Form **990-PF**

Department of the Treasury
Internal Revenue Service

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

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

OMB No 1545-0052

2009

For calendar year 2009, or tax year beginning MAY 1, 2009 , and ending APR 30, 2010

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

Use the IRS label Otherwise, print or type See Specific Instructions

Name of foundation
THE DONNA AND MARVIN SCHWARTZ
FOUNDATION

Number and street (or P O box number if mail is not delivered to street address) | Room/suite
C/O NEUBERGER & BERMAN 605 THIRD AVENU

City or town, state, and ZIP code
NEW YORK, NY 10158-3698

A Employer identification number
13-7114848

B Telephone number
(212)509-6700

C If exemption application is pending, check here ▶ ☐

D 1 Foreign organizations, check here ▶ ☐
2 Foreign organizations meeting the 85% test, check here and attach computation ▶ ☐

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

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

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

I Fair market value of all assets at end of year *(from Part II, col (c), line 16)* ▶$ 86237006.

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

Part I **Analysis of Revenue and Expenses** (The total of amounts in columns (b), (c), and (d) may not necessarily equal the amounts in column (a))

			(a) Revenue and expenses per books	(b) Net investment income	(c) Adjusted net income	(d) Disbursements for charitable purposes (cash basis only)
Revenue	1	Contributions, gifts, grants, etc , received			N/A	
	2	Check ▶ ☒ if the foundation is not required to attach Sch B				
	3	Interest on savings and temporary cash investments				
	4	Dividends and interest from securities	1323943.	1323943.		STATEMENT 1
	5a	Gross rents				
	b	Net rental income or (loss)				
	6a	Net gain or (loss) from sale of assets not on line 10	4104364.			
	b	Gross sales price for all assets on line 6a 32116815.				
	7	Capital gain net income (from Part IV, line 2)		4104364.		
	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	50900.	7479.		STATEMENT 2
	12	**Total** Add lines 1 through 11	5479207.	5435786.		
Operating and Administrative Expenses	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 3	40894.	40894.		0.
	c	Other professional fees				
	17	Interest	14239.	14239.		0.
	18	Taxes STMT 4	56729.	47444.		0.
	19	Depreciation and depletion				
	20	Occupancy				
	21	Travel, conferences, and meetings				
	22	Printing and publications				
	23	Other expenses STMT 5	19972.	1500.		0.
	24	**Total operating and administrative expenses** Add lines 13 through 23	131834.	104077.		0.
	25	Contributions, gifts, grants paid	3961442.			3961442.
	26	**Total expenses and disbursements** Add lines 24 and 25	4093276.	104077.		3961442.
	27	Subtract line 26 from line 12				
	a	Excess of revenue over expenses and disbursements	1385931.			
	b	**Net investment income** (if negative, enter -0-)		5331709.		
	c	**Adjusted net income** (if negative, enter -0-)			N/A	

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Part II Balance Sheets Attached schedules and amounts in the description column should be for end-of-year amounts only		Beginning of year	End of year	
		(a) Book Value	(b) Book Value	(c) Fair Market Value
Assets	1 Cash - non-interest-bearing	211031.	98165.	98165.
	2 Savings and temporary cash investments			
	3 Accounts receivable ▶ 243.			
	Less allowance for doubtful accounts ▶		243.	243.
	4 Pledges receivable ▶			
	Less allowance for doubtful accounts ▶			
	5 Grants receivable			
	6 Receivables due from officers, directors, trustees, and other disqualified persons			
	7 Other notes and loans receivable ▶			
	Less allowance for doubtful accounts ▶			
	8 Inventories for sale or use			
	9 Prepaid expenses and deferred charges			
	10a Investments - U S and state government obligations			
	b Investments - corporate stock STMT 6	59078789.	60561284.	85113146.
	c Investments - corporate bonds			
	11 Investments land buildings and equipment basis ▶			
	Less accumulated depreciation ▶			
	12 Investments - mortgage loans			
	13 Investments - other STMT 7	1022443.	1025452.	1025452.
	14 Land, buildings, and equipment basis ▶			
	Less accumulated depreciation ▶			
	15 Other assets (describe ▶)			
	16 **Total assets** (to be completed by all filers)	60312263.	61685144.	86237006.
Liabilities	17 Accounts payable and accrued expenses			
	18 Grants payable			
	19 Deferred revenue			
	20 Loans from officers, directors, trustees, and other disqualified persons			
	21 Mortgages and other notes payable			
	22 Other liabilities (describe ▶ DISTRIBUTION)	13050.	0.	
	23 **Total liabilities** (add lines 17 through 22)	13050.	0.	
Net Assets or Fund Balances	**Foundations that follow SFAS 117, check here ▶ ☐ and complete lines 24 through 26 and lines 30 and 31.**			
	24 Unrestricted			
	25 Temporarily restricted			
	26 Permanently restricted			
	Foundations that do not follow SFAS 117, check here ▶ ☒ and complete lines 27 through 31			
	27 Capital stock, trust principal, or current funds	0.	0.	
	28 Paid-in or capital surplus, or land, bldg , and equipment fund	0.	0.	
	29 Retained earnings, accumulated income, endowment, or other funds	60299213.	61685144.	
	30 **Total net assets or fund balances**	60299213.	61685144.	
	31 **Total liabilities and net assets/fund balances**	60312263.	61685144.	

