mortgage loans			
	13 Investments - other STMT 9	1,203,822.	368,745.	513,299.
	14 Land, buildings, and equipment, basis ▶			
	Less: accumulated depreciation ▶			
	15 Other assets (describe ▶)			
	16 Total assets (to be completed by all filers)	2,170,160.	1,367,854.	1,652,443.
	17 Accounts payable and accrued expenses			
	18 Grants payable			
	19 Deferred revenue			
	20 Loans from officers, directors, trustees, and other disqualified persons			
	21 Mortgages and other notes payable			
	22 Other liabilities (describe ▶)			
	23 Total liabilities (add lines 17 through 22)	0.	0.	
Net Assets or Fund Balances	Foundations that follow SFAS 117, check here ▶ <input type="checkbox"/>			
	24 Unrestricted			
	25 Temporarily restricted			
	26 Permanently restricted			
	Foundations that do not follow SFAS 117, check here ▶ <input checked="" type="checkbox"/>			
	27 Capital stock, trust principal, or current funds	1,921,472.	1,921,472.	
	28 Paid-in or capital surplus, or land, bldg., and equipment fund	0.	0.	
	29 Retained earnings, accumulated income, endowment, or other funds	248,688.	<553,618.>	
	30 Total net assets or fund balances	2,170,160.	1,367,854.	
	31 Total liabilities and net assets/fund balances	2,170,160.	1,367,854.	

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	2,170,160.
2 Enter amount from Part I, line 27a	2	<802,306.>
3 Other increases not included in line 2 (itemize) ▶	3	0.
4 Add lines 1, 2, and 3	4	1,367,854.
5 Decreases not included in line 2 (itemize) ▶	5	0.
6 Total net assets or fund balances at end of year (line 4 minus line 5) - Part II, column (b), line 30	6	1,367,854.

Part IV Capital Gains and Losses for Tax on Investment Income

(a) List and describe the kind(s) of property sold (e.g., real estate, 2-story brick warehouse; or common stock, 200 shs. MLC Co.)	(b) How acquired P - Purchase D - Donation	(c) Date acquired (mo., day, yr.)	(d) Date sold (mo., day, yr.)
1a			
b SEE ATTACHED STATEMENT			
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 780,413.		1,536,150.	<755,835.>

Complete only for assets showing gain in column (h) and owned by the foundation on 12/31/69

(i) F.M.V. as of 12/31/69	(j) Adjusted basis as of 12/31/69	(k) Excess of col. (i) over col. (j), if any	(l) Gains (Col. (h) gain minus col. (k), but not less than -0-) or Losses (from col. (h))
a			
b			
c			
d			
e			<755,835.>

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	<755,835.>
3 Net short-term capital gain or (loss) as defined in sections 1222(5) and (6): If gain, also enter in Part I, line 8, column (c). If (loss), enter -0- in Part I, line 8		3	N/A

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

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

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

Was the foundation liable for the section 4942 tax on the distributable amount of any year in the base period?

☐ Yes ☒ No

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

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

(a) Base period years Calendar year (or tax year beginning in)	(b) Adjusted qualifying distributions	(c) Net value of noncharitable-use assets	(d) Distribution ratio (col. (b) divided by col. (c))
2008	134,983.	1,981,762.	.068113
2007	95,018.	2,382,044.	.039889
2006	94,085.	2,211,557.	.042542
2005	105,490.	2,148,314.	.049104
2004	105,815.	2,144,534.	.049342

2 Total of line 1, column (d)	2	.248990
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	.049798
4 Enter the net value of noncharitable-use assets for 2009 from Part X, line 5	4	1,412,701.
5 Multiply line 4 by line 3	5	70,350.
6 Enter 1% of net investment income (1% of Part I, line 27b)	6	376.
7 Add lines 5 and 6	7	70,726.
8 Enter qualifying distributions from Part XII, line 4	8	78,390.

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.

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

1a Exempt operating foundations described in section 4940(d)(2), check here <input type="checkbox"/> and enter "N/A" on line 1. Date of ruling or determination letter: _____ (attach copy of letter if necessary-see instructions)			
b Domestic foundations that meet the section 4940(e) requirements in Part V, check here <input checked="" type="checkbox"/> and enter 1% of Part I, line 27b		1	376.
c All other domestic foundations enter 2% of line 27b. Exempt foreign organizations enter 4% of Part I, line 12, col. (b)			
2 Tax under section 511 (domestic section 4947(a)(1) trusts and taxable foundations only. Others enter -0-)		2	0.
3 Add lines 1 and 2		3	376.
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	376.
6 Credits/Payments:			
a 2009 estimated tax payments and 2008 overpayment credited to 2009	6a	400.	
b Exempt foreign organizations - tax withheld at source	6b		
c Tax paid with application for extension of time to file (Form 8868)	6c		
d Backup withholding erroneously withheld	6d		
7 Total credits and payments. Add lines 6a through 6d	7	400.	
8 Enter any penalty for underpayment of estimated tax. Check here <input type="checkbox"/> if Form 2220 is attached	8		
9 Tax due. If the total of lines 5 and 8 is more than line 7, enter amount owed	9		
10 Overpayment. If line 7 is more than the total of lines 5 and 8, enter the amount overpaid	10	24.	
11 Enter the amount of line 10 to be: Credited to 2010 estimated tax <input checked="" type="checkbox"/> 24. Refunded <input type="checkbox"/>	11	0.	

