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Form **990-PF**Department of the Treasury
Internal Revenue Service**Return of Private Foundation**
or Section 4947(a)(1) Nonexempt Charitable Trust

OMB No 1545-0052

2009Treated as a Private Foundation
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

08/01, 2009, and ending

07/31, 2010

G Check all that apply

☐ Initial return☐ Initial return of a former public charity☐ Final return☐ Amended return☐ Address change☐ Name changeUse the IRS
label.
Otherwise,
print
or type.
See Specific
Instructions.

Name of foundation

BENJAMIN H SMYSER FOUNDATION N.E.C.T-70069400
C/O WELLS FARGO BANK INDIANA, N.A. 94-3080771

A Employer identification number

35-6219223

Number and street (or P O box number if mail is not delivered to street address)

Room/suite

TRUST TAX (MAC N8000-027)

1919 DOUGLAS STREET, 2ND FLOOR

City or town, state, and ZIP code

OMAHA, NE 68102-1310

B Telephone number (see page 10 of the instructions)

(260) 461-6458

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) \$ 513,975.

J Accounting method. ☒ Cash ☐ Accrual☐ Other (specify)

(Part I, column (d) must be on cash basis)

Part I Analysis of Revenue and Expenses (The total of amounts in columns (b), (c), and (d) may not necessarily equal the amounts in column (a) (see page 11 of the instructions))

	(a) Revenue and expenses per books	(b) Net investment income	(c) Adjusted net income	(d) Disbursements for charitable purposes (cash basis only)
1 Contributions, gifts, grants, etc., received (attach schedule)				
2 Check ☒ if the foundation is not required to attach Sch. B.				
3 Interest on savings and temporary cash investments	4.	4.		ATCH 1
4 Dividends and interest from securities	17,714.	17,714.		ATCH 2
5a Gross rents				
b Net rental income or (loss)				
6a Net gain or (loss) from sale of assets not on line 10	42,108.			
b Gross sales price for all assets on line 6a	226,315.			
7 Capital gain net income (from Part IV, line 2)		42,108.		
8 Net short-term capital gain				
9 Income modifications				
10a Gross sales less returns and allowances				
b Less Cost of goods sold				
c Gross profit or (loss) (attach schedule)				
11 Other income (attach schedule)	30.			ATCH 3
12 Total. Add lines 1 through 11	59,856.	59,826.		
13 Compensation of officers, directors, trustees, etc.	6,614.	2,205.	0.	4,409.
14 Other employee salaries and wages				
15 Pension plans, employee benefits				
16a Legal fees (attach schedule)				
b Accounting fees (attach schedule) ATCH 4	1,385.	0.	0.	1,385.
c Other professional fees (attach schedule)				
17 Interest				
18 Taxes (attach schedule) (see page 14 of the instructions) *	32.	32.		
19 Depreciation (attach schedule) and depletion				
20 Occupancy				
21 Travel, conferences, and meetings				
22 Printing and publications				
23 Other expenses (attach schedule)				
24 Total operating and administrative expenses. Add lines 13 through 23	8,031.	2,237.	0.	5,794.
25 Contributions, gifts, grants paid	14,200.			14,200.
26 Total expenses and disbursements. Add lines 24 and 25	22,231.	2,237.	0.	19,994.
27 Subtract line 26 from line 12.				
a Excess of revenue over expenses and disbursements	37,625.			
b Net investment income (if negative, enter -0-)		57,589.		
c Adjusted net income (if negative, enter -0-)			-0-	

For Privacy Act and Paperwork Reduction Act Notice, see page 30 of the instructions.

JSA ** ATCH 5

Form 990-PF (2009)

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Part II Balance Sheets

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

		Beginning of year	End of year	
		(a) Book Value	(b) Book Value	(c) Fair Market Value
Assets	1 Cash - non-interest-bearing			
	2 Savings and temporary cash investments	23,550.	38,776.	38,776.
	3 Accounts receivable ▶ Less: allowance for doubtful accounts ▶			
	4 Pledges receivable ▶ Less: allowance for doubtful accounts ▶			
	5 Grants receivable			
	6 Receivables due from officers, directors, trustees, and other disqualified persons (attach schedule) (see page 16 of the instructions)			
	7 Other notes and loans receivable (attach schedule) ▶ Less: allowance for doubtful accounts ▶			
	8 Inventories for sale or use			
	9 Prepaid expenses and deferred charges			
	10 a Investments - U S and state government obligations (attach schedule)			
	b Investments - corporate stock (attach schedule) <u>ATCH 6</u>	209,145.	226,167.	286,662.
	c Investments - corporate bonds (attach schedule) <u>ATCH 7</u>	174,318.	179,595.	188,537.
	11 Investments - land, buildings, and equipment, basis Less: accumulated depreciation (attach schedule) ▶			
	12 Investments - mortgage loans			
	13 Investments - other (attach schedule)			
	14 Land, buildings, and equipment basis Less: accumulated depreciation (attach schedule) ▶			
15 Other assets (describe ▶)				
16 Total assets (to be completed by all filers - see the instructions. Also, see page 1, item I)	407,013.	444,538.	513,975.	
Liabilities	17 Accounts payable and accrued expenses			
	18 Grants payable			
	19 Deferred revenue			
	20 Loans from officers, directors, trustees, and other disqualified persons			
	21 Mortgages and other notes payable (attach schedule)			
	22 Other liabilities (describe ▶)			
23 Total liabilities (add lines 17 through 22)				
Net Assets or Fund Balances	Foundations that follow SFAS 117, check here ▶ ☐			
	Foundations that do not follow SFAS 117, check here and complete lines 27 through 31. ▶ ☒			
	24 Unrestricted			
	25 Temporarily restricted			
	26 Permanently restricted			
	27 Capital stock, trust principal, or current funds	436,445.	436,445.	
	28 Paid-in or capital surplus, or land, bldg, and equipment fund			
	29 Retained earnings, accumulated income, endowment, or other funds	-29,432.	8,093.	
	30 Total net assets or fund balances (see page 17 of the instructions)	407,013.	444,538.	
31 Total liabilities and net assets/fund balances (see page 17 of the instructions)	407,013.	444,538.		