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	60299213.
2 Enter amount from Part I, line 27a	2	1385931.
3 Other increases not included in line 2 (itemize) ▶	3	0.
4 Add lines 1, 2, and 3	4	61685144.
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	61685144.

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	32116815.		28012451.	4104364.

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				4104364.

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 4104364.

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	3336889.	78575563.	.042467
2007	5232028.	113843899.	.045958
2006	4622535.	108643593.	.042548
2005	2601100.	114635204.	.022690
2004	2283760.	88618318.	.025771

2 Total of line 1, column (d)	2	.179434
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	.035887
4 Enter the net value of noncharitable-use assets for 2009 from Part X, line 5	4	78341871.
5 Multiply line 4 by line 3	5	2811455.
6 Enter 1% of net investment income (1% of Part I, line 27b)	6	53317.
7 Add lines 5 and 6	7	2864772.
8 Enter qualifying distributions from Part XII, line 4	8	3961442.

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			1	53317.
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	53317.
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	53317.
6 Credits/Payments				
a 2009 estimated tax payments and 2008 overpayment credited to 2009	6a			
b Exempt foreign organizations - tax withheld at source	6b			
c Tax paid with application for extension of time to file (Form 8868)	6c	60000.		
d Backup withholding erroneously withheld	6d			
7 Total credits and payments Add lines 6a through 6d			7	60000.
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	6683.
11 Enter the amount of line 10 to be **Credited to 2010 estimated tax** ▶ 6683. **Refunded** ▶			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?	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*			
c Did the foundation file **Form 1120-POL** for this year?	1c		X
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? *If "Yes," attach a detailed description of the activities*	2		X
3 Has the foundation made any changes, not previously reported to the IRS, in its governing instrument, articles of incorporation, or bylaws, or other similar instruments? *If "Yes," attach a conformed copy of the changes*	3		X
4a Did the foundation have unrelated business gross income of $1,000 or more during the year?	4a	X	
b If "Yes," has it filed a tax return on **Form 990-T** for this year?	4b	X	
5 Was there a liquidation, termination, dissolution, or substantial contraction during the year? *If "Yes," attach the statement required by General Instruction T.*	5		X
6 Are the requirements of section 508(e) (relating to sections 4941 through 4945) satisfied either ● By language in the governing instrument, or ● By state legislation that effectively amends the governing instrument so that no mandatory directions that conflict with the state law remain in the governing instrument?	6	X	
7 Did the foundation have at least $5,000 in assets at any time during the year? *If "Yes," complete Part II, col (c), and Part XV*	7	X	
8a Enter the states to which the foundation reports or with which it is registered (see instructions) ▶ NY			
b If the answer is "Yes" to line 7, has the foundation furnished a copy of Form 990-PF to the Attorney General (or designate) of each state as required by *General Instruction G? If "No," attach explanation*	8b	X	
9 Is the foundation claiming status as a private operating foundation within the meaning of section 4942(j)(3) or 4942(j)(5) for calendar year 2009 or the taxable year beginning in 2009 (see instructions for Part XIV)? *If "Yes," complete Part XIV*	9		X
10 Did any persons become substantial contributors during the tax year? If "Yes," attach a schedule listing their names and addresses	10	X	