Part VII-A Statements Regarding Activities

	Yes	No
1a During the tax year, did the foundation attempt to influence any national, state, or local legislation or did it participate or intervene in any political campaign?		X
1b Did it spend more than \$100 during the year (either directly or indirectly) for political purposes (see instructions for definition)? If the answer is "Yes" to 1a or 1b, attach a detailed description of the activities and copies of any materials published or distributed by the foundation in connection with the activities.		X
1c Did the foundation file Form 1120-POL for this year?		X
d Enter the amount (if any) of tax on political expenditures (section 4955) imposed during the year: (1) On the foundation. <input checked="" type="checkbox"/> \$ 0. (2) On foundation managers. <input checked="" type="checkbox"/> \$ 0.		
e Enter the reimbursement (if any) paid by the foundation during the year for political expenditure tax imposed on foundation managers. <input checked="" type="checkbox"/> \$ 0.		
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.		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		X
4a Did the foundation have unrelated business gross income of \$1,000 or more during the year?		X
b If "Yes," has it filed a tax return on Form 990-T for this year?		
5 Was there a liquidation, termination, dissolution, or substantial contraction during the year? If "Yes," attach the statement required by General Instruction T.		X
6 Are the requirements of section 508(e) (relating to sections 4941 through 4945) satisfied either: • By language in the governing instrument, or • By state legislation that effectively amends the governing instrument so that no mandatory directions that conflict with the state law remain in the governing instrument?	X	
7 Did the foundation have at least \$5,000 in assets at any time during the year? If "Yes," complete Part II, col. (c), and Part XV.	X	
8a Enter the states to which the foundation reports or with which it is registered (see instructions) <input checked="" type="checkbox"/> AZ		
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	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)? If "Yes," complete Part XIV		X
10 Did any persons become substantial contributors during the tax year? If "Yes," attach a schedule listing their names and addresses		X

N/A

Part VII-A Statements Regarding Activities (continued)

11	At any time during the year, did the foundation, directly or indirectly, own a controlled entity within the meaning of section 512(b)(13)? If "Yes," attach schedule (see instructions)	11		X
12	Did the foundation acquire a direct or indirect interest in any applicable insurance contract before August 17, 2008?	12		X
13	Did the foundation comply with the public inspection requirements for its annual returns and exemption application? Website address ► <u>NA</u>	13	X	
14	The books are in care of ► <u>HENRY & HORNE, LLP</u> Telephone no. ► <u>480-483-1170</u> Located at ► <u>7098 E. COCHISE ROAD, SUITE 100, SCOTTSDALE, AZ</u> ZIP+4 ► <u>85253</u>			
15	Section 4947(a)(1) nonexempt charitable trusts filing Form 990-PF in lieu of Form 1041 - Check here and enter the amount of tax-exempt interest received or accrued during the year	► 15		N/A

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

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

	Yes	No
1a During the year did the foundation (either directly or indirectly):		
(1) Engage in the sale or exchange, or leasing of property with a disqualified person?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	
(2) Borrow money from, lend money to, or otherwise extend credit to (or accept it from) a disqualified person?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	
(3) Furnish goods, services, or facilities to (or accept them from) a disqualified person?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	
(4) Pay compensation to, or pay or reimburse the expenses of, a disqualified person?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	
(5) Transfer any income or assets to a disqualified person (or make any of either available for the benefit or use of a disqualified person)?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	
(6) Agree to pay money or property to a government official? (Exception. Check "No" if the foundation agreed to make a grant to or to employ the official for a period after termination of government service, if terminating within 90 days.)	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	
b If any answer is "Yes" to 1a(1)-(6), did any of the acts fail to qualify under the exceptions described in Regulations section 53.4941(d)-3 or in a current notice regarding disaster assistance (see page 20 of the instructions)? Organizations relying on a current notice regarding disaster assistance check here	N/A	1b
c Did the foundation engage in a prior year in any of the acts described in 1a, other than excepted acts, that were not corrected before the first day of the tax year beginning in 2009?		1c
2 Taxes on failure to distribute income (section 4942) (does not apply for years the foundation was a private operating foundation defined in section 4942(j)(3) or 4942(j)(5)):		
a At the end of tax year 2009, did the foundation have any undistributed income (lines 6d and 6e, Part XIII) for tax year(s) beginning before 2009? If "Yes," list the years ► _____, _____, _____	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	
b Are there any years listed in 2a for which the foundation is not applying the provisions of section 4942(a)(2) (relating to incorrect valuation of assets) to the year's undistributed income? (If applying section 4942(a)(2) to all years listed, answer "No" and attach statement - see instructions.)	N/A	2b
c If the provisions of section 4942(a)(2) are being applied to any of the years listed in 2a, list the years here. ► _____, _____, _____		
3a Did the foundation hold more than a 2% direct or indirect interest in any business enterprise at any time during the year?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	
b If "Yes," did it have excess business holdings in 2009 as a result of (1) any purchase by the foundation or disqualified persons after May 26, 1969; (2) the lapse of the 5-year period (or longer period approved by the Commissioner under section 4943(c)(7)) to dispose of holdings acquired by gift or bequest; or (3) the lapse of the 10-, 15-, or 20-year first phase holding period? (Use Schedule C, Form 4720, to determine if the foundation had excess business holdings in 2009)	N/A	3b
4a Did the foundation invest during the year any amount in a manner that would jeopardize its charitable purposes?		4a
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

Form 990-PF (2009)

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

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

(1) Carry on propaganda, or otherwise attempt to influence legislation (section 4945(e))?

☐ Yes ☒ No

(2) Influence the outcome of any specific public election (see section 4955); or to carry on, directly or indirectly, any voter registration drive?

☐ Yes ☒ No

(3) Provide a grant to an individual for travel, study, or other similar purposes?

☐ Yes ☒ No

(4) Provide a grant to an organization other than a charitable, etc., organization described in section 509(a)(1), (2), or (3), or section 4940(d)(2)?

☐ Yes ☒ No

(5) Provide for any purpose other than religious, charitable, scientific, literary, or educational purposes, or for the prevention of cruelty to children or animals?

☐ Yes ☒ No

b If any answer is "Yes" to 5a(1)-(5), did any of the transactions fail to qualify under the exceptions described in Regulations section 53.4945 or in a current notice regarding disaster assistance (see instructions)?

N/A

☒

5b

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?

N/A

☐ 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

6b

b Did the foundation, during the year, pay premiums, directly or indirectly, on a personal benefit contract?

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?

N/A

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.

(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
DIANE M. HALLE	TRUSTEE			
20225 NORTH SCOTTSDALE ROAD				
SCOTTSDALE, AZ 85255	10.00	0.	0.	0.
JAMES J. CUMMINGS	TRUSTEE			
20225 NORTH SCOTTSDALE ROAD				
SCOTTSDALE, AZ 85255	1.00	0.	0.	0.