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	407,013.
2 Enter amount from Part I, line 27a	2	37,625.
3 Other increases not included in line 2 (itemize) ▶	3	
4 Add lines 1, 2, and 3	4	444,638.
5 Decreases not included in line 2 (itemize) ▶ <u>ATTACHMENT 8</u>	5	100.
6 Total net assets or fund balances at end of year (line 4 minus line 5) - Part II, column (b), line 30	6	444,538.

Part IV Capital Gains and Losses for Tax on Investment Income

(a) List and describe the kind(s) of property sold (e.g., real estate, 2-story brick warehouse, or common stock, 200 shs MLC Co.)			(b) How acquired P-Purchase D-Donation	(c) Date acquired (mo., day, yr.)	(d) Date sold (mo., day, yr.)
1a SEE PART IV SCHEDULE					
b					
c					
d					
e					
(e) Gross sales price	(f) Depreciation allowed (or allowable)	(g) Cost or other basis plus expense of sale	(h) Gain or (loss) (e) plus (f) minus (g)		
a					
b					
c					
d					
e					
Complete only for assets showing gain in column (h) and owned by the foundation on 12/31/69			(i) Gains (Col. (h) gain minus col. (k), but not less than -0-) or Losses (from col. (h))		
(i) F.M.V. as of 12/31/69	(j) Adjusted basis as of 12/31/69	(k) Excess of col. (i) over col. (j), if any			
a					
b					
c					
d					
e					
2 Capital gain net income or (net capital loss)			2	42,108.	
If gain, also enter in Part I, line 7 If (loss), enter -0- in Part I, line 7					
3 Net short-term capital gain or (loss) as defined in sections 1222(5) and (6)			3		
If gain, also enter in Part I, line 8, column (c) (see pages 13 and 17 of the instructions) If (loss), enter -0- in Part I, line 8.					

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

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

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

Was the foundation liable for the section 4942 tax on the distributable amount of any year in the base period? ☐ Yes ☒ No

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

1 Enter the appropriate amount in each column for each year, see page 18 of the instructions before making any entries

(a) Base period years Calendar year (or tax year beginning in)	(b) Adjusted qualifying distributions	(c) Net value of noncharitable-use assets	(d) Distribution ratio (col. (b) divided by col. (c))
2008	30,294.	467,681.	0.064775
2007	31,044.	595,235.	0.052154
2006	29,198.	612,773.	0.047649
2005	29,922.	572,759.	0.052242
2004	29,934.	590,738.	0.050672
2 Total of line 1, column (d)			0.267492
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			0.053498
4 Enter the net value of noncharitable-use assets for 2009 from Part X, line 5			496,820.
5 Multiply line 4 by line 3			26,579.
6 Enter 1% of net investment income (1% of Part I, line 27b)			576.
7 Add lines 5 and 6			27,155.
8 Enter qualifying distributions from Part XII, line 4			19,994.

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

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

1a Exempt operating foundations described in section 4940(d)(2), check here ☐ and enter "N/A" on line 1 Date of ruling or determination letter _____ (attach copy of ruling letter if necessary - see instructions)		1	1,152.
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-)		2	
3 Add lines 1 and 2		3	1,152.
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	1,152.
6 Credits/Payments			
a 2009 estimated tax payments and 2008 overpayment credited to 2009	6a 200.		
b Exempt foreign organizations-tax withheld at source	6b 0.		
c Tax paid with application for extension of time to file (Form 8868)	6c 0.		
d Backup withholding erroneously withheld	6d		
7 Total credits and payments Add lines 6a through 6d		7	200.
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	952.
10 Overpayment. If line 7 is more than the total of lines 5 and 8, enter the amount overpaid		10	
11 Enter the amount of line 10 to be Credited to 2010 estimated tax 0. Refunded		11	

