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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 <b>HERBERT K. CUMMINGS CHARITABLE TRUST</b> Number and street (or P O box number if mail is not delivered to street address) <b>20225 NORTH SCOTTSDALE ROAD</b>		Room/suite	A Employer identification number <b>86-6148404</b>
				B Telephone number <b>480-515-5211</b>
<p>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</p> <p>I Fair market value of all assets at end of year (from Part II, col. (c), line 16)  <b>\$ 1,652,443.</b> (Part I, column (d) must be on cash basis.)</p>				
<b>Part I</b> Analysis of Revenue and Expenses <small>(The total of amounts in columns (b), (c), and (d) may not necessarily equal the amounts in column (a))</small>		(a) Revenue and expenses per books	(b) Net investment income	(c) Adjusted net income
1 Contributions, gifts, grants, etc., received				<b>N/A</b>
2 Check <input checked="" type="checkbox"/> if the foundation is not required to attach Sch B Interest on savings and temporary cash investments				
3 Dividends and interest from securities		<b>168.</b>	<b>168.</b>	<b>STATEMENT 1</b>
5a Gross rents		<b>41,006.</b>	<b>41,006.</b>	<b>STATEMENT 2</b>
b Net rental income or (loss)				
6a Net gain or (loss) from sale of assets not on line 10 Gross sales price for all assets on line 6a		<b>780,413.</b>	<b>&lt;755,835.&gt;</b>	
7 Capital gain net income (from Part IV, line 2)			<b>0.</b>	
8 Net short-term capital gain				
9 Income modifications Gross sales less returns and allowances				
10a Less Cost of goods sold				
c Gross profit or (loss)				
11 Other income		<b>&lt;7,717.&gt;</b>	<b>&lt;124.&gt;</b>	<b>STATEMENT 3</b>
12 Total. Add lines 1 through 11		<b>&lt;722,378.&gt;</b>	<b>41,050.</b>	
13 Compensation of officers, directors, trustees, etc.		<b>0.</b>	<b>0.</b>	<b>0.</b>
14 Other employee salaries and wages				
15 Pension plans, employee benefits				
16a Legal fees				
b Accounting fees		<b>6,779.</b>	<b>3,389.</b>	<b>3,390.</b>
c Other professional fees				
17 Interest		<b>34.</b>	<b>34.</b>	<b>0.</b>
18 Taxes		<b>&lt;1,952.&gt;</b>	<b>39.</b>	<b>0.</b>
19 Depreciation and depletion				
20 Occupancy				
21 Travel, conferences, and meetings				
22 Printing and publications				
23 Other expenses		<b>67.</b>	<b>10.</b>	<b>0.</b>
24 Total operating and administrative expenses. Add lines 13 through 23		<b>4,928.</b>	<b>3,472.</b>	<b>3,390.</b>
25 Contributions, gifts, grants paid		<b>75,000.</b>		<b>75,000.</b>
26 Total expenses and disbursements Add lines 24 and 25		<b>79,928.</b>	<b>3,472.</b>	<b>78,390.</b>
27 Subtract line 26 from line 12: a Excess of revenue over expenses and disbursements b Net investment income (if negative, enter -0-) c Adjusted net income (if negative, enter -0-)		<b>&lt;802,306.&gt;</b>	<b>37,578.</b>	<b>N/A</b>

Part II	Balance Sheets	Attached schedules and amounts in the description column should be for end-of-year amounts only	Beginning of year	End of year	
			(a) Book Value	(b) Book Value	(c) Fair Market Value
	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				
	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.	
	Foundations that follow SFAS 117, check here ► <input type="checkbox"/> and complete lines 24 through 26 and lines 30 and 31.				
	24 Unrestricted				
	25 Temporarily restricted				
	26 Permanently restricted				
	Foundations that do not follow SFAS 117, check here ► <input checked="" type="checkbox"/> and complete lines 27 through 31.				
	27 Capital stock, trust principal, or current funds		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.)
a					
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) 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					<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 ►  and enter "N/A" on line 1.

Date of ruling or determination letter: \_\_\_\_\_ (attach copy of letter if necessary-see instructions)

b Domestic foundations that meet the section 4940(e) requirements in Part V, check here ►  and enter 1% of Part I, line 27b

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-)

3 Add lines 1 and 2

4 Subtitle A (income) tax (domestic section 4947(a)(1) trusts and taxable foundations only. Others enter -0-)

5 Tax based on investment income. Subtract line 4 from line 3. If zero or less, enter -0-

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  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 ►

24. Refunded ►

11 0.