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

			Yes	No
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?	13	X	

Website address ▶ N/A

14 The books are in care of ▶ FREEDMAN & CO., CPA, P.C. Telephone no ▶ (212) 509-6700

Located at ▶ 61 BROADWAY SUITE 1405 NEW YORK, NY ZIP+4 ▶ 10006-2704

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?	☐ Yes ☒ No			
	(2) Borrow money from, lend money to, or otherwise extend credit to (or accept it from) a disqualified person?	☐ Yes ☒ No			
	(3) Furnish goods, services, or facilities to (or accept them from) a disqualified person?	☐ Yes ☒ No			
	(4) Pay compensation to, or pay or reimburse the expenses of, a disqualified person?	☐ Yes ☒ No			
	(5) Transfer any income or assets to a disqualified person (or make any of either available for the benefit or use of a disqualified person)?	☐ Yes ☒ No			
	(6) Agree to pay money or property to a government official? (**Exception.** Check "No" if the foundation agreed to make a grant to or to employ the official for a period after termination of government service, if terminating within 90 days)	☐ Yes ☒ No			
b	If any answer is "Yes" to 1a(1)-(6), did **any** of the acts fail to qualify under the exceptions described in Regulations section 53 4941(d)-3 or in a current notice regarding disaster assistance (see page 20 of the instructions)?	N/A	1b		
	Organizations relying on a current notice regarding disaster assistance check here	▶ ☐			
c	Did the foundation engage in a prior year in any of the acts described in 1a, other than excepted acts, that were not corrected before the first day of the tax year beginning in 2009?		1c		X
2	Taxes on failure to distribute income (section 4942) (does not apply for years the foundation was a private operating foundation defined in section 4942(j)(3) or 4942(j)(5))				
a	At the end of tax year 2009, did the foundation have any undistributed income (lines 6d and 6e, Part XIII) for tax year(s) beginning before 2009?	☐ Yes ☒ No			
	If "Yes," list the years ▶ ____, ____, ____, ____				
b	Are there any years listed in 2a for which the foundation is **not** applying the provisions of section 4942(a)(2) (relating to incorrect valuation of assets) to the year's undistributed income? (If applying section 4942(a)(2) to **all** years listed, answer "No" and attach statement - see 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?	☐ Yes ☒ No			
b	If "Yes," did it have excess business holdings in 2009 as a result of **(1)** any purchase by the foundation or disqualified persons after May 26, 1969, **(2)** the lapse of the 5-year period (or longer period approved by the Commissioner under section 4943(c)(7)) to dispose of holdings acquired by gift or bequest, or **(3)** the lapse of the 10-, 15-, or 20-year first phase holding period? *(Use Schedule C, Form 4720, to determine if the foundation had excess business holdings in 2009)*	N/A	3b		
4a	Did the foundation invest during the year any amount in a manner that would jeopardize its charitable purposes?		4a		X
b	Did the foundation make any investment in a prior year (but after December 31, 1969) that could jeopardize its charitable purpose that had not been removed from jeopardy before the first day of the tax year beginning in 2009?		4b		X

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

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

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

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

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

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

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

b If any answer is "Yes" to 5a(1)-(5), did any of the transactions fail to qualify under the exceptions described in Regulations section 53 4945 or in a current notice regarding disaster assistance (see instructions)? 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

b Did the foundation, during the year, pay premiums, directly or indirectly, on a personal benefit contract? **6b** No: X

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
MARVIN C. SCHWARTZ 2 EAST 88TH ST NEW YORK, NY 10128	TRUSTEE 0.00	0.	0.	0.
DONNA SCHWARTZ 2 EAST 88TH ST NEW YORK, NY 10128	TRUSTEE 0.00	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
NONE		
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 N/A	
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
1 N/A	
2	
All other program-related investments See instructions 3	
Total. Add lines 1 through 3 ▶	0.

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

1	Fair market value of assets not used (or held for use) directly in carrying out charitable, etc , purposes			
a	Average monthly fair market value of securities		1a	78157931.
b	Average of monthly cash balances		1b	1309820.
c	Fair market value of all other assets		1c	67143.
d	Total (add lines 1a, b, and c)		1d	79534894.
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	79534894.
4	Cash deemed held for charitable activities Enter 1 1/2% of line 3 (for greater amount, see instructions)		4	1193023.
5	**Net value of noncharitable-use assets** Subtract line 4 from line 3 Enter here and on Part V, line 4		5	78341871.
6	**Minimum investment return** Enter 5% of line 5		6	3917094.

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	3917094.
2a	Tax on investment income for 2009 from Part VI, line 5	2a 53317.		
b	Income tax for 2009 (This does not include the tax from Part VI)	2b 13824.		
c	Add lines 2a and 2b		2c	67141.
3	Distributable amount before adjustments Subtract line 2c from line 1		3	3849953.
4	Recoveries of amounts treated as qualifying distributions		4	0.
5	Add lines 3 and 4		5	3849953.
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	3849953.

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	3961442.
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	3961442.
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	53317.
6	**Adjusted qualifying distributions** Subtract line 5 from line 4	6	3908125.

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					3849953.
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	75120.				
e From 2008					
f Total of lines 3a through e		75120.			
4 Qualifying distributions for 2009 from Part XII, line 4 ▶ $	3961442.				
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					3849953.
e Remaining amount distributed out of corpus		111489.			
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		186609.			
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		186609.			
10 Analysis of line 9					
a Excess from 2005					
b Excess from 2006					
c Excess from 2007	75120.				
d Excess from 2008					
e Excess from 2009	111489.				

Part XIV Private Operating Foundations (see instructions and Part VII-A, question 9) N/A

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

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

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

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

1 **Information Regarding Foundation Managers:**

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

SEE STATEMENT 8

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

NONE

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

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

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

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

c Any submission deadlines

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

Part XV **Supplementary Information** (continued)

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

Recipient Name and address (home or business)	If recipient is an individual, show any relationship to any foundation manager or substantial contributor	Foundation status of recipient	Purpose of grant or contribution	Amount
a Paid during the year				
MISC - FROM PASS THRU ACTIVITY	NONE		CHARITABLE CONTRIBUTIONS	497.
SEE ATTACHED SCHEDULE	NONE		CHARITABLE CONTRIBUTIONS	3960945.
Total			▶ 3a	3961442.
b Approved for future payment				
NONE				
Total			▶ 3b	0.