Part VII-A Statements Regarding Activities

		Yes	No
1a During the tax year, did the foundation attempt to influence any national, state, or local legislation or did it participate or intervene in any political campaign?	1a		X
b Did it spend more than \$100 during the year (either directly or indirectly) for political purposes (see page 19 of the instructions for definition)? 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	1b		X
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 \$ (2) On foundation managers \$			
e Enter the reimbursement (if any) paid by the foundation during the year for political expenditure tax imposed on foundation managers \$			
2 Has the foundation engaged in any activities that have not previously been reported to the IRS? If "Yes," attach a detailed description of the activities	2		X
3 Has the foundation made any changes, not previously reported to the IRS, in its governing instrument, articles of incorporation, or bylaws, or other similar instruments? If "Yes," attach a conformed copy of the changes	3		X
4a Did the foundation have unrelated business gross income of \$1,000 or more during the year?	4a		X
b If "Yes," has it filed a tax return on Form 990-T for this year?	4b		
5 Was there a liquidation, termination, dissolution, or substantial contraction during the year? If "Yes," attach the statement required by General Instruction T	5		X
6 Are the requirements of section 508(e) (relating to sections 4941 through 4945) satisfied either: • By language in the governing instrument, or • By state legislation that effectively amends the governing instrument so that no mandatory directions that conflict with the state law remain in the governing instrument?	6	X	
7 Did the foundation have at least \$5,000 in assets at any time during the year? If "Yes," complete Part II, col (c), and Part XV.	7	X	
8a Enter the states to which the foundation reports or with which it is registered (see page 19 of the instructions) INDIANA			
b If the answer is "Yes" to line 7, has the foundation furnished a copy of Form 990-PF to the Attorney General (or designate) of each state as required by General Instruction G? If "No," attach explanation	8b	X	
9 Is the foundation claiming status as a private operating foundation within the meaning of section 4942(j)(3) or 4942(j)(5) for calendar year 2009 or the taxable year beginning in 2009 (see instructions for Part XIV on page 27)? If "Yes," complete Part XIV	9		X
10 Did any persons become substantial contributors during the tax year? If "Yes," attach a schedule listing their names and addresses	10		X

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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 page 20 of the instructions)	11		X
12	Did the foundation acquire a direct or indirect interest in any applicable insurance contract before August 17, 2008?	12		X
13	Did the foundation comply with the public inspection requirements for its annual returns and exemption application?	13	X	
Website address ☐ N/A				
14	The books are in care of ☐ WELLS FARGO BANK INDIANA, N.A.	Telephone no	☐ 260-461-6458	
	Located at ☐ 111 E. WAYNE ST., FORT WAYNE, IN	ZIP + 4	☐ 46802	
15	Section 4947(a)(1) nonexempt charitable trusts filing Form 990-PF in lieu of Form 1041 - Check here ☐	and enter the amount of tax-exempt interest received or accrued during the year ☐ 15		

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

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

	Yes	No
1a During the year did the foundation (either directly or indirectly):		
(1) Engage in the sale or exchange, or leasing of property with a disqualified person? ☐ Yes ☒ No		
(2) Borrow money from, lend money to, or otherwise extend credit to (or accept it from) a disqualified person? ☐ Yes ☒ No		
(3) Furnish goods, services, or facilities to (or accept them from) a disqualified person? ☐ Yes ☒ No		
(4) Pay compensation to, or pay or reimburse the expenses of, a disqualified person? ☒ Yes ☐ No		
(5) Transfer any income or assets to a disqualified person (or make any of either available for the benefit or use of a disqualified person)? ☐ Yes ☒ No		
(6) Agree to pay money or property to a government official? (Exception. Check "No" if the foundation agreed to make a grant to or to employ the official for a period after termination of government service, if terminating within 90 days) ☐ Yes ☒ No		
b If any answer is "Yes" to 1a(1)-(6), did any of the acts fail to qualify under the exceptions described in Regulations section 53.4941(d)-3 or in a current notice regarding disaster assistance (see page 20 of the instructions)? ☐	1b	X
Organizations relying on a current notice regarding disaster assistance check here ☐		
c Did the foundation engage in a prior year in any of the acts described in 1a, other than excepted acts, that were not corrected before the first day of the tax year beginning in 2009? ☐	1c	X
2 Taxes on failure to distribute income (section 4942) (does not apply for years the foundation was a private operating foundation defined in section 4942(j)(3) or 4942(j)(5))		
a At the end of tax year 2009, did the foundation have any undistributed income (lines 6d and 6e, Part XIII) for tax year(s) beginning before 2009? ☐ Yes ☒ No		
If "Yes," list the years ☐		
b Are there any years listed in 2a for which the foundation is not applying the provisions of section 4942(a)(2) (relating to incorrect valuation of assets) to the year's undistributed income? (If applying section 4942(a)(2) to all years listed, answer "No" and attach statement - see page 20 of the instructions) ☐	2b	
c If the provisions of section 4942(a)(2) are being applied to any of the years listed in 2a, list the years here ☐		
3a Did the foundation hold more than a 2% direct or indirect interest in any business enterprise at any time during the year? ☐ Yes ☒ No		
b If "Yes," did it have excess business holdings in 2009 as a result of (1) any purchase by the foundation or disqualified persons after May 26, 1969, (2) the lapse of the 5-year period (or longer period approved by the Commissioner under section 4943(c)(7)) to dispose of holdings acquired by gift or bequest, or (3) the lapse of the 10-, 15-, or 20-year first phase holding period? (Use Schedule C, Form 4720, to determine if the foundation had excess business holdings in 2009) ☐	3b	
4a Did the foundation invest during the year any amount in a manner that would jeopardize its charitable purposes? ☐	4a	X
b Did the foundation make any investment in a prior year (but after December 31, 1969) that could jeopardize its charitable purpose that had not been removed from jeopardy before the first day of the tax year beginning in 2009? ☐	4b	X

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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)? (see page 22 of the instructions) ☐ Yes ☒ No