**Part VII-A Statements Regarding Activities**

1a During the tax year, did the foundation attempt to influence any national, state, or local legislation or did it participate or intervene in any political campaign?

Yes

No

1a X

b Did it spend more than \$100 during the year (either directly or indirectly) for political purposes (see 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. ► \$ 0. (2) On foundation managers. ► \$ 0.

e Enter the reimbursement (if any) paid by the foundation during the year for political expenditure tax imposed on foundation managers. ► \$ 0.

2 Has the foundation engaged in any activities that have not previously been reported to the IRS?

2 X

*If "Yes," attach a detailed description of the activities.*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?

5 X

*If "Yes," attach the statement required by General Instruction T.*

6 Are the requirements of section 508(e) (relating to sections 4941 through 4945) satisfied either:

N/A

• By language in the governing instrument, or

6 X

• 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?

7 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.*

8a Enter the states to which the foundation reports or with which it is registered (see instructions) ►

8b X

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*

9 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*10 Did any persons become substantial contributors during the tax year? *If "Yes," attach a schedule listing their names and addresses*

10 X

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

11 At any time during the year, did the foundation, directly or indirectly, own a controlled entity within the meaning of section 512(b)(13)? If "Yes," attach schedule (see instructions) 11   X

12 Did the foundation acquire a direct or indirect interest in any applicable insurance contract before August 17, 2008? 12   X

13 Did the foundation comply with the public inspection requirements for its annual returns and exemption application? Website address ► **NA** 13   X

14 The books are in care of ► **HENRY & HORNE, LLP** Telephone no. ► **480-483-1170**  
 Located at ► **7098 E. COCHISE ROAD, SUITE 100, SCOTTSDALE, AZ** ZIP+4 ► **85253**

15 Section 4947(a)(1) nonexempt charitable trusts filing Form 990-PF in lieu of Form 1041 - Check here ► 15   N/A  
 and enter the amount of tax-exempt interest received or accrued during the year

**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.

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  X  No

(2) Borrow money from, lend money to, or otherwise extend credit to (or accept it from) a disqualified person?  Yes  X  No

(3) Furnish goods, services, or facilities to (or accept them from) a disqualified person?  Yes  X  No

(4) Pay compensation to, or pay or reimburse the expenses of, a disqualified person?  Yes  X  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  X  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  X  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 ► 1b  N/A

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?

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  X  No

If "Yes," list the years ► 2a  N/A

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.) 2b  N/A

c If the provisions of section 4942(a)(2) are being applied to any of the years listed in 2a, list the years here.

► 2c  N/A

3a Did the foundation hold more than a 2% direct or indirect interest in any business enterprise at any time during the year?  Yes  X  No

b If "Yes," did it have excess business holdings in 2009 as a result of (1) any purchase by the foundation or disqualified persons after May 26, 1969; (2) the lapse of the 5-year period (or longer period approved by the Commissioner under section 4943(c)(7)) to dispose of holdings acquired by gift or bequest; or (3) the lapse of the 10-, 15-, or 20-year first phase holding period? (Use Schedule C, Form 4720, to determine if the foundation had excess business holdings in 2009) 3b  N/A

4a Did the foundation invest during the year any amount in a manner that would jeopardize its charitable purposes?

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  N/A

**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))?
- (2) Influence the outcome of any specific public election (see section 4955); or to carry on, directly or indirectly, any voter registration drive?
- (3) Provide a grant to an individual for travel, study, or other similar purposes?
- (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)?
- (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  
 Yes  No  
 Yes  No  
 Yes  No  
 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

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?

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

X

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

If "Yes" to 6b, file Form 8870.

Yes  No

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 20225 NORTH SCOTTSDALE ROAD SCOTTSDALE, AZ 85255	TRUSTEE 10.00	0.	0.	0.
JAMES J. CUMMINGS 20225 NORTH SCOTTSDALE ROAD SCOTTSDALE, AZ 85255	TRUSTEE 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

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**Part VIII** **Information About Officers, Directors, Trustees, Foundation Managers, Highly Paid Employees, and Contractors (continued)**
**3 Five highest-paid independent contractors for professional services. If none, enter "NONE."**

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

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



0

**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 <b>N/A</b>	
2	
3	
4	

**Part IX-B** **Summary of Program-Related Investments**

Describe the two largest program-related investments made by the foundation during the tax year on lines 1 and 2.