Part XVI-A Analysis of Income-Producing Activities

Enter gross amounts unless otherwise indicated	Unrelated business income (a) Business code	Unrelated business income (b) Amount	Excluded by section 512, 513, or 514 (c) Exclusion code	Excluded by section 512, 513, or 514 (d) Amount	(e) Related or exempt function income
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					1323943.
5 Net rental income or (loss) from real estate					
a Debt-financed property					
b Not debt-financed property					
6 Net rental income or (loss) from personal property					
7 Other investment income	523000	43421.			7479.
8 Gain or (loss) from sales of assets other than inventory					4104364.
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)		43421.		0.	5435786.

13 Total Add line 12, columns (b), (d), and (e) 13 5479207.

(See worksheet in line 13 instructions to verify calculations)

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

Line No ▼	Explain below how each activity for which income is reported in column (e) of Part XVI-A contributed importantly to the accomplishment of the foundation's exempt purposes (other than by providing funds for such purposes)
4	THROUGH NEUBERGER & BERMAN
8	SCHEDULE ATTACHED
7	THROUGH K1 INVESTMENT AND DIAMOND OFFSHORE DRILLING INC SUB PAYMENT

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

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

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

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

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		

Sign Here

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

▶ Donna Schwartz | 11/20/10 | ▶ TRUSTEE

Signature of officer or trustee | Date | Title

Paid Preparer's Use Only

Preparer's signature ▶ PAUL J. FREEDMAN	Date 11/19/10	Check if self-employed ▶ ☐	Preparer's identifying number
Firm's name (or yours if self-employed) address and ZIP code ▶ FREEDMAN & CO., CPA, P.C. 61 BROADWAY NEW YORK, NY 10006			EIN ▶ Phone no 2125096700

THE DONNA AND MARVIN SCHWARTZ
FOUNDATION

CONTINUATION FOR 990-PF, PART IV
13-7114848 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	N&B ACCOUNT (#.52377029) - SEE ATTACHED	P	VARIOUS	VARIOUS
b	N&B ACCOUNT (#.52377029) - SEE ATTACHED	P	VARIOUS	VARIOUS
c	FROM PASS THRU ACTIVITY	P	VARIOUS	VARIOUS
d	FROM PASS THRU ACTIVITY	P	VARIOUS	VARIOUS
e	LITIGATION SETTLEMENT	P	VARIOUS	VARIOUS
f	CAPITAL GAINS DIVIDENDS			
g				
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	21461508.		17101806.	4359702.
b	10645822.		10893912.	<248090.>
c			15885.	<15885.>
d			848.	<848.>
e	8122.			8122.
f	1363.			1363.
g				
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				4359702.
b				<248090.>
c				<15885.>
d				<848.>
e				8122.
f				1363.
g				
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	4104364.
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

923591
04-24-09

FORM 990-PF DIVIDENDS AND INTEREST FROM SECURITIES STATEMENT 1

SOURCE	GROSS AMOUNT	CAPITAL GAINS DIVIDENDS	COLUMN (A) AMOUNT
DIVIDEND INCOME FROM PASS THRU ACTIVITY	4465.	0.	4465.
NEUBERGER BERMAN (#: 523-77029)	1320841.	1363.	1319478.
TOTAL TO FM 990-PF, PART I, LN 4	1325306.	1363.	1323943.

FORM 990-PF OTHER INCOME STATEMENT 2

DESCRIPTION	(A) REVENUE PER BOOKS	(B) NET INVEST- MENT INCOME	(C) ADJUSTED NET INCOME
ORDINARY INCOME FROM PASS THRU ACTIVITY	497.	497.	
SUBSTITUE PAYMENTS	4950.	4950.	
INTEREST INCOME FROM PASS THRU ACTIVITY	2032.	2032.	
ORDINARY INCOME FROM PASS THRU ACTIVITY	43421.	0.	
TOTAL TO FORM 990-PF, PART I, LINE 11	50900.	7479.	

FORM 990-PF ACCOUNTING FEES STATEMENT 3

DESCRIPTION	(A) EXPENSES PER BOOKS	(B) NET INVEST- MENT INCOME	(C) ADJUSTED NET INCOME	(D) CHARITABLE PURPOSES
PROFESSIONAL FEES	40894.	40894.		0.
TO FORM 990-PF, PG 1, LN 16B	40894.	40894.		0.

FORM 990-PF TAXES STATEMENT 4

DESCRIPTION	(A) EXPENSES PER BOOKS	(B) NET INVEST- MENT INCOME	(C) ADJUSTED NET INCOME	(D) CHARITABLE PURPOSES
FEDERAL EXCISE TAX	9285.	0.		0.
FOREIGN TAX	47444.	47444.		0.
TO FORM 990-PF, PG 1, LN 18	56729.	47444.		0.

FORM 990-PF OTHER EXPENSES STATEMENT 5

DESCRIPTION	(A) EXPENSES PER BOOKS	(B) NET INVEST- MENT INCOME	(C) ADJUSTED NET INCOME	(D) CHARITABLE PURPOSES
OTHER EXPENSES FROM PASS THRU ACTIVITY	18472.	0.		0.
FILING FEE	1500.	1500.		0.
TO FORM 990-PF, PG 1, LN 23	19972.	1500.		0.