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

b If any answer is "Yes" to 5a(1)-(5), did any of the transactions fail to qualify under the exceptions described in Regulations section 53.4945 or in a current notice regarding disaster assistance (see page 22 of the instructions)? **5b** ☒ No
Organizations relying on a current notice regarding disaster assistance check here ☒

c If the answer is "Yes" to question 5a(4), does the foundation claim exemption from the tax because it maintained expenditure responsibility for the grant? ☐ Yes ☐ No
If "Yes," attach the statement required by Regulations section 53.4945-5(d)

6a Did the foundation, during the year, receive any funds, directly or indirectly, to pay premiums on a personal benefit contract? ☐ Yes ☒ No

b Did the foundation, during the year, pay premiums, directly or indirectly, on a personal benefit contract? **6b** ☐ Yes ☒ No
If "Yes" to 6b, file Form 8870

7a At any time during the tax year, was the foundation a party to a prohibited tax shelter transaction? ☐ Yes ☒ No

b If yes, did the foundation receive any proceeds or have any net income attributable to the transaction? **7b** ☐ Yes ☒ No

Part VIII Information About Officers, Directors, Trustees, Foundation Managers, Highly Paid Employees, and Contractors**1 List all officers, directors, trustees, foundation managers and their compensation (see page 22 of the instructions).**

(a) Name and address	(b) Title, and average hours per week devoted to position	(c) Compensation (if not paid, enter -0-)	(d) Contributions to employee benefit plans and deferred compensation	(e) Expense account, other allowances
WELLS FARGO BANK INDIANA, N.A. FORT WAYNE, IN 46801-6632	TRUSTEE 5.00	6,614.	0.	0.

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

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

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

Part VIII Information About Officers, Directors, Trustees, Foundation Managers, Highly Paid Employees, and Contractors (continued)**3 Five highest-paid independent contractors for professional services** (see page 23 of the instructions). If none, enter "NONE."

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

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

Part IX-A Summary of Direct Charitable Activities

List the foundation's four largest direct charitable activities during the tax year. Include relevant statistical information such as the number of organizations and other beneficiaries served, conferences convened, research papers produced, etc.	Expenses
1 N/A	
2	
3	
4	

Part IX-B Summary of Program-Related Investments (see page 23 of the instructions)

Describe the two largest program-related investments made by the foundation during the tax year on lines 1 and 2	Amount
1 NONE	
2	
All other program-related investments. See page 24 of the instructions	
3 NONE	
Total. Add lines 1 through 3	

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Part X Minimum Investment Return (All domestic foundations must complete this part. Foreign foundations, see page 24 of the instructions)

1	Fair market value of assets not used (or held for use) directly in carrying out charitable, etc., purposes		
a	Average monthly fair market value of securities	1a	473,985.
b	Average of monthly cash balances	1b	30,401.
c	Fair market value of all other assets (see page 24 of the instructions)	1c	0.
d	Total (add lines 1a, b, and c)	1d	504,386.
e	Reduction claimed for blockage or other factors reported on lines 1a and 1c (attach detailed explanation)	1e	
2	Acquisition indebtedness applicable to line 1 assets	2	0.
3	Subtract line 2 from line 1d	3	504,386.
4	Cash deemed held for charitable activities. Enter 1 1/2 % of line 3 (for greater amount, see page 25 of the instructions)	4	7,566.
5	Net value of noncharitable-use assets. Subtract line 4 from line 3. Enter here and on Part V, line 4	5	496,820.
6	Minimum investment return. Enter 5% of line 5	6	24,841.

Part XI Distributable Amount (see page 25 of the instructions) (Section 4942(j)(3) and (j)(5) private operating foundations and certain foreign organizations check here ☐ and do not complete this part)

1	Minimum investment return from Part X, line 6	1	24,841.
2a	Tax on investment income for 2009 from Part VI, line 5	2a	1,152.
b	Income tax for 2009 (This does not include the tax from Part VI)	2b	
c	Add lines 2a and 2b	2c	1,152.
3	Distributable amount before adjustments. Subtract line 2c from line 1	3	23,689.
4	Recoveries of amounts treated as qualifying distributions	4	
5	Add lines 3 and 4	5	23,689.
6	Deduction from distributable amount (see page 25 of the instructions)	6	
7	Distributable amount as adjusted. Subtract line 6 from line 5. Enter here and on Part XIII, line 1	7	23,689.

Part XII Qualifying Distributions(see page 25 of the instructions)

1	Amounts paid (including administrative expenses) to accomplish charitable, etc., purposes		
a	Expenses, contributions, gifts, etc. - total from Part I, column (d), line 26	1a	19,994.
b	Program-related investments - total from Part IX-B	1b	0.
2	Amounts paid to acquire assets used (or held for use) directly in carrying out charitable, etc., purposes	2	0.
3	Amounts set aside for specific charitable projects that satisfy the:		
a	Suitability test (prior IRS approval required)	3a	0.
b	Cash distribution test (attach the required schedule)	3b	0.
4	Qualifying distributions. Add lines 1a through 3b. Enter here and on Part V, line 8, and Part XIII, line 4	4	19,994.
5	Foundations that qualify under section 4940(e) for the reduced rate of tax on net investment income. Enter 1% of Part I, line 27b (see page 26 of the instructions)	5	N/A
6	Adjusted qualifying distributions. Subtract line 5 from line 4	6	19,994.