Amount

	Amount
1 <b>N/A</b>	
2	
All other program-related investments. See instructions.	
3	
<b>Total. Add lines 1 through 3</b>	<b>0.</b>

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

1	Fair market value of assets not used (or held for use) directly in carrying out charitable, etc., purposes:		
a	Average monthly fair market value of securities	1a	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:	1a	78,390.
a	Expenses, contributions, gifts, etc. - total from Part I, column (d), line 26	1b	0.
b	Program-related investments - total from Part IX-B	2	
2	Amounts paid to acquire assets used (or held for use) directly in carrying out charitable, etc., purposes	3a	
3	Amounts set aside for specific charitable projects that satisfy the:	3b	
a	Suitability test (prior IRS approval required)	4	78,390.
b	Cash distribution test (attach the required schedule)	5	376.
4	Qualifying distributions. Add lines 1a through 3b. Enter here and on Part V, line 8, and Part XIII, line 4	6	78,014.
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		
6	Adjusted qualifying distributions. Subtract line 5 from line 4		

**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 2008			0.	
a Enter amount for 2008 only		0.		
b Total for prior years:				
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.			0.	
a Applied to 2008, but not more than line 2a				
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:	27,799.			
a Corpus Add lines 3f, 4c, and 4e Subtract line 5		0.		
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		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)				
<i>a Paid during the year</i>				
TGEN FOUNDATION ONE AZ CENTER, 400 E VAN BUREN ST #850 PHOENIX, AZ 85004	NONE	PUBLIC CHARITY	GENERAL FUNDS	75,000.
<i>b Approved for future payment</i>				
<b>Total</b>			► 3a	<b>75,000.</b>
NONE				
<b>Total</b>			► 3b	<b>0.</b>

## 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
	(a) Business code	(b) Amount	(c) Exclu- sion 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					
4 Dividends and interest from securities			14	168.	
5 Net rental income or (loss) from real estate:			14	41,006.	
a Debt-financed property					
b Not debt-financed property					
6 Net rental income or (loss) from personal property					
7 Other investment income			14	<7,717.>	
8 Gain or (loss) from sales of assets other than inventory			18	<755,835.>	
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)		0.		<722,378.>	0.
13 Total. Add line 12, columns (b), (d), and (e)			13		<722,378.>

(See worksheet in line 13 instructions to verify calculations.)

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

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

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
- (2) Other assets

**b Other transactions:**

- (1) Sales of assets to a noncharitable exempt organization
- (2) Purchases of assets from a noncharitable exempt organization
- (3) Rental of facilities, equipment, or other assets
- (4) Reimbursement arrangements
- (5) Loans or loan guarantees
- (6) Performance of services or membership or fundraising solicitations

**c Sharing of facilities, equipment, mailing lists, other assets, or paid employees**

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.

**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

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

## HERBERT K. CUMMINGS CHARITABLE TRUST

CONTINUATION FOR 990-PF, PART IV  
86-6148404 PAGE 1 OF 1

## 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			(l) Losses (from col. (h)) Gains (excess of col. (h) gain over col. (k), but not less than "-0-")
(i) F.M.V. as of 12/31/69	(j) Adjusted basis as of 12/31/69	(k) Excess of col. (i) over col. (j), if any	
a			<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

Account Number: 7010-1413  
 Command Account Number: 9085684738  
 DIANE CUMMINGS HALLE,  
 JAMES K CUMMINGS, RICHARD  
 A CUMMINGS TTEE'S, HKC  
 CHART TR DTD 10/31/84

As of Date: 2/05/10

### 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	1113430	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

Page 21 of 29

As of Date: 2/05/10

Account Number: 7010-1413  
Command Account Number: 9085684738  
DIANE CUMMINGS HALLE,  
JAMES K CUMMINGS TTEE'S, RICHARD D  
CUMMINGS TTEE'S, HKC  
CHART, TR DTD 10/20/84