FORM 990-PF CORPORATE STOCK STATEMENT 6

DESCRIPTION	BOOK VALUE	FAIR MARKET VALUE
SEE ATTACHED SCHEDULE	60685362.	85113146.
COST BASIS ADJUSTMENTS	<124078.>	0.
TOTAL TO FORM 990-PF, PART II, LINE 10B	60561284.	85113146.

FORM 990-PF OTHER INVESTMENTS STATEMENT 7

DESCRIPTION	VALUATION METHOD	BOOK VALUE	FAIR MARKET VALUE
DUE FROM BROKER	COST	1025452.	1025452.
TOTAL TO FORM 990-PF, PART II, LINE 13		1025452.	1025452.

DONNA AND MARVIN SCHWARTZ FOUNDATION
4/30/2010

EIN: 13-7114848

ATTACHMENT - INVESTMENTS (INVENTORY) - CORPORATE STOCK

Date Purchased	Quantity	Securities	Cost Basis Total	Market Value Total
VARIOUS	47,500	ABBOTT LABORATORIES	2,077,437.36	2,430,100.00
VARIOUS	70,000	ALLIANCEBERNSTEIN HOLDING LP	1,335,122.96	2,197,300.00
1/29/2010	20,000	AMGEN INC	1,116,000 00	1,146,200.00
VARIOUS	245,000	ANADARKO PETROLEUM CORP	5,678,618 13	15,229,200.00
2/12/2010	25,000	ANNALY CAPITAL MANAGEMENT INC	433,231 11	423,750 00
VARIOUS	41,000	ASSURANT INC	1,284,744 28	1,493,630.00
VARIOUS	70,000	COMCAST CORP	1,141,424.63	1,319,500.00
VARIOUS	110,000	D R HORTON INC *	1,011,191.21	1,615,900.00
3/21/2007	50,000	DEEP SEA SUPPLY PLC	77,301.28	102,875.00
8/21/2009	20,000	DELPHI FINANCIAL GROUP INC	420,064.27	550,000.00
VARIOUS	136,520	DEVON ENERGY CORPORATION NEW	1,734,743.55	9,191,891.60
9/15/2006	10,000	DIAMOND OFFSHORE DRILLING INC	701,160.00	791,000.00
VARIOUS	70,000	ENSCO INTERNATIONAL INC	4,507,781.30	3,302,600.00
2/18/2010	28,800	EOG RES INC	2,571,632.64	3,229,056.00
1/7/2010	50,000	GLG PARTNERS INC	169,312.05	162,000.00
4/20/2009	1,005	GOLDMAN SACHS GROUP INC	118,497.54	145,926.00
VARIOUS	90,500	HEWLETT PACKARD CO	3,172,202.90	4,703,285.00
VARIOUS	45,000	INTERNATIONAL BUSINESS MACHINES CORP	5,405,222.22	5,805,000.00
1/28/2010	15,000	JPMORGAN CHASE & CO	593,211.00	638,700.00
2/3/2010	11,500	LABORATORY CORP AMER HLDGS	825,448.15	903,555.00
10/15/2009	10,000	LOEWS CORPORATION	351,939.00	372,400.00
11/5/2008	9,500	METHANEX CORP	114,578.25	220,210.00
VARIOUS	28,630	METLIFE INC	1,100,168.11	1,304,955.40
9/22/2009	100,000	NORTHERN OFFSHORE	121,872.67	216,760.00
VARIOUS	16,500	OCCIDENTAL PETE CORP	1,203,974.15	1,462,890.00
9/15/2009	25,000	PIONEER NATURAL RESOURCES CO	792,383.08	1,603,250 00
VARIOUS	12,500	PROSHARES TR ULTRA FINANCIALS NEW	396,590.46	878,625.00
4/8/2010	135,000	PULTEGROUP INC	1,543,389.80	1,767,150.00
9/8/2009	42,500	SYMANTEC CORPORATION	699,072.49	712,725.00
2/28/2008	453,650	TALISMAN ENERGY INC	7,591,586.11	7,730,196.00
7/16/2009	4,500	TORCHMARK CORP	156,630.15	240,930.00
VARIOUS	48,000	TRAVELERS COMPANIES INC THE	1,807,349.69	2,435,520.00
VARIOUS	26,500	TSAKOS ENERGY NAVIG USD1	405,613.71	387,960.00
VARIOUS	134,000	VALIDUS HOLDINGS LTD	3,194,204.38	3,426,380.00
VARIOUS	23,000	WHITING PETROLEUM CORPORATION	808,348.80	2,077,590.00
VARIOUS	294,000	XEROX CORP	4,351,285 12	3,204,600.00
VARIOUS	183,446	NEUBERGER BERMAN INCOME FDS NEW HIGH INCOME BD FD INV CL	1,672,029.75	1,689,536.00
		TOTAL	**60,685,362.29**	**85,113,146.00**