Note: The amount on line 6 will be used in Part V, column (b), in subsequent years when calculating whether the foundation qualifies for the section 4940(e) reduction of tax in those years

Part XIII Undistributed Income (see page 26 of the instructions)

	(a) Corpus	(b) Years prior to 2008	(c) 2008	(d) 2009
1 Distributable amount for 2009 from Part XI, line 7				23,689.
2 Undistributed income, if any, as of the end of 2009				
a Enter amount for 2008 only			12,647.	
b Total for prior years 20 <u>07</u> , 20 <u>06</u> , 20 <u>05</u>				
3 Excess distributions carryover, if any, to 2009				
a From 2004				
b From 2005	0.			
c From 2006	0.			
d From 2007				
e From 2008	0.			
f Total of lines 3a through e	0.			
4 Qualifying distributions for 2009 from Part XII, line 4. ► \$ <u>19,994.</u>				
a Applied to 2008, but not more than line 2a			12,647.	
b Applied to undistributed income of prior years (Election required - see page 26 of the instructions)				
c Treated as distributions out of corpus (Election required - see page 26 of the instructions)				
d Applied to 2009 distributable amount				7,347.
e Remaining amount distributed out of corpus	0.			
5 Excess distributions carryover applied to 2009 (If an amount appears in column (d), the same amount must be shown in column (a))	0.			0.
6 Enter the net total of each column as indicated below:				
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.				
d Subtract line 6c from line 6b Taxable amount - see page 27 of the instructions				
e Undistributed income for 2008 Subtract line 4a from line 2a Taxable amount - see page 27 of the instructions				
f Undistributed income for 2009. Subtract lines 4d and 5 from line 1 This amount must be distributed in 2010				16,342.
7 Amounts treated as distributions out of corpus to satisfy requirements imposed by section 170(b)(1)(F) or 4942(g)(3) (see page 27 of the instructions)				
8 Excess distributions carryover from 2004 not applied on line 5 or line 7 (see page 27 of the instructions)				
9 Excess distributions carryover to 2010. Subtract lines 7 and 8 from line 6a	0.			
10 Analysis of line 9				
a Excess from 2005				
b Excess from 2006	0.			
c Excess from 2007				
d Excess from 2008	0.			
e Excess from 2009	0.			

4942(j)(5)

PAGE 15

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 <i>Paid during the year</i> ATTACHMENT 10				
Total.			3a	14,200.
b <i>Approved for future payment</i>				
Total.			3b	

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? | | Yes | No |
|---|-------|-----|----|
| 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. | | | |

[illegible]

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

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

(a) Name of organization	(b) Type of organization	(c) Description of relationship

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

Signature of officer or trustee

Date _____

Title

Preparer's
signature

Date _____

Check if self-employed ☐

Preparer's identifying
number (See **Signature** on
page 30 of the instructions)

Firm's name (or yours if self-employed), address, and ZIP code

BKD, LLP
200 E. MAIN ST. SUITE 700
FORT WAYNE, IN

46802

EIN ▶	44-0160260
-------	------------

Phone no 260-460-4000

Form **990-PF** (2009)

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

Kind of Property		Description				P or D	Date acquired	Date sold
Gross sale price less expenses of sale	Depreciation allowed/ allowable	Cost or other basis	FMV as of 12/31/69	Adj basis as of 12/31/69	Excess of FMV over adj basis		Gain or (loss)	
		TOTAL CAPITAL GAIN DISTRIBUTIONS					469.	
225,846.		LONG-TERM SALE OF SECURITIES 184,207.					41,639.	
TOTAL GAIN (LOSS)							<u>42,108.</u>	

ATTACHMENT 1

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

<u>DESCRIPTION</u>	<u>REVENUE AND EXPENSES PER BOOKS</u>	<u>NET INVESTMENT INCOME</u>
MONEY MARKET INTEREST	4.	4.
TOTAL	<u>4.</u>	<u>4.</u>

ATTACHMENT 2

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

<u>DESCRIPTION</u>	<u>REVENUE AND EXPENSES PER BOOKS</u>	<u>NET INVESTMENT INCOME</u>
DIVIDENDS & INTEREST	17,714.	17,714.
TOTAL	<u>17,714.</u>	<u>17,714.</u>

ATTACHMENT 3FORM 990PF, PART I - OTHER INCOME

<u>DESCRIPTION</u>	<u>REVENUE AND EXPENSES PER BOOKS</u>
FEDERAL TAX REFUND	30.
TOTALS	<u>30.</u>

ATTACHMENT 4FORM 990PF, PART I - ACCOUNTING FEES

<u>DESCRIPTION</u>	<u>REVENUE AND EXPENSES PER BOOKS</u>	<u>NET INVESTMENT INCOME</u>	<u>ADJUSTED NET INCOME</u>	<u>CHARITABLE PURPOSES</u>
BKD LLP PREPARATION OF 990-PF	1,385.	0.	0.	1,385.
TOTALS	<u>1,385.</u>	<u>0.</u>	<u>0.</u>	<u>1,385.</u>

ATTACHMENT 5

FORM 990PF, PART I - TAXES

<u>DESCRIPTION</u>	<u>REVENUE AND EXPENSES PER BOOKS</u>	<u>NET INVESTMENT INCOME</u>
FOREIGN TAXES	32.	32.
TOTALS	<u>32.</u>	<u>32.</u>