Short Term		Continued											
DESCRIPTION	QUANTITY	ADU PRICE/ ORIG PRICE	DATE ACQUIRED	CLOSE DATE	PROCEEDS	ADU COST/ ORIG COST	GAIN/LOSS	ADU COST/ ORIG COST	DATE ACQUIRED	CLOSE DATE	PROCEEDS	ADU 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						
WEATHERFORD INTERNATIONAL LTD REG	160,0000	42,1900	07/07/08	04/03/09	2,018.87	6,908.65	-4,889.78						
<b>Total - Short Term</b>					<b>\$331,669.92</b>	<b>\$596,516.27</b>	<b>-\$264,846.35</b>						
Long Term		ADU PRICE/ ORIG PRICE	DATE ACQUIRED	CLOSE DATE	PROCEEDS	ADU COST/ ORIG COST	GAIN/LOSS	ADU COST/ ORIG COST	DATE ACQUIRED	CLOSE DATE	PROCEEDS	ADU COST/ ORIG COST	GAIN/LOSS
ALLIANCEBERNSTEIN HLDG LP LTD PARTNERSHIP INTERESTS	365,0000	67,5260	01/29/08	04/03/09	5,988.17	<b>23,322.17</b>	<b>-\$17,161.95</b>						
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 10/31/84

Long Term	Continued	DESCRIPTION	QUANTITY	ADJ PRICE/ ORIG PRICE	ACQUIRED DATE	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
		500 0000	31 1800	07/07/08	08/21/09		13,917.44	15,916.77	-1,999.33
		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 3224	12/06/00	04/03/09	221,961.33	542,575.62	-320,604.56
			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
		WEATHRFD INTERNATIONAL LTD REG	340 0000	27 2500	06/01/07	04/03/09	4,290.07	9,265.22	-4,975.15
		<b>Total - Long Term</b>					<b>\$446,333.89</b>	<b>\$19,123.15</b>	<b>-\$440,871.56</b>

INFORMATION PROVIDED AS COURTESY ONLY - NOT FURNISHED TO THE IRS

## 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.

## HERBERT K. CUMMINGS CHARITABLE TRUST

86-6148404

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
-------------	-------------------	-----------	---

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 TRTEES, HKC  
 CHART TR DTD 10/3/84  
 DECEMBER 1 - DECEMBER 31, 2009  
 ACCOUNT NUMBER: 7010-1413

### Additional Information

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

### 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 or 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	68.88
<b>Total Cash and Sweep Balances</b>	<b>10.15</b>		<b>\$167,454.93</b>	<b>\$68.88</b>

- 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).

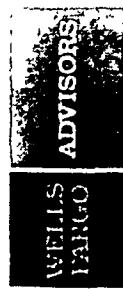
### Stocks and Options

#### 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 (%)
<b>ABBOTT LABORATORIES</b>									
ABT	60	46.81	2,928.59		3,238.40	3,238.40		\$10.81	
Acquired 08/06/05 L	150	42.78	6,417.08	6,417.08	8,098.50	8,098.50	1,681.42		
Acquired 08/12/08 L	160	48.80	7,751.57	7,751.57	8,638.40	8,638.40	882.83		
Acquired 08/01/08 L	100	56.84	5,824.50	5,824.50	6,399.00	6,399.00	459.50		
<b>Total</b>	<b>1.54</b>	<b>470</b>		<b>\$22,945.74</b>	<b>53,9900</b>	<b>\$25,378.30</b>	<b>\$2,429.56</b>	<b>\$752.00</b>	<b>2.98</b>
ADOBE SYSTEMS INC									
ADBE	1.67	750	33.41	25,511.62	36.7800	27,585.00	2,073.38	N/A	N/A
Acquired 01/22/08 L									



SP14225714



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 (%)
APACHE CORP COMMON APA	3.38	540	27.19	14,680.57	103.1700	55,711.80	41,031.23	324.00	0.58
Acquired 02/09/01 L									
APPLE INC AAPL	2.24	175	111.34	19,708.05	210.7320	36,878.10	17,170.05	N/A	N/A
Acquired 09/30/08 L									
AT & T INC T	1.69	995	24.77	24,651.03	28.0300	27,889.85	3,238.82	1,671.60	5.99
Acquired 08/02/05 L									
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			4,115.59	-1,327.13		
Total	0.90	530		\$19,465.13	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 08/02/09 S	100	48.54	4,975.28			5,868.00	892.72		
Total	1.42	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	1.39	7		\$31,144.42	3,286.0000	\$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	-861.97		
Acquired 08/06/09 S	200	27.05	5,508.01			4,868.00	-640.01		
Total	1.48	1,000		\$27,547.11	24.3400	\$24,340.00	-\$3,207.11	\$400.00	1.84
CAMPBELL SOUP COMPANY CPB									
Acquired 10/14/09 S	1.64	800	32.35	26,352.58	33.8000	27,040.00	687.42	880.00	3.25