FORM 990-PF PART XV - LINE 1A STATEMENT 8

LIST OF FOUNDATION MANAGERS

NAME OF MANAGER

MARVIN C. SCHWARTZ
DONNA SCHWARTZ

THE DONNA & MARVIN SCHWARTZ FOUNDATION
EIN: 13-7114848

PERIOD ENDED: 04/30/2010

CONTRIBUTIONS PAID ATTACHMENT

Descriptions	Amount
Alzheimer's Association - New York City Chapter	500.00
American Council Of Trustees & Alumni	10,000.00
American Folk Art Museum	51,550.00
American Friends Of The Israel Museum	5,000.00
American Museum Of Natural History	25,000.00
Arts Connection	8,000.00
Baruch College Fund	52,700.00
Bedford Audubon Soceity	2,000.00
Bedford Fire Dept	1,000.00
Bedford Historical Society	2,000.00
Bedford Riding Lanes Association	6,000.00
Beth Israel Foundation, Inc.	35,000.00
Beth Israel Med. Center	10,000.00
Carnegie Hill Neighbors	4,900.00
CCFA	7,500.00
Central Park Conservancy	148,500.00
CHESS-IN-THE-SCHOOLS	5,000.00
CPC Storm Damage Fund	5,000.00
Damon Runyon Cancer Research Fund	4,408.50
Diabetes Research Institute Fdn	3,000.00
East End Hospice	3,000.00
East Side House Settlement	3,000.00
Eastport Fire Dept	200.00
Emory University	250,000.00
F.E.G.S.	5,000.00
Family Counseling Services	31,000.00
FIDELITY CHARITABLE GIFT FUND	400,000.00
Friends of Westhampton Ambulance	100.00
Full Moon Arts Center	5,000.00
Global Sports Development	10,000.00
Harrison PBA	1,000.00
Historic Hudson Valley	50,000.00
International Rescue Committee	5,000.00
Juvenile Diabetes Research Foundation	2,500.00
Lincoln Center For The Performing Arts	10,000.00
Manhattan Institute	22,850.00
Manhattan Institute For Policy Research	22,850.00
Manhattan Theater Club	7,000.00
Metropolitan Museum Of Art	75,000.00
Mount Sinai Crystal Ball	10,000.00
National Wildlife Federation	10,000.00
Neuberger Museum Of Art	63,300.00
New Jersey Symphony Orchestra	10,000.00
New York City Opera	9,500.00
New York Hall Of Science	5,000.00
New York Historical Society	22,500.00
New York Junior Tennis League	24,371.00
New York Philharmonic Orchestra	134,600.00
New York Restoration Project	7,500.00
New Yorkers For Parks	1,580.00
North Salem Open Land Foundation	2,000.00
North Salem Volunteer Ambulance Corp	100.00
North Shore University Hospital	4,000.00
ORT America	2,500.00
PEF Israel Endowment Funds, Inc	25,000.00
Pet Alive	500.00

THE DONNA & MARVIN SCHWARTZ FOUNDATION
EIN: 13-7114848

PERIOD ENDED: 04/30/2010

CONTRIBUTIONS PAID ATTACHMENT

Descriptions	Amount
Phoenix House	7,000.00
Playwrights Horizons	1,905.00
Remsenburg Academy Association Inc	2,150.00
Responsible Solutions For Value Pets	1,000.00
Rothko Chapel	6,000.00
Rubin Museum Of Art	8,000.00
Sabin Vaccine Institute	25,000.00
Sargent Shriver National Center On Poverty Law	10,000.00
Seventh Regiment Armory Conservancy, Inc.	50,000.00
Shelburne Museum	74,500.00
The Actors Fund Of America	3,000.00
The Campaign Store	4,000.00
The Clarion Fund	5,000.00
The Doe Fund	97,800.00
The Glaucoma Foundation	25,000.00
The Jewish Foundation For the Righteous	15,000.00
The Metropolitan Museum Of Art	8,635.00
The Metropolitan Opera	229,300.00
The Museum Of Arts & Design	100,000.00
The Museum Of Modern Art	10,000.00
The New York Botanical Gardens	60,870.00
The School For Strings	1,500.00
The Wall Street Synagogue	250.00
Town Of Bedford PBA	2,000.00
Trustees Of U Penn	1,010.00
UJA Of MetroWest	10,000.00
United Jewish Appeal Of Metrowest	10,000.00
United Negro College Fund	2,000.00
United States Holocaust Memorial Museum	25,000.00
Westchester Land Trust	127,500.00
Westhampton Beach Performing Arts Center	100,000.00
Whitney Museum Of American Art	9,515.00
WIRE TO JEWISH COMMUNAL FUND	1,300,000.00
Wolf Conservation Center	5,000.00
OVERALL TOTAL	3,960,944.50