FORM 990PF, PART II - CORPORATE STOCKATTACHMENT 6

<u>DESCRIPTION</u>	<u>BEGINNING BOOK VALUE</u>	<u>ENDING BOOK VALUE</u>	<u>ENDING FMV</u>
SEE ATTACHED SCHEDULE	182,030.	163,560.	218,647.
ALTERNATIVE INVESTMENTS	16,400.	20,000.	20,550.
REAL ESTATE & SPECIALTY ASSETS	10,715.	42,607.	47,465.
TOTALS	<u>209,145.</u>	<u>226,167.</u>	<u>286,662.</u>

FORM 990PF, PART II - CORPORATE BONDS

<u>DESCRIPTION</u>	<u>ATTACHMENT 7</u>	
	<u>ENDING BOOK VALUE</u>	<u>ENDING FMV</u>
SEE ATTACHED SCHEDULE	179,595.	188,537.
TOTALS	<u>174,318.</u>	<u>188,537.</u>

ATTACHMENT 8FORM 990PF, PART III - OTHER DECREASES IN NET WORTH OR FUND BALANCES

<u>DESCRIPTION</u>	<u>AMOUNT</u>
CASH BASIS ADJUSTMENT	100.
TOTAL	<u>100.</u>

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

WELLS FARGO BANK ATTN: JENNIFER KING
P.O. BOX 960
FORT WAYNE, IN 46801

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

ATTACHMENT 10

RECIPIENT NAME AND ADDRESS	RELATIONSHIP TO SUBSTANTIAL CONTRIBUTOR AND FOUNDATION STATUS OF RECIPIENT		PURPOSE OF GRANT OR CONTRIBUTION	AMOUNT
FAME FORT WAYNE, IN 46861	NONE PUBLIC		CAMP SCHOLARSHIPS	10,000.
HOMEBOUND MEALS, INC. FOT WAYNE, IN 46802	NONE PUBLIC		MEALS/TRANSPORTATION	3,500
ARTLINK FORT WAYNE, IN 46702	NONE PUBLIC		FLOOR RE-FINISHING	700
TOTAL CONTRIBUTIONS PAID				<u>14,200</u>

Employer identification number

35-6219223

[illegible]

6b Total. Combine the amounts in column (f) Enter here and on Schedule D, line 6b 41,639.

Account Statement For:
SMYSER, BENJAMIN H. FDN T/A

Period Covered: July 1, 2010 - July 31, 2010

**WELLS
FARGO**

ASSET DETAIL

ASSET DESCRIPTION

Cash & Equivalents

MONEY MARKET

WELLS FARGO ADVANTAGE CASH
INVESTMENT MONEY MARKET SERVICE
#250

Asset held in Invested Income Portfolio

WELLS FARGO ADVANTAGE CASH
INVESTMENT MONEY MARKET SERVICE
#250

Total Money Market

Total Cash & Equivalents

QUANTITY	PRICE	MARKET VALUE AS OF 07/31/10	COST BASIS	UNREALIZED GAIN/LOSS	CURRENT YIELD	ACCRUED INCOME
1,505.480		\$1,505.48	\$1,505.48	\$0.00	0.01%	\$0.01
37,270.360		37,270.36	37,270.36	0.00	0.01	0.32
		\$38,775.84	\$38,775.84	\$0.00	0.01%	\$0.33
		\$38,775.84	\$38,775.84	\$0.00	0.01%	\$0.33

ASSET DESCRIPTION

Fixed Income

CORPORATE OBLIGATIONS

HOME DEPOT INC
DTD 03/24/06 5.200 03/01/2011
CUSIP: 437076AN2

MOODY'S RATING: BAA1
STANDARD & POOR'S RATING: BBB+

PUBLIC SVC ELEC GAS CO MED TERM
NOTE TRANCHE # TR 00009 SER B
DTD 09/17/02 5.125 09/01/2012

CUSIP 74456QAJ5

MOODY'S RATING: A2
STANDARD & POOR'S RATING: A-

PAR VALUE	PRICE	MARKET VALUE AS OF 07/31/10	COST BASIS	UNREALIZED GAIN/LOSS	YIELD TO MATURITY	ACCRUED INCOME
25,000.000	\$102.312	\$25,578.00	\$25,145.00	\$433.00	1.23%	\$541.67
25,000.000	107.689	26,922.25	25,059.75	1,862.50	1.37	533.85

Account Statement For:
SMYSER, BENJAMIN H. FDN T/A

Period Covered: July 1, 2010 - July 31, 2010

**WELLS
FARGO**

ASSET DETAIL *(continued)*

ASSET DESCRIPTION	PAR VALUE	PRICE	MARKET VALUE AS OF 07/31/10	COST BASIS	UNREALIZED GAIN/LOSS	YIELD TO MATURITY	ACCRUED INCOME
Fixed Income <i>(continued)</i>							
CORPORATE OBLIGATIONS <i>(continued)</i>							
ROYAL BK CANADA DTD 07/20/06 5.650 07/20/2011 CUSIP: 780085LP9 MOODY'S RATING: AAA STANDARD & POOR'S RATING: AA-	30,000.000	105.037	31,511.10	30,041.10	1,470.00	0.45	51.79
TARGET CORP DTD 03/11/02 5.875 03/01/2012 CUSIP: 87612EAH9 MOODY'S RATING: A2 STANDARD & POOR'S RATING: A+	25,000.000	107.599	26,899.75	24,905.00	1,994.75	1.03	611.98
VERIZON PENNSYLVANIA DTD 11/13/01 5.650 11/15/2011 CUSIP: 92344TAA6 MOODY'S RATING: BAA1 STANDARD & POOR'S RATING: A	30,000.000	105.171	31,551.30	28,488.90	3,062.40	1.59	357.83
Total Corporate Obligations			\$142,462.40	\$133,639.75	\$8,822.65		\$2,097.12