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

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

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

0

Form 990-PF (2009)

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

1 Fair market value of assets not used (or held for use) directly in carrying out charitable, etc., purposes:		
a Average monthly fair market value of securities	1a	1,213,687.
b Average of monthly cash balances	1b	220,527.
c Fair market value of all other assets	1c	
d Total (add lines 1a, b, and c)	1d	1,434,214.
e Reduction claimed for blockage or other factors reported on lines 1a and 1c (attach detailed explanation)	1e	0.
2 Acquisition indebtedness applicable to line 1 assets	2	0.
3 Subtract line 2 from line 1d	3	1,434,214.
4 Cash deemed held for charitable activities. Enter 1 1/2% of line 3 (for greater amount, see instructions)	4	21,513.
5 Net value of noncharitable-use assets. Subtract line 4 from line 3. Enter here and on Part V, line 4	5	1,412,701.
6 Minimum investment return. Enter 5% of line 5	6	70,635.

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

1 Minimum investment return from Part X, line 6	1	70,635.
2a Tax on investment income for 2009 from Part VI, line 5	2a	376.
b Income tax for 2009. (This does not include the tax from Part VI.)	2b	
c Add lines 2a and 2b	2c	376.
3 Distributable amount before adjustments. Subtract line 2c from line 1	3	70,259.
4 Recoveries of amounts treated as qualifying distributions	4	0.
5 Add lines 3 and 4	5	70,259.
6 Deduction from distributable amount (see instructions)	6	0.
7 Distributable amount as adjusted. Subtract line 6 from line 5. Enter here and on Part XIII, line 1	7	70,259.

Part XII Qualifying Distributions (see instructions)

1 Amounts paid (including administrative expenses) to accomplish charitable, etc., purposes:		
a Expenses, contributions, gifts, etc. - total from Part I, column (d), line 26	1a	78,390.
b Program-related investments - total from Part IX-B	1b	0.
2 Amounts paid to acquire assets used (or held for use) directly in carrying out charitable, etc., purposes	2	
3 Amounts set aside for specific charitable projects that satisfy the:		
a Suitability test (prior IRS approval required)	3a	
b Cash distribution test (attach the required schedule)	3b	
4 Qualifying distributions. Add lines 1a through 3b. Enter here and on Part V, line 8, and Part XIII, line 4	4	78,390.
5 Foundations that qualify under section 4940(e) for the reduced rate of tax on net investment income. Enter 1% of Part I, line 27b	5	376.
6 Adjusted qualifying distributions. Subtract line 5 from line 4	6	78,014.

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 instructions)

	(a) Corpus	(b) Years prior to 2008	(c) 2008	(d) 2009
1 Distributable amount for 2009 from Part XI, line 7				70,259.
2 Undistributed income, if any, as of the end of 2009				
a Enter amount for 2008 only			0.	
b Total for prior years:		0.		
3 Excess distributions carryover, if any, to 2009:				
a From 2004				
b From 2005				
c From 2006				
d From 2007				
e From 2008				19,668.
f Total of lines 3a through e	19,668.			
4 Qualifying distributions for 2009 from Part XII, line 4: ▶ \$ 78,390.				
a Applied to 2008, but not more than line 2a			0.	
b Applied to undistributed income of prior years (Election required - see instructions)		0.		
c Treated as distributions out of corpus (Election required - see instructions)	0.			
d Applied to 2009 distributable amount				70,259.
e Remaining amount distributed out of corpus	8,131.			
5 Excess distributions carryover applied to 2009 (If an amount appears in column (d), the same amount must be shown in column (a))	0.			0.
6 Enter the net total of each column as indicated below:				
a Corpus. Add lines 3f, 4c, and 4e. Subtract line 5	27,799.			
b Prior years' undistributed income. Subtract line 4b from line 2b		0.		
c Enter the amount of prior years' undistributed income for which a notice of deficiency has been issued, or on which the section 4942(a) tax has been previously assessed		0.		
d Subtract line 6c from line 6b. Taxable amount - see instructions		0.		
e Undistributed income for 2008. Subtract line 4a from line 2a. Taxable amount - see instr.			0.	
f Undistributed income for 2009. Subtract lines 4d and 5 from line 1. This amount must be distributed in 2010				0.
7 Amounts treated as distributions out of corpus to satisfy requirements imposed by section 170(b)(1)(F) or 4942(g)(3)	0.			
8 Excess distributions carryover from 2004 not applied on line 5 or line 7	0.			
9 Excess distributions carryover to 2010. Subtract lines 7 and 8 from line 6a	27,799.			
10 Analysis of line 9:				
a Excess from 2005				
b Excess from 2006				
c Excess from 2007				
d Excess from 2008				19,668.
e Excess from 2009				8,131.

Part XV Supplementary Information (continued)

3 Grants and Contributions Paid During the Year or Approved for Future Payment				
Recipient	If recipient is an individual, show any relationship to any foundation manager or substantial contributor	Foundation status of recipient	Purpose of grant or contribution	Amount
Name and address (home or business)				
a Paid during the year TGEN FOUNDATION ONE AZ CENTER, 400 E VAN BUREN ST #850 PHOENIX, AZ 85004	NONE	PUBLIC CHARITY	GENERAL FUNDS	75,000.
Total				75,000.
b Approved for future payment				
NONE				
Total				0.

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 | | X |
| | (2) Other assets | | X |
| b | Other transactions: | | |
| | (1) Sales of assets to a noncharitable exempt organization | | X |
| | (2) Purchases of assets from a noncharitable exempt organization | | X |
| | (3) Rental of facilities, equipment, or other assets | | X |
| | (4) Reimbursement arrangements | | X |
| | (5) Loans or loan guarantees | | X |
| | (6) Performance of services or membership or fundraising solicitations | | X |
| c | Sharing of facilities, equipment, mailing lists, other assets, or paid employees | | X |
| d | If the answer to any of the above is "Yes," complete the following schedule. Column (b) should always show the fair market value of the goods, other assets, or services given by the reporting foundation. If the foundation received less than fair market value in any transaction or sharing arrangement, show in column (d) the value of the goods, other assets, or services received. | | |



[illegible]

- 2a** Is the foundation directly or indirectly affiliated with, or related to, one or more tax-exempt organizations described in section 501(c) of the Code (other than section 501(c)(3)) or in section 527? ☐ Yes ☒ No

- b If "Yes," complete the following schedule.**

(a) Name of organization	(b) Type of organization	(c) Description of relationship
N/A		

Under penalties of perjury, I declare that I have examined this return, including accompanying schedules and statements, and to the best of my knowledge and belief, it is true, correct, and complete. Declaration of preparer (other than taxpayer or fiduciary) is based on all information of which preparer has any knowledge.