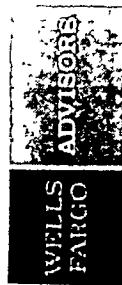
DIANE CUMMINGS HALLÉ  
 JAMES K CUMMINGS, RICHARD  
 A CUMMINGS TRUSTEE'S, HKC  
 CHART TR DTD 10/2/04  
 DECEMBER 1 - DECEMBER 31, 2008  
 ACCOUNT NUMBER: 7010-1413

### 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 (%)
COCA-COLA COMPANY KO		35	43.08	1,507.10		1,995.00	487.90		
Acquired 02/18/05 L		230	43.67	10,044.10		13,110.00	3,065.90		
Acquired 05/19/08 L		280	44.85	12,501.16		16,980.00	3,458.84		
<b>Total</b>	<b>1.68</b>	<b>545</b>		<b>\$24,052.36</b>	<b>57.0000</b>	<b>\$31,085.00</b>	<b>\$7,012.64</b>	<b>\$893.80</b>	<b>2.88</b>
CUMMINS INC CMI		1,53	550	42.74	23,928.37	45,8800	25,223.00	1,294.83	385.00
Acquired 08/20/08 L									1.52

DESCRIPTION	QUANTITY	ADJ PRICE/ ORIG PRICE	ADJ COST/ ORIG COST	CURRENT PRICE	CURRENT MARKET VALUE	UNREALIZED GAIN/LOSS	ESTIMATED ANNUAL INCOME	ANNUAL YIELD (%)
EXPRESS SCRIPTS INC ESRX								
Acquired 02/22/08 L	300	66.57	20,341.17		25,928.00	5,584.83		
Acquired 07/07/08 L	100	63.25	6,455.80		8,642.00	2,186.10		
<b>Total</b>	<b>2.10</b>	<b>400</b>		<b>\$26,787.97</b>	<b>86,4200</b>	<b>\$34,568.00</b>	<b>\$7,770.93</b>	<b>N/A</b>
EXXON MOBIL CORP XOM								
Acquired 09/09/05 L	210	61.19	12,849.71		14,319.90	1,470.19		
Acquired 01/24/08 L	276	61.36	16,874.06		18,782.25	1,878.19		
<b>Total</b>	<b>2.01</b>	<b>486</b>		<b>\$29,723.77</b>	<b>63,1800</b>	<b>\$23,072.15</b>	<b>\$2,348.38</b>	<b>\$814.80</b>
GENERAL MILLS INC GIS								
Acquired 04/30/08 S	2.15	500	50.51	25,701.06	70,8100	35,405.00	9,703.94	980.00
GOOGLE INC Cl A GOOG	2.28	60	410.87	24,782.70	619,9800	37,198.80	12,416.10	N/A
Acquired 09/30/08 L								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	ESTIMATED ANNUAL INCOME GAIN/LOSS	
							ANNUAL INCOME	ANNUAL YIELD (%)
GRAINGER W W INC								
GWW	200	76.30	15,515.49		19,366.00		3,850.51	
Acquired 01/23/08 L	125	76.31	9,695.01		12,103.75		2,408.74	
<b>Total</b>	<b>1.91</b>	<b>325</b>		<b>\$25,210.50</b>	<b>96,8300</b>	<b>\$31,469.75</b>	<b>\$6,259.25</b>	<b>\$598.00</b>
HEWLETT-PACKARD COMPANY								
HPQ	225	20.88	4,698.25		11,589.75		6,891.50	
Acquired 05/16/05 L	245	22.58	5,532.17		12,619.95		7,087.78	
<b>Total</b>	<b>1.47</b>	<b>470</b>		<b>\$10,230.42</b>	<b>61,5100</b>	<b>\$24,208.70</b>	<b>\$13,979.28</b>	<b>\$150.40</b>
HONEYWELL INTERNATIONAL INC								
HON	1.06	445	36.29	16,151.01	39,2000	17,444.00	1,292.99	538.45
Acquired 10/11/05 L								3.08
ITC HOLDINGS CORP								
ITC	1.58	500	45.68	23,262.96	52,0900	26,045.00	2,782.04	640.00
Acquired 10/19/99 S								2.45
JOHNSON & JOHNSON								
JNJ	85	50.06	4,755.66		6,118.95		1,363.29	
Acquired 09/03/03 L	310	59.56	18,462.14		19,967.10		1,504.96	
Acquired 03/28/06 L								
<b>Total</b>	<b>1.58</b>	<b>405</b>		<b>\$23,217.80</b>	<b>64,4100</b>	<b>\$26,086.05</b>	<b>\$2,868.25</b>	<b>\$783.80</b>
JPMORGAN CHASE & CO								
JPM	255	41.14	10,491.77		10,625.85		134.08	
Acquired 02/23/06 L	375	42.74	16,026.26		15,628.25		-400.01	
Acquired 05/31/06 L	205	46.09	9,447.71		8,542.35		-805.36	
<b>Total</b>	<b>2.11</b>	<b>835</b>		<b>\$35,985.74</b>	<b>41,6700</b>	<b>\$34,794.45</b>	<b>-\$1,171.29</b>	<b>\$167.00</b>
MCFAEE INCORPORATED								
MFE	1.48	600	42.74	26,093.83	40,5700	24,342.00	-	N/A
Acquired 08/06/09 S								N/A