ASSET DESCRIPTION	QUANTITY	PRICE	MARKET VALUE AS OF 07/31/10	COST BASIS	UNREALIZED GAIN/LOSS	CURRENT YIELD	ACCRUED INCOME
Fixed Income							
DOMESTIC MUTUAL FUNDS							
RIDGEMORTH SEIX HIGH YIELD BOND FUND CLASS I #855 CUSIP: 76628T645	2,746.561	\$9.510	\$26,119.80	\$25,955.00	\$164.80	8.10%	\$11.58
Total Domestic Mutual Funds			\$26,119.80	\$25,955.00	\$164.80	8.10%	\$11.58

Account Statement For:
SMYSER, BENJAMIN H. FDN T/A

Period Covered: July 1, 2010 - July 31, 2010

**WELLS
FARGO**

ASSET DETAIL (continued)

ASSET DESCRIPTION	QUANTITY	PRICE	MARKET VALUE AS OF 07/31/10	COST BASIS	UNREALIZED GAIN/LOSS	CURRENT YIELD	ACCRUED INCOME
Fixed Income (continued)							
INTERNATIONAL MUTUAL FUNDS							
TEMPLETON GLOBAL BOND FUND - ADVISOR CLASS #616 CUSIP: 880208400	1,507.159	\$13.240	\$19,954.79	\$20,000.00	-\$45.21	4.43%	\$0.00
Total International Mutual Funds			\$19,954.79	\$20,000.00	-\$45.21	4.43%	\$0.00
Total Fixed Income			\$188,536.99	\$179,594.75	\$8,942.24		\$2,108.70

ASSET DESCRIPTION	QUANTITY	PRICE	MARKET VALUE AS OF 07/31/10	COST BASIS	UNREALIZED GAIN/LOSS	CURRENT YIELD	ACCRUED INCOME
Equities							
CONSUMER DISCRETIONARY							
AMEX CONSUMER DISCR SPDR SYMBOL: XLY CUSIP: 81369Y407	335,000	\$31.440	\$10,532.40	\$11,145.45	-\$613.05	1.33%	\$0.00
Total Consumer Discretionary			\$10,532.40	\$11,145.45	-\$613.05	1.33%	\$0.00
CONSUMER STAPLES							
PROCTER & GAMBLE CO SYMBOL: PG CUSIP: 742718109	250,000	\$61.160	\$15,290.00	\$1,199.36	\$14,090.64	3.15%	\$120.45
Total Consumer Staples			\$15,290.00	\$1,199.36	\$14,090.64	3.15%	\$120.45
ENERGY							
CHEVRON CORP SYMBOL: CVX CUSIP: 166764100	200,000	\$76.210	\$15,242.00	\$9,117.00	\$6,125.00	3.78%	\$0.00
Total Energy			\$15,242.00	\$9,117.00	\$6,125.00	3.78%	\$0.00
FINANCIALS							
AMEX FINANCIAL SELECT SPDR SYMBOL: XLF CUSIP: 81369Y605	1,000,000	\$14.710	\$14,710.00	\$16,140.00	-\$1,430.00	5.43%	\$0.00
Total Financials			\$14,710.00	\$16,140.00	-\$1,430.00	5.43%	\$0.00

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PRIVATE CLIENT SERVICES

Account Statement For:
SMYSER, BENJAMIN H. FDN T/A

Period Covered: July 1, 2010 - July 31, 2010

**WELLS
FARGO**

ASSET DETAIL *(continued)*

ASSET DESCRIPTION	QUANTITY	PRICE	MARKET VALUE AS OF 07/31/10	COST BASIS	UNREALIZED GAIN/LOSS	CURRENT YIELD	ACCRUED INCOME
Equities <i>(continued)</i>							
HEALTH CARE							
JOHNSON & JOHNSON SYMBOL: JNJ CUSIP: 478160104	300.000	\$58.090	\$17,427.00	\$3,198.00	\$14,229.00	3.72%	\$0.00
Total Health Care			\$17,427.00	\$3,198.00	\$14,229.00	3.72%	\$0.00
INDUSTRIALS							
EMERSON ELECTRIC CO SYMBOL: EMR CUSIP: 291011104	200.000	\$49.540	\$9,908.00	\$6,162.00	\$3,746.00	2.70%	\$0.00
UNITED TECHNOLOGIES CORP SYMBOL: UTX CUSIP: 913017109	200.000	71.100	14,220.00	9,996.00	4,224.00	2.39	0.00
Total Industrials			\$24,128.00	\$16,158.00	\$7,970.00	2.52%	\$0.00
INFORMATION TECHNOLOGY							
CISCO SYSTEMS INC SYMBOL: CSCO CUSIP: 17275R102	600.000	\$23.070	\$13,842.00	\$4,475.00	\$9,367.00	0.00%	\$0.00
VISA INC-CLASS A SHRS SYMBOL: V CUSIP: 92826C839	150.000	73.350	11,002.50	7,236.60	3,765.90	0.68	0.00
Total Information Technology			\$24,844.50	\$11,711.60	\$13,132.90	0.30%	\$0.00
MATERIALS							
AMEX MATERIALS SPDR SYMBOL: XLB CUSIP: 81369Y100	100.000	\$32.010	\$3,201.00	\$3,398.00	-\$197.00	2.54%	\$0.00
Total Materials			\$3,201.00	\$3,398.00	-\$197.00	2.54%	\$0.00
UTILITIES							
NEXTERA ENERGY, INC. SYMBOL: NEE CUSIP: 65339F101	50.000	\$52.300	\$2,615.00	\$1,585.00	\$1,030.00	3.82%	\$0.00
Total Utilities			\$2,615.00	\$1,585.00	\$1,030.00	3.82%	\$0.00