Sign Here			5-12-10	TRUSTEE
	Signature of officer or trustee		Date	Title
Paid Preparer's Use Only	Preparer's signature 		Date	Check if self-employed <input type="checkbox"/>
	Firm's name (or yours if self-employed), address, and ZIP code		05/12/10	Preparer's identifying number EIN <input type="checkbox"/>
HENRY & HORNE, LLP 7098 E. COCHISE SUITE 100 SCOTTSDALE, AZ 85253-4517			Phone no. (480) 483-1170	

Form **990-PF** (2009)

Part IV Capital Gains and Losses for Tax on Investment Income

(a) List and describe the kind(s) of property sold, e.g., real estate, 2-story brick warehouse; or common stock, 200 shs. MLC Co.		(b) How acquired P - Purchase D - Donation	(c) Date acquired (mo., day, yr.)	(d) Date sold (mo., day, yr.)
1a	WELLS FARGO (SEE ATTACHED)		VARIOUS	VARIOUS
b	WELLS FARGO (SEE ATTACHED)		VARIOUS	VARIOUS
c	ALLIANCE BERNSTEIN HOLDING LP		VARIOUS	VARIOUS
d	ALLIANCE BERNSTEIN HOLDING LP		VARIOUS	VARIOUS
e	ENTERPRISE PRODUCT PARTNERS L.P.		VARIOUS	VARIOUS
f	KINDER MORGAN ENERGY PARTNERS, L.P.	P	VARIOUS	VARIOUS
g	GNMA (RETURN OF PRINCIPAL)	P	VARIOUS	VARIOUS
h				
i				
j				
k				
l				
m				
n				
o				

(e) Gross sales price	(f) Depreciation allowed (or allowable)	(g) Cost or other basis plus expense of sale	(h) Gain or (loss) (e) plus (f) minus (g)
a 331,670.		596,516.	<264,846.>
b 448,334.		939,225.	<490,891.>
c			<14.>
d			<1.>
e			<76.>
f			<7.>
g 409.		409.	0.
h			
i			
j			
k			
l			
m			
n			
o			

Complete only for assets showing gain in column (h) and owned by the foundation on 12/31/69

(i) F.M.V. as of 12/31/69	(j) Adjusted basis as of 12/31/69	(k) Excess of col. (i) over col. (j), if any	(l) Losses (from col. (h)) Gains (excess of col. (h) gain over col. (k), but not less than "-0-")
a			<264,846.>
b			<490,891.>
c			<14.>
d			<1.>
e			<76.>
f			<7.>
g			0.
h			
i			
j			
k			
l			
m			
n			
o			

2 Capital gain net income or (net capital loss) { If gain, also enter in Part I, line 7 If (loss), enter "-0-" in Part I, line 7 }	2	<755,835.>
3 Net short-term capital gain or (loss) as defined in sections 1222(5) and (6): If gain, also enter in Part I, line 8, column (c). If (loss), enter "-0-" in Part I, line 8 }	3	N/A

Realized Gain/Loss

Page 20 of 29

As of Date: 2/05/10

Account Number: 7010-1413
 Command Account Number: 9085664738
 DIANE CUMMINGS HALLE,
 JAMES K CUMMINGS,RICHARD
 A CUMMINGS TTEE'S,HKC
 CHART TR DTD 10/3/84

Realized Gain/Loss Detail for Year

Short Term	DESCRIPTION	QUANTITY	ADJ PRICE/ ORIG PRICE	DATE ACQUIRED	CLOSE DATE	PROCEEDS	ADJ COST/ ORIG COST	GAIN/LOSS
	APPLE INC	50 0000	111 3430	09/30/08	09/16/09	8,982 76	5,630 88	3,351 88
	CAPITAL WORLD GROWTH & INCOME FD INC							
	CLASS A	1,215 3620	41 1400	02/22/08	01/27/09	29,642 67	50,000 00	-20,357 33
		1,216 2490	41 1100	03/25/08	01/27/09	29,664 32	50,000 00	-20,335 68
	EUROPACIFIC GROWTH FD							
	CLASS A	1,069 5190	46 7500	02/22/08	01/27/09	27,679 15	50,000 00	-22,320 85
		1,068 1480	46 8100	03/25/08	01/27/09	27,643 67	50,000 00	-22,356 33
		109 7720	27 0100	12/24/08	01/27/09	2,840 89	2,964 94	-124 05
		61 4950	27 0100	12/24/08	01/27/09	1,591 50	1,660 97	-69 47
	FIRST INDL RLTY TR INC							
	REIT	750 0000	32 0100	05/16/08	04/03/09	1,770 39	24,451 22	-22,680 83
	GARMIN LTD	500 0000	47 9513	05/16/08	01/27/09	8,891 13	24,406 31	-15,515 18
	KROGER COMPANY COMMON							
		800 0000	21 1500	09/16/09	12/16/09	16,189 95	17,258 83	-1,068 88
		100 0000	21 1500	09/16/09	12/16/09	2,022 19	2,157 35	-135 16
		100 0000	21 1479	09/16/09	12/16/09	2,022 19	2,156 58	-134 39
		100 0000	21 1484	09/16/09	12/16/09	2,022 20	2,156 64	-134 44
	NEW PERSPECTIVE FD INC							
	CLASS A	1,580 2780	31 6400	02/22/08	01/27/09	27,986 72	50,000 00	-22,013 28
		1,577 7850	31 6900	03/25/08	01/27/09	27,942 57	50,000 00	-22,057 43
		275 2430	18 1400	12/24/08	01/27/09	4,874 56	4,992 90	-118 34
	NEW WORLD FD							
	CLASS A	887 6260	56 3300	02/22/08	01/27/09	26,193 84	50,000 00	-23,806 16
		912 9090	54 7700	03/25/08	01/27/09	26,939 95	50,000 00	-23,060 05