DIANE CUMMINGS HALLIE  
 JAMES K CUMMINGS, RICHARD  
 A CUMMINGS TRTEE'S, HIC  
 CHART TR DTD 10/26/04  
 DECEMBER 1 - DECEMBER 31, 2004  
 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 (%)
MCDONALDS CORP MCD	250	55.00	13,892.55		15,610.00		1,817.45		
Acquired 07/31/09 S	200	84.99	11,188.01		12,488.00		1,298.99		
<b>Total</b>	<b>1.70</b>	<b>450</b>	<b>\$25,180.56</b>	<b>\$2,4400</b>	<b>\$28,098.00</b>	<b>\$2,917.44</b>	<b>\$990.00</b>	<b>3.52</b>	
 MEDCO HEALTH SOLUTIONS INC									
MHS Acquired 02/22/08 L	1.38	350	51.21	18,288.83	63.9100	22,388.50	4,099.67	N/A	N/A
O'REILLY AUTOMOTIVE INC ONLY	516	37.74	19,807.73		19,869.82		137.81		
Acquired 12/16/09 S	234	37.75	8,988.53		8,920.08		-68.45		
<b>Total</b>	<b>1.73</b>	<b>750</b>	<b>\$28,796.26</b>	<b>38.1200</b>	<b>\$29,590.00</b>	<b>- \$208.26</b>	<b>N/A</b>	<b>N/A</b>	
 P G & E CORPORATION PCG									
Acquired 08/02/09 S	1.62	600	37.16	22,713.11	44.8500	28,780.00	4,078.89	1,008.00	3.78
 PROCTER & GAMBLE CO PG									
Acquired 08/24/07 L	1.78	485	65.57	31,801.60	60,6300	29,405.55	-2,386.05	853.80	2.90
 RAYTHEON COMPANY RTN									
Acquired 07/08/04 L	430	33.98	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		
<b>Total</b>	<b>1.91</b>	<b>610</b>	<b>\$22,696.85</b>	<b>51,5200</b>	<b>\$31,427.20</b>	<b>\$8,730.35</b>	<b>\$756.40</b>	<b>2.41</b>	
 REPUBLIC SVCS INC RSG									
Acquired 11/17/09 S	1.54	900	28.13	25,791.69	28,3100	25,479.00	-312.69	684.00	2.68





DIANE CUMMINGS HALLE,  
JAMES K CUMMINGS, RICHARD  
A CUMMINGS TTEE'S, HKC  
CHART TR DTD 10/31/04  
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	ESTIMATED	
							ANNUAL INCOME	ANNUAL YIELD (%)
TEVA PHARMACEUTICAL ADR IND'S LTD								
Acquired 08/21/09 S TEVA	1.70	500	52.20	26,554.07	56.1600	28,090.00	1,535.93	241.00 0.85
ULTRA PETROLEUM CORP UPL								
Acquired 01/27/09 S WAG	1.51	500	34.93	17,823.14	49.8600	24,930.00	7,106.86	N/A N/A
WALGREEN COMPANY 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								
Total	1.77	500		\$32,976.43	58.2800	\$29,145.00	\$3,831.43	N/A N/A
<b>Total Stocks</b>				\$827,186.77		\$967,068.30	\$139,881.53	\$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.