Account Statement For:
SMYSER, BENJAMIN H. FDN T/A

Period Covered: July 1, 2010 - July 31, 2010

ASSET DETAIL (continued)

ASSET DESCRIPTION

Equities (continued)

DOMESTIC MUTUAL FUNDS

ISHARES S&P MIDCAP 400 GROWTH
SYMBOL: IJK CUSIP: 464287606

ISHARES S&P MIDCAP 400 VALUE
SYMBOL: IJJ CUSIP: 464287705

ISHARES TR SMALLCAP 600 INDEX FD
SYMBOL: IJR CUSIP: 464287804

Total Domestic Mutual Funds

INTERNATIONAL MUTUAL FUNDS

ISHARES MSCI EAFE
SYMBOL: EFA CUSIP: 464287465

VANGUARD EMERGING MARKETS ETF
SYMBOL: VWO CUSIP: 922042858

Total International Mutual Funds

Total Equities

QUANTITY	PRICE	MARKET VALUE AS OF 07/31/10	COST BASIS	UNREALIZED GAIN/LOSS	CURRENT YIELD	ACCRUED INCOME
150,000	\$82.120	\$12,318.00	\$12,742.50	-\$424.50	0.63%	\$0.00
150,000	68.500	10,275.00	10,753.50	- 478.50	1.85	0.00
350,000	57.630	20,170.50	20,975.50	- 805.00	0.96	0.00
		\$42,763.50	\$44,471.50	-\$1,708.00	1.08%	\$0.00
600,000	\$51.910	\$31,146.00	\$33,504.00	-\$2,358.00	2.61%	\$0.00
400,000	41.870	16,748.00	11,932.25	4,815.75	1.30	0.00
		\$47,894.00	\$45,436.25	\$2,457.75	2.15%	\$0.00
		\$218,647.40	\$163,560.16	\$55,087.24	2.29%	\$120.45

ASSET DESCRIPTION

Complementary Strategies

OTHER

HUSSMAN STRATEGIC GROWTH FUND #601
SYMBOL: HSGFX CUSIP: 448108100

Total Other

Total Complementary Strategies

QUANTITY	PRICE	MARKET VALUE AS OF 07/31/10	COST BASIS	UNREALIZED GAIN/LOSS	CURRENT YIELD	ACCRUED INCOME
1,571.092	\$13.080	\$20,549.88	\$20,000.00	\$549.88	0.13%	\$0.00
		\$20,549.88	\$20,000.00	\$549.88	0.13%	\$0.00
		\$20,549.88	\$20,000.00	\$549.88	0.13%	\$0.00

Account Statement For:
SMYSER, BENJAMIN H. FDN T/A

Period Covered: July 1, 2010 - July 31, 2010

**WELLS
FARGO**

ASSET DETAIL (continued)

ASSET DESCRIPTION

Real Assets

REAL ASSET FUNDS

POWERSHARES DB COMMODITY INDEX
SYMBOL: DBC CUSIP: 739355105

SPDR DJ WILSHIRE INTERNATIONAL REAL
ESTATE ETF

SYMBOL: RWX CUSIP: 78463X863

VANGUARD REIT VIPER

SYMBOL: VNQ CUSIP: 922908553

Total Real Asset Funds

Total Real Assets

ASSET DESCRIPTION	QUANTITY	PRICE	MARKET VALUE AS OF 07/31/10	COST BASIS	UNREALIZED GAIN/LOSS	CURRENT YIELD	ACCRUED INCOME
POWERSHARES DB COMMODITY INDEX SYMBOL: DBC CUSIP: 739355105	500.000	\$22.890	\$11,445.00	\$11,640.00	-\$195.00	0.00%	\$0.00
SPDR DJ WILSHIRE INTERNATIONAL REAL ESTATE ETF	300.000	35.150	10,545.00	10,545.00	0.00	6.69	0.00
VANGUARD REIT VIPER SYMBOL: VNQ CUSIP: 922908553	500.000	50.950	25,475.00	20,422.12	5,052.88	3.60	0.00
Total Real Asset Funds			\$47,465.00	\$42,607.12	\$4,857.88	3.42%	\$0.00
Total Real Assets			\$47,465.00	\$42,607.12	\$4,857.88	3.42%	\$0.00

TOTAL ASSETS

ACCOUNT VALUE AS OF 07/31/10	COST BASIS	UNREALIZED GAIN/LOSS	ACCRUED INCOME
\$513,975.11	\$444,537.87	\$69,437.24	\$2,229.48