INFORMATION PROVIDED AS COURTESY ONLY - NOT FURNISHED TO THE IRS

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Realized Gain/Loss

Account Number: 7010-1413
Command Account Number: 9085684738
DIANE CUMMINGS HALLE,
JAMES K CUMMINGS,RICHARD
A CUMMINGS TTEE'S,HKC
CHART TR DTD 10/3/84

As of Date: 2/05/10

Short Term		Continued											
DESCRIPTION	QUANTITY	ADJ PRICE/ ORIG PRICE	DATE ACQUIRED	CLOSE DATE	PROCEEDS	ADJ COST/ ORIG COST	GAIN/LOSS						
SECURITY EQUITY FUND													
CLASS A	311 3850	3 2500	12/22/08	04/03/09	996 41	1,012 00	-15 59						
	233 5380	3 2500	12/22/08	04/03/09	747 32	759 00	-11 68						
SMALLCAP WORLD FD INC													
AMERICAN FUNDS CL A	1,346 6200	37 1300	02/22/08	01/27/09	26,137 89	50,000 00	-23,862 11						
	1,384 2750	36 1200	03/25/08	01/27/09	26,868 78	50,000 00	-23,131 22						
WEATHRFORD INTERNATIONAL													
LTD REG	160 0000	42 1900	07/07/08	04/03/09	2,018 87	6,908 65	-4 889 78						
Total - Short Term					\$331,669.92	\$596,516.27	-\$264,846.35						
Long Term													
DESCRIPTION	QUANTITY	ADJ PRICE/ ORIG PRICE	DATE ACQUIRED	CLOSE DATE	PROCEEDS	ADJ COST/ ORIG COST	GAIN/LOSS						
ALLIANCEBERNSTEIN HLDG													
LP LTD PARTNERSHIP													
INTERESTS	365 0000	67 5260	01/29/08	04/03/09	5,988 17	23,352 12	-17,363 95						
BELDEN INC	600 0000	40 1800	02/22/08	04/03/09	8,389 78	24,539 67	-16,149 89						
CHEVRON CORPORATION	275 0000	60 1500	12/06/05	01/27/09	19,583 91	16,541 78	3,042 13						
	100 0000	60 1500	12/06/05	01/27/09	7,115 21	6,015 19	1,100 02						
CISCO SYSTEMS INC	1,165 0000	19 8400	07/20/05	06/30/09	21,204 29	23,112 44	-1,908 15						
DEVON ENERGY CORP NEW	270 0000	68 1600	10/19/06	01/27/09	16,480 81	18,404 23	-1,923 42						
FEDEX CORPORATION	285 0000	87 1200	01/23/08	08/21/09	18,905 66	25,190 95	-6,285 29						
ILLINOIS TOOL WORKS INC	50 0000	45 0200	12/14/05	04/03/09	1,567 25	2,251 18	-683 93						
	320 0000	45 1100	01/12/06	04/03/09	10,030 44	14,436 02	-4,405 58						
	325 0000	57 1200	09/17/07	04/03/09	10,187 18	18,565 14	-8,377 96						
LOGITECH INTERNATIONAL													
SA APPLIES	542 0000	27 1000	01/24/08	06/02/09	7,676 24	14,967 72	-7,291 48						

INFORMATION PROVIDED AS COURTESY ONLY - NOT FURNISHED TO THE IRS

Realized Gain/Loss

Page 22 of 29

As of Date: 2/05/10

Account Number: 7010-1413
 Command Account Number: 9085684738
 DIANE CUMMINGS HALLE,
 JAMES K CUMMINGS, RICHARD
 A CUMMINGS TTEE'S, HKC
 CHART TR DTD 10/3/84

Long Term DESCRIPTION	Continued	QUANTITY	ADJ PRICE/ ORIG PRICE	DATE ACQUIRED	CLOSE DATE	PROCEEDS	ADJ COST/ ORIG COST	GAIN/LOSS
		242 0000	27 1100	01/24/08	06/02/09	3,427 40	6,683 02	-3,255 62
		116 0000	27 1200	01/24/08	06/02/09	1,642 90	3,204 61	-1,561 71
NORDSTROM INC		500 0000	31 1800	07/07/08	08/21/09	13,917 44	15,916 77	-1,999 33
PAYCHEX INC		45 0000	40 4900	01/16/07	01/27/09	1,124 38	1,821 85	-697 47
		655 0000	40 2600	01/24/07	01/27/09	16,366 01	26,368 47	-10,002 46
SECURITY EQUITY FUND								
CLASS A		69,364 1940	7 5224	12/06/00	04/03/09	221,961 33	541,575.62	-320,634.89
		0 9790	8 4400	12/06/00	04/03/09	3 13	8 26	-5 13
		14,816 0000	8 4400	12/06/00	04/03/09	47,410 33	125,047 04	-77,636 71
		152 0000	6 4000	12/19/03	04/03/09	486 39	972 80	-486 41
		0 2880	6 3900	12/19/03	04/03/09	0 92	1 84	-0 92
TARGET CORP		300 0000	66 5500	09/19/07	04/03/09	10,574 65	19,965 51	-9,390 86
WEATHRFORD INTERNATIONAL LTD REG		340 0000	27 2500	06/01/07	04/03/09	4,290 07	9,265 22	-4,975 15
Total - Long Term						\$446,333.89	\$937,123.48	-\$490,991.26

INFORMATION PROVIDED AS COURTESY ONLY - NOT FURNISHED TO THE IRS

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

SOURCE	AMOUNT
WELLS FARGO SECURITIES	168.
TOTAL TO FORM 990-PF, PART I, LINE 3, COLUMN A	168.