DONNA AND MARVIN SCHWARTZ FOUNDATION **EIN: 13-7114848**
4/30/2010
NEUBERGER BERMAN - ACCT 523-77029

CLIENT # 1432
PROFIT & LOSS - BOOK BASIS
SHORT TERM

Date	(Sold)	Securities	Purchase Date	Cost Basis	Proceeds	Capital Gain (Loss)
6/5/2009	(2,500.00)	ABBOTT LABORATORIES	4/22/2009	109,338.81	112,807.34	3,468.53
6/5/2009	(25,000.00)	INGERSOLL RAND CO LTD CL A	6/12/2008	982,195.40	537,378.33	(444,817.07)
6/5/2009	(3,500.00)	WILLIS GROUP HOLDINGS LTD	3/19/2009	77,545.42	97,777.33	20,231.91
6/10/2009	(45,000.00)	SEADRILL LTD	10/17/2008	359,589.64	662,892.63	303,302.99
7/28/2009	(53,500.00)	SEADRILL LTD	10/22/2008	427,512.13	841,800.11	414,287.98
7/28/2009	(60,000.00)	SEADRILL LTD	10/22/2008	479,452.85	949,938.03	470,485.18
8/12/2009	(100,000.00)	UNILEVER N V	VARIOUS	2,400,175.71	2,797,493.98	397,318.27
8/26/2009	(20,000.00)	METHANEX CORP	11/5/2008	241,217.37	334,272.74	93,055.37
9/3/2009	(100,000.00)	PETROLEO BRASILEIRO SA (PETROBRAS) SPONSORED ADR	12/11/2008	1,617,341.50	3,338,163.14	1,720,821.64
9/8/2009	(34,500.00)	PROSHARES TRUST ULTRA FINANCIALS PROSHARES	3/24/2009	102,385.16	194,227.87	91,842.71
11/18/2009	(25,000.00)	WILLIS GROUP HOLDINGS LTD	VARIOUS	553,895.83	697,791.97	143,896.14
12/2/2009	(10,000.00)	RALCORP HOLDINGS INC NEW	3/19/2009	562,115.00	572,290.27	10,175.27
12/2/2009	(30,000.00)	SYMANTEC CORPORATION	9/8/2009	451,564.16	533,508.31	81,944.15
12/2/2009	(21,500.00)	WILLIS GROUP HOLDINGS LTD	4/14/2009	476,350.41	586,039.01	109,688.60
12/2/2009	(100.00)	EOG RES INC	8/17/2009	7,414.51	8,608.78	1,194.27
12/3/2009	(5,000.00)	LOCKHEED MARTIN CORP	8/27/2009	375,177.50	383,094.14	7,916.64
12/3/2009	(9,500.00)	PROSHARES TRUST ULTRA FINANCIALS PROSHARES	9/8/2009	49,193.76	51,622.50	2,428.74
12/3/2009	(10,000.00)	RALCORP HOLDINGS INC NEW	3/19/2009	562,115.00	571,111.30	8,996.30
12/3/2009	(25,000.00)	WILLIS GROUP HOLDINGS LTD	4/14/2009	553,895.83	672,449.13	118,553.30
12/8/2009	(7,500.00)	SYMANTEC CORPORATION	9/8/2009	112,891.04	135,562.40	22,671.36
1/13/2010	(30,000.00)	LENNAR CORP	11/30/2009	391,592.85	467,303.85	75,711.00
1/28/2010	(50,000.00)	LOCKHEED MARTIN CORP	VARIOUS	3,619,776.25	3,839,931.20	220,154.95
2/3/2010	(3,500.00)	ACE LIMITED	7/16/2009	150,610.60	172,802.95	22,192.35
2/3/2010	(1,200.00)	STARWOOD PROPERTY TRUST INC	8/17/2009	23,823.96	23,536.74	(287.22)
2/3/2010	(25,000.00)	WILLIS GROUP HOLDINGS PLC	3/19/2009	537,601.96	655,703.56	118,101.60
3/8/2010	(10,000.00)	OMNICOM GROUP INC	2/4/2010	358,289.33	374,816.23	16,526.91
3/10/2010	(10,000.00)	OMNICOM GROUP INC	2/4/2010	358,289.33	377,508.19	19,218.86
4/16/2010	(33,000.00)	BANK OF AMERICA CORP	VARIOUS	488,631.31	612,804.13	124,172.82
4/29/2010	(33,500.00)	UNUM GROUP	2/3/2010	671,823.46	858,271.58	186,448.12
TOTAL SHORT-TERM				17,101,806.07	21,461,507.74	4,359,701.67