FORM 990-PF DIVIDENDS AND INTEREST FROM SECURITIES STATEMENT 2

SOURCE	GROSS AMOUNT	CAPITAL GAINS DIVIDENDS	COLUMN (A) AMOUNT
ENERGY PARTNERSHIP K-1'S	167.	0.	167.
WELLS FARGO SECURITIES	40,839.	0.	40,839.
TOTAL TO FM 990-PF, PART I, LN 4	41,006.	0.	41,006.

FORM 990-PF OTHER INCOME STATEMENT 3

DESCRIPTION	(A) REVENUE PER BOOKS	(B) NET INVEST- MENT INCOME	(C) ADJUSTED NET INCOME
DISALLOWED LOSSES FROM PTP'S	<7,593.>	0.	
ALLIANCE BERNSTEIN HOLDINGS LP	<307.>	<307.>	
PLAINS ALL AMERICAN PIPELINE, LP	183.	183.	
TOTAL TO FORM 990-PF, PART I, LINE 11	<7,717.>	<124.>	

FORM 990-PF ACCOUNTING FEES STATEMENT 4

DESCRIPTION	(A) EXPENSES PER BOOKS	(B) NET INVEST- MENT INCOME	(C) ADJUSTED NET INCOME	(D) CHARITABLE PURPOSES
ACCOUNTING FEES	6,779.	3,389.		3,390.
TO FORM 990-PF, PG 1, LN 16B	6,779.	3,389.		3,390.

FORM 990-PF	TAXES		STATEMENT	5
DESCRIPTION	(A) EXPENSES PER BOOKS	(B) NET INVEST- MENT INCOME	(C) ADJUSTED NET INCOME	(D) CHARITABLE PURPOSES
FOREIGN TAXES	39.	39.		0.
FEDERAL TAXES	<1,991.>	0.		0.
TO FORM 990-PF, PG 1, LN 18	<1,952.>	39.		0.

FORM 990-PF	OTHER EXPENSES		STATEMENT	6
DESCRIPTION	(A) EXPENSES PER BOOKS	(B) NET INVEST- MENT INCOME	(C) ADJUSTED NET INCOME	(D) CHARITABLE PURPOSES
INVESTMENT EXPENSES	10.	10.		0.
NON-DEDUCTIBLE EXPENSES FROM PTP'S	57.	0.		0.
TO FORM 990-PF, PG 1, LN 23	67.	10.		0.

FORM 990-PF	U.S. AND STATE/CITY GOVERNMENT OBLIGATIONS		STATEMENT	7
DESCRIPTION	U.S. GOV'T	OTHER GOV'T	BOOK VALUE	FAIR MARKET VALUE
GNMA BOND	X		1,460.	1,614.
TOTAL U.S. GOVERNMENT OBLIGATIONS			1,460.	1,614.
TOTAL STATE AND MUNICIPAL GOVERNMENT OBLIGATIONS				
TOTAL TO FORM 990-PF, PART II, LINE 10A			1,460.	1,614.

FORM 990-PF	CORPORATE STOCK	STATEMENT	8
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DESCRIPTION	BOOK VALUE	FAIR MARKET VALUE
STOCKS (SEE ATTACHED LISTING)	827,187.	967,068.
TOTAL TO FORM 990-PF, PART II, LINE 10B	827,187.	967,068.

FORM 990-PF	OTHER INVESTMENTS	STATEMENT	9
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DESCRIPTION	VALUATION METHOD	BOOK VALUE	FAIR MARKET VALUE
AMERICAN HIGH INCOME TRUST (MUTUAL FUND)	COST	286,007.	380,267.
ALLIANCE BERNSTEIN HOLDING LP	COST	0.	0.
ENERGY TRANSFER EQUITY, L.P.	COST	20,727.	33,638.
ENTERPRISE PRODUCTS PARTNERS L.P.	COST	19,308.	34,551.
KINDER MORGAN ENERGY PARTNERS, L.P.	COST	19,441.	30,490.
PLAINS ALL AMERICAN PIPELINE, L.P.	COST	23,262.	34,353.
TOTAL TO FORM 990-PF, PART II, LINE 13		368,745.	513,299.

DIANE CUMMINGS HALLE,
JAMES K CUMMINGS, RICHARD
A CUMMINGS TTEE'S, HKC
CHART TR DTD 10/3/84
DECEMBER 1 - DECEMBER 31, 2009
ACCOUNT NUMBER: 7010-1413

Additional Information

	THIS PERIOD	THIS YEAR	Foreign withholding	THIS PERIOD	THIS YEAR
Return of principal	8.49	402.77		-15.68	-15.68
Gross proceeds	22,256.53	780,003.81			

Portfolio detail

Cash and Sweep Balances

Bank Deposit Sweep - Consists of monies held in one or more FDIC-insured depository account(s) established with Wells Fargo Bank, N.A. Additional funds over \$250,000 are deposited at one or more additional banks affiliated with Wells Fargo Advisors. These assets are not covered by SIPC, but are instead covered by FDIC insurance in accordance with FDIC rules. For additional information on the Bank Deposit Sweep for your account please contact Your Financial Advisor.

DESCRIPTION	% OF ACCOUNT	ANNUAL PERCENTAGE YIELD EARNED*	CURRENT MARKET VALUE	ESTIMATED ANNUAL INCOME
BANK DEPOSIT SWEEP Interest Period 12/01/09 - 12/31/09	10.15	0.04	167,454.93	66.98
Total Cash and Sweep Balances	10.15		\$167,454.93	\$66.98

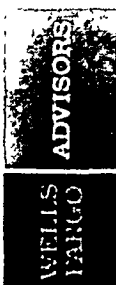
* APY measures the total amount of the interest paid on an account based on the interest rate and the frequency of the compounding during the interest period. The annual percentage yield is expressed as an annualized rate, based on a 365- or 366-day year (as applicable).

Stocks and Options

Stocks

DESCRIPTION	% OF ACCOUNT	QUANTITY	ADJ PRICE/ ORIG PRICE	ADJ COST/ ORIG COST	CURRENT PRICE	CURRENT MARKET VALUE	UNREALIZED GAIN/LOSS	ESTIMATED ANNUAL INCOME	ANNUAL YIELD (%)
ABBOTT LABORATORIES									
ABT									
Acquired 08/09/05 L		60	48.81	2,928.59		3,239.40	310.81		
Acquired 08/12/08 L		150	42.78	6,417.08		8,098.50	1,681.42		
Acquired 08/31/08 L		160	48.60	7,775.57		8,838.40	862.83		
Acquired 01/24/09 L		100	58.94	5,824.50		5,399.00	-425.50		
Total	1.54	470		\$22,945.74	53.9900	\$25,376.30	\$2,429.56	\$752.00	2.98
ADOBE SYSTEMS INC									
ADBE									
Acquired 01/23/08 L	1.67	750	33.41	25,511.62	38.7800	27,585.00	2,073.38	N/A	N/A





DIANE CUMMINGS HALL,
JAMES K CUMMINGS, RICHARD
A CUMMINGS TTEE'S, HKC
CHART TR DTD 10/3/84
DECEMBER 31, 2009
ACCOUNT NUMBER: 7010-1413

Stocks and Options

Stocks continued

DESCRIPTION	QUANTITY	ADJ PRICE/ ORIG PRICE	ADJ COST/ ORIG COST	CURRENT PRICE	CURRENT MARKET VALUE	UNREALIZED GAIN/LOSS	ESTIMATED	
							ANNUAL INCOME	ANNUAL YIELD (%)
APACHE CORP COMMON								
APA								
Acquired 02/09/01 L	540	27.19	14,680.57	103.1700	55,711.80	41,031.23	324.00	0.58
APPLE INC								
AAPL								
Acquired 09/30/08 L	175	111.34	19,708.05	210.7320	36,878.10	17,170.05	N/A	N/A
AT & T INC								
Acquired 08/02/05 L	995	24.77	24,651.03	28.0300	27,889.85	3,238.82	1,671.60	5.99
BANK NEW YORK MELLON								
CORP								
BK								
Acquired 02/24/06 L	383	36.62	14,026.41		10,712.51	-3,313.90		
Acquired 09/19/06 L	147	37.00	5,438.72		4,111.59	-1,327.13		
Total	530		\$18,465.13	27.9700	\$14,824.10	-\$4,641.03	\$190.80	1.29
BAXTER INTERNATIONAL INC								
BAX								
Acquired 01/27/09 S	300	58.55	17,901.39		17,604.00	-297.39		
Acquired 06/02/09 S	100	48.54	4,975.28		5,868.00	892.72		
Total	400		\$22,876.67	58.6800	\$23,472.00	\$595.33	\$464.00	1.98
BERKSHIRE HATHAWAY INC								
CLASS B								
BRK/B								
Acquired 01/23/08 L	5	4,598.00	23,228.43		16,430.00	-6,798.43		
Acquired 07/07/08 L	2	3,892.00	7,915.99		6,572.00	-1,343.99		
Total	7		\$31,144.42	3,288.0000	\$23,002.00	-\$8,142.42	N/A	N/A
BRINKS CO								
BCO								
Acquired 08/06/09 S	500	27.06	13,775.13		12,170.00	-1,605.13		
Acquired 08/06/09 S	300	27.04	8,263.97		7,302.00	-961.97		
Acquired 08/06/09 S	200	27.05	5,508.01		4,868.00	-640.01		
Total	1,000		\$27,547.11	24.3400	\$24,340.00	-\$3,207.11	\$400.00	1.64
CAMPBELL SOUP COMPANY								
CPB								
Acquired 10/14/09 S	800	32.35	26,352.58	33.8000	27,040.00	687.42	880.00	3.25

DIANE CUMMINGS HALLE,
JAMES K CUMMINGS, RICHARD
A CUMMINGS TTEE'S, HKC
CHART TR DTD 10/3/84
DECEMBER 1 - DECEMBER 31, 2009
ACCOUNT NUMBER: 7010-1413

Stocks and Options

Stocks continued

Stocks continued

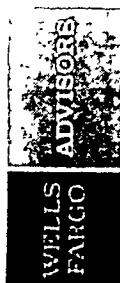
DESCRIPTION	% OF ACCOUNT	QUANTITY	ADJ PRICE/ ORIG PRICE	ADJ COST/ ORIG COST	CURRENT PRICE	CURRENT MARKET VALUE	UNREALIZED GAIN/LOSS	ESTIMATED	
								ANNUAL INCOME	ANNUAL YIELD (%)
COCA-COLA COMPANY									
KO									
Acquired 02/19/05 L		35	43.08	1,507.10		1,995.00	487.90		
Acquired 05/19/08 L		230	43.67	10,044.10		13,110.00	3,065.90		
Acquired 07/31/08 L		280	44.85	12,501.18		15,960.00	3,458.84		
Total	1.88	545		\$24,052.38	57.0000	\$31,065.00	\$7,012.64	\$893.80	2.88
CUMMINS INC									
CMJ									
Acquired 09/30/08 L	1.53	550	42.74	23,928.37	45.8800	25,223.00	1,294.63	385.00	1.52

EXPRESS SCRIPTS INC

CL A									
ESRX									
Acquired 02/22/08 L		300	66.57	20,341.17		25,828.00	5,584.83		
Acquired 07/07/08 L		100	63.25	6,455.90		8,642.00	2,186.10		
Total	2.10	400		\$26,797.07	86.4200	\$34,568.00	\$7,770.93	N/A	N/A
EXXON MOBIL CORP									
XOM									
Acquired 09/08/05 L		210	61.19	12,849.71		14,318.90	1,470.19		
Acquired 01/24/08 L		276	61.36	16,874.06		18,752.25	1,878.19		
Total	2.01	486		\$29,723.77	68.1900	\$33,072.15	\$3,248.38	\$814.90	2.48
GENERAL MILLS INC									
GIS									
Acquired 04/30/09 S	2.15	500	50.51	25,701.06	70.8100	35,405.00	9,703.94	980.00	2.78
GOOGLE INC CL A									
GOOG									
Acquired 09/30/08 L	2.26	60	410.87	24,782.70	619.9800	37,188.60	12,416.10	N/A	N/A