DONNA AND MARVIN SCHWARTZ FOUNDATION **EIN: 13-7114848**
4/30/2010
NEUBERGER BERMAN - ACCT 523-77029

CLIENT # 1432
PROFIT & LOSS - BOOK BASIS

LONG TERM

Date	(Sold)	Securities	Purchase Date	Cost Basis	Proceeds	Capital Gain (Loss)
6/5/2009	(20,000.00)	XEROX CORP	7/28/2005	367,164.38	140,030.00	(227,134.38)
6/10/2009	(55,000.00)	SEADRILL LTD	VARIOUS	851,958.47	810,202.10	(41,756.37)
7/28/2009	(58,000.00)	JARDEN CORPORATION	VARIOUS	1,099,308.90	1,403,157.04	303,848.14
9/2/2009	(5,000.00)	COMCAST CORP (USE N&B)	3/29/2004	90,577.94	73,574.26	(17,003.68)
12/3/2009	(19,475.00)	INGERSOLL RAND CO LTD CL A	6/12/2008	861,412.94	680,453.96	(180,958.98)
12/3/2009	(9,100.00)	ANADARKO PETROLEUM CORP	6/12/2003	258,336.71	537,512.25	279,175.55
2/3/2010	(25,000.00)	INGERSOLL RAND CO LTD CL A	6/5/2008	991,200.90	830,140.69	(161,060.21)
2/3/2010	(20,000.00)	XTO ENERGY	7/25/2008	1,055,742.60	905,588.48	(150,154.12)
2/18/2010	(50,000.00)	XTO ENERGY	7/25/2008	2,639,356.50	2,257,239.83	(382,116.67)
4/8/2010	(77,000.00)	TALISMAN ENERGY INC	3/4/2008	1,376,748.87	1,385,152.81	8,403.94
4/29/2010	(6,000.00)	ALLIANCEBERNSTEIN HOLDING LP	12/19/2008	117,835.92	198,660.83	80,824.91
4/29/2010	(3,400.00)	WHITING PETROLEUM CORPORATION	VARIOUS	121,845.64	293,688.05	171,842.41
4/29/2010	(19,500.00)	D R HORTON INC *	1/3/2003	168,429.92	269,850.34	101,420.42
4/29/2010	(50,000.00)	TALISMAN ENERGY INC	3/4/2008	893,992.77	860,571.32	(33,421.45)
TOTAL LONG-TERM				10,893,912.46	10,645,821.96	(248,090.50)
		TOTAL		**27,995,718.53**	**32,107,329.70**	**4,111,611.17**

Form **8868**
(Rev April 2009)
Department of the Treasury
Internal Revenue Service

Application for Extension of Time To File an Exempt Organization Return

▶ File a separate application for each return

OMB No 1545-1709

- If you are filing for an **Automatic 3-Month Extension, complete only Part I** and check this box ▶ ☒
- If you are filing for an **Additional (Not Automatic) 3-Month Extension, complete only Part II** (on page 2 of this form)

Do not complete Part II unless you have already been granted an automatic 3-month extension on a previously filed Form 8868

Part I Automatic 3-Month Extension of Time. Only submit original (no copies needed)

A corporation required to file Form 990-T and requesting an automatic 6-month extension - check this box and complete Part I only ▶ ☐

All other corporations (including 1120-C filers), partnerships, REMICs, and trusts must use Form 7004 to request an extension of time to file income tax returns

Electronic Filing (e-file). Generally, you can electronically file Form 8868 if you want a 3-month automatic extension of time to file one of the returns noted below (6 months for a corporation required to file Form 990-T). However, you cannot file Form 8868 electronically if (1) you want the additional (not automatic) 3-month extension or (2) you file Forms 990-BL, 6069, or 8870, group returns, or a composite or consolidated Form 990-T Instead, you must submit the fully completed and signed page 2 (Part II) of Form 8868. For more details on the electronic filing of this form, visit *www irs gov/efile* and click on *e-file for Charities & Nonprofits*

Type or print	Name of Exempt Organization THE DONNA AND MARVIN SCHWARTZ FOUNDATION	**Employer identification number** 13-7114848
File by the due date for filing your return See instructions	Number, street, and room or suite no. If a P.O. box, see instructions. C/O NEUBERGER & BERMAN 605 THIRD AVENUE	
	City, town or post office, state, and ZIP code. For a foreign address, see instructions NEW YORK, NY 10158-3698	

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

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

- The books are in the care of ▶ FREEDMAN & CO., CPA, P.C.
61 BROADWAY SUITE 1405 NEW YORK, NY - 10006-2704

Telephone No ▶ (212) 509-6700 FAX No ▶

- If the organization does not have an office or place of business in the United States, check this box ▶ ☐
- If this is for a Group Return, enter the organization's four digit Group Exemption Number (GEN) ______ If this is for the whole group, check this box ▶ ☐ If it is for part of the group, check this box ▶ ☐ and attach a list with the names and EINs of all members the extension will cover

1 I request an automatic 3-month (6-months for a corporation required to file Form 990-T) extension of time until DECEMBER 15, 2010 , to file the exempt organization return for the organization named above The extension is for the organization's return for

▶ ☐ calendar year ______ or

▶ ☒ tax year beginning MAY 1, 2009 , and ending APR 30, 2010

2 If this tax year is for less than 12 months, check reason: ☐ Initial return ☐ Final return ☐ Change in accounting period

3a	If this application is for Form 990-BL, 990-PF, 990-T, 4720, or 6069, enter the tentative tax, less any nonrefundable credits See instructions	3a	$ 60000.
b	If this application is for Form 990-PF or 990-T, enter any refundable credits and estimated tax payments made Include any prior year overpayment allowed as a credit	3b	$ 0.
c	**Balance Due.** Subtract line 3b from line 3a Include your payment with this form, or, if required, deposit with FTD coupon or, if required, by using EFTPS (Electronic Federal Tax Payment System) See instructions	3c	$ 60000.

Caution. If you are going to make an electronic fund withdrawal with this Form 8868, see Form 8453-EO and Form 8879-EO for payment instructions

LHA **For Privacy Act and Paperwork Reduction Act Notice, see Instructions.** Form **8868** (Rev 4-2009)

923831
05-26-09