DIANE CUMMINGS HALLE,
JAMES K CUMMINGS, RICHARD
A CUMMINGS TTEE'S, HKC
CHART TR DTD 10/3/84
DECEMBER 1 - DECEMBER 31, 2009
ACCOUNT NUMBER: 7010-1413



Stocks and Options

Stocks continued

DESCRIPTION	% OF ACCOUNT	QUANTITY	ADJ PRICE/ ORIG PRICE	ADJ COST/ ORIG COST	CURRENT PRICE	CURRENT MARKET VALUE	UNREALIZED GAIN/LOSS	ESTIMATED	
								ANNUAL INCOME	ANNUAL YIELD (%)
GRAINGER W W INC									
GWV									
Acquired 01/23/08 L		200	76.30	15,515.49		19,386.00	3,850.51		
Acquired 01/23/08 L		125	76.31	9,695.01		12,103.75	2,408.74		
Total	1.91	325		\$25,210.50	96.8300	\$31,469.75	\$6,259.25	\$598.00	1.90
HEWLETT-PACKARD COMPANY									
HPO									
Acquired 05/16/05 L		225	20.88	4,698.25		11,589.75	6,891.50		
Acquired 05/24/05 L		245	22.58	5,532.17		12,619.95	7,087.78		
Total	1.47	470		\$10,230.42	51.5100	\$24,209.70	\$13,979.28	\$150.40	0.62
HONEYWELL INTERNATIONAL									
HON									
Acquired 10/11/05 L	1.06	445	36.29	16,151.01	39.2000	17,444.00	1,292.99	538.45	3.08
ITC HOLDINGS CORP									
ITC									
Acquired 10/19/09 S	1.58	500	45.68	23,262.96	52.0900	26,045.00	2,782.04	640.00	2.45
JOHNSON & JOHNSON									
JNJ									
Acquired 09/03/03 L		95	50.06	4,755.66		6,118.95	1,363.29		
Acquired 03/28/06 L		310	59.56	18,462.14		19,967.10	1,504.96		
Total	1.58	405		\$23,217.80	64.4100	\$26,086.05	\$2,868.25	\$783.80	3.04
JPMORGAN CHASE & CO									
JPM									
Acquired 02/23/06 L		255	41.14	10,491.77		10,625.85	134.08		
Acquired 05/31/06 L		375	42.74	16,026.26		15,828.25	-400.01		
Acquired 09/27/07 L		205	46.09	9,447.71		8,542.35	-905.36		
Total	2.11	835		\$35,965.74	41.6700	\$34,794.45	-\$1,171.29	\$167.00	0.48
MCAFFEE INCORPORATED									
MFE									
Acquired 08/06/09 S	1.48	600	42.74	26,093.83	40.5700	24,342.00	-1,751.83	N/A	N/A

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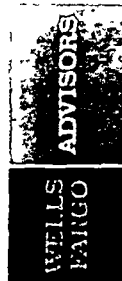
Stocks and Options

Stocks continued

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								ANNUAL INCOME	ANNUAL YIELD (%)
MCDONALDS CORP									
MCD									
Acquired 07/31/09 S		250	55.00	13,992.55		15,610.00	1,617.45		
Acquired 07/31/09 S		200	54.99	11,188.01		12,488.00	1,299.99		
Total	1.70	450		\$25,180.56	62.4400	\$28,098.00	\$2,917.44	\$990.00	3.52
MEDCO HEALTH SOLUTIONS									
INC									
MHS									
Acquired 02/22/08 L	1.36	350	51.21	18,268.83	63.9100	22,368.50	4,099.67	N/A	N/A
O REILLY AUTOMOTIVE INC									
ORLY									
Acquired 12/16/09 S		516	37.74	19,807.73		19,669.82	- 137.81		
Acquired 12/16/09 S		234	37.75	8,988.53		8,920.08	- 68.45		
Total	1.73	750		\$28,796.26	38.1200	\$28,590.00	- \$208.28	N/A	N/A
P G & E CORPORATION									
PCG									
Acquired 06/02/09 S	1.62	600	37.16	22,713.11	44.6500	28,780.00	4,078.89	1,008.00	3.76

PROCTER & GAMBLE CO									
PG									
Acquired 06/24/07 L	1.78	485	65.57	31,801.60	60.6300	28,405.55	- 2,398.05	853.60	2.90
RAYTHEON COMPANY									
RTN									
Acquired 07/08/04 L		430	33.96	14,602.11		22,153.60	7,551.49		
Acquired 07/28/08 L		180	44.97	8,094.74		9,273.60	1,178.86		
Total	1.91	610		\$22,696.85	51.5200	\$31,427.20	\$8,730.35	\$756.40	2.41
REPUBLIC SVCS INC									
RSG									
Acquired 11/17/09 S	1.54	900	28.13	25,791.69	28.3100	25,478.00	- 312.69	684.00	2.68





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								ANNUAL INCOME	ANNUAL YIELD (%)
TEVA PHARMACEUTICAL ADR INDS LTD TEVA Acquired 08/21/09 S	1.70	500	52.20	26,554.07	56.1800	28,090.00	1,535.93	241.00	0.85
ULTRA PETROLEUM CORP UPL Acquired 01/27/09 S	1.51	500	34.93	17,823.14	49.8600	24,930.00	7,106.86	N/A	N/A
WALGREEN COMPANY WAG Acquired 01/29/08 L	1.56	700	34.49	24,583.72	36.7200	25,704.00	1,120.28	385.00	1.49
WELLPOINT INC WLP Acquired 01/23/08 L Acquired 07/07/08 L		325 175	75.37 45.09	24,908.30 8,068.13		18,944.25 10,200.75	- 5,964.05 2,132.62		
Total	1.77	500		\$32,976.43 \$82,186.77	58.2900	\$29,145.00 \$96,068.30	- \$3,831.43 \$199,581.53	N/A	N/A
Total Stocks								\$24,838.65	2.26

Fixed Income Securities

Corporate and municipal bonds and other fixed income securities are priced by a computerized pricing service or, for less actively traded issues, by utilizing a yield-based matrix system to arrive at an estimated market value.