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Return of Private Foundation

or Section 4947(a)(1) Nonexempt Charitable Trust

Treated as a Private Foundation

2009

Department of the Treasury
Internal Revenue Service

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 SEP 1, 2009, and ending AUG 31, 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.

Name of foundation
DAVID HIMELBERG FOUNDATION

Employer identification number
13-7200887

Number and street (or P O box number if mail is not delivered to street address) Room/suite
B STRAUSS ASSOC LTD 307 5TH AVENUE 8TH FL

City or town, state, and ZIP code
NEW YORK, NY 10016-6517

Telephone number

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

See Specific Instructions.

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

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 ☐

Part I Analysis of Revenue and Expenses		(a) Revenue and expenses per books	(b) Net investment income	(c) Adjusted net income	(d) Disbursements for charitable purposes (cash basis only)
(The total of amounts in columns (b), (c), and (d) may not necessarily equal the amounts in column (a))					
1	Contributions, gifts, grants, etc., received	187,879.		N/A	
2	Check <input type="checkbox"/> If the foundation is not required to attach Sch B				
3	Interest on savings and temporary cash investments	722.	722.		STATEMENT 1
4	Dividends and interest from securities	117,499.	117,499.		STATEMENT 2
5a	Gross rents				
b	Net rental income or (loss)				
6a	Net gain or (loss) from sale of assets not on line 10	40,790.			
b	Gross sales price for all assets on line 6a	838,084.			
7	Capital gain net income (from Part IV, line 2)		40,790.		
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				
12	Total. Add lines 1 through 11	346,890.	159,011.		
13	Compensation of officers, directors, trustees, etc	46,000.	0.		46,000.
14	Other employee salaries and wages				
15	Pension plans, employee benefits				
16a	Legal fees				
b	Accounting fees STMT 3	1,425.	0.		1,425.
c	Other professional fees STMT 4	45,655.	45,655.		0.
17	Interest				
18	Taxes STMT 5	6,829.	937.		0.
19	Depreciation and depletion				
20	Occupancy	22,800.	0.		22,800.
21	Travel, conferences, and meetings				
22	Printing and publications				
23	Other expenses STMT 6	250.	0.		250.
24	Total operating and administrative expenses. Add lines 13 through 23	122,959.	46,592.		70,475.
25	Contributions, gifts, grants paid	157,690.			157,690.
26	Total expenses and disbursements. Add lines 24 and 25	280,649.	46,592.		228,165.
27	Subtract line 26 from line 12	66,241.			
a	Excess of revenue over expenses and disbursements		112,419.		
b	Net investment income (if negative, enter -0-)				
c	Adjusted net income (if negative, enter -0-)			N/A	

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			
	2 Savings and temporary cash investments	1,319,344.	920,935.	920,935.
	3 Accounts receivable <input type="checkbox"/> Less: allowance for doubtful accounts <input type="checkbox"/>			
	4 Pledges receivable <input type="checkbox"/> Less: allowance for doubtful accounts <input type="checkbox"/>			
	5 Grants receivable			
	6 Receivables due from officers, directors, trustees, and other disqualified persons			
	7 Other notes and loans receivable <input type="checkbox"/> Less: allowance for doubtful accounts <input type="checkbox"/>			
	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 7	4,809,358.	5,274,009.	4,212,221.
	c Investments - corporate bonds			
	11 Investments - land, buildings, and equipment basis <input type="checkbox"/> Less: accumulated depreciation <input type="checkbox"/>			
	12 Investments - mortgage loans			
	13 Investments - other			
14 Land, buildings, and equipment basis <input type="checkbox"/> Less: accumulated depreciation <input type="checkbox"/>				
15 Other assets (describe <input type="checkbox"/>)				
16 Total assets (to be completed by all filers)	6,128,702.	6,194,944.	5,133,156.	
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 <input type="checkbox"/>)			
23 Total liabilities (add lines 17 through 22)	0.	0.		
Net Assets or Fund Balances	Foundations that follow SFAS 117, check here <input type="checkbox"/> and complete lines 24 through 26 and lines 30 and 31.			
	24 Unrestricted			
	25 Temporarily restricted			
	26 Permanently restricted			
	Foundations that do not follow SFAS 117, check here <input checked="" type="checkbox"/> and complete lines 27 through 31.			
	27 Capital stock, trust principal, or current funds	6,128,702.	6,194,944.	
	28 Paid-in or capital surplus, or land, bldg, and equipment fund	0.	0.	
	29 Retained earnings, accumulated income, endowment, or other funds	0.	0.	
30 Total net assets or fund balances	6,128,702.	6,194,944.		
31 Total liabilities and net assets/fund balances	6,128,702.	6,194,944.		

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 6,128,702.
2 Enter amount from Part I, line 27a	2 66,241.
3 Other increases not included in line 2 (itemize) <input type="checkbox"/> ROUNDING ADJUSTMENT	3 1.
4 Add lines 1, 2, and 3	4 6,194,944.
5 Decreases not included in line 2 (itemize) <input type="checkbox"/>	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 6,194,944.

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 SCHEDULE ATTACHED	D		
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 838,084.		797,294.	40,790.
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))
(j) FMV as of 12/31/69	(k) Adjusted basis as of 12/31/69	(l) Excess of col. (j) over col. (k), if any	
a			40,790.
b			
c			
d			
e			

2 Capital gain net income or (net capital loss)	{ If gain, also enter in Part I, line 7 If (loss), enter -0- in Part I, line 7 }	2	40,790.
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	320,584.	4,975,552.	.064432
2007	239,713.	6,050,574.	.039618
2006	18,550.	4,404,515.	.004212
2005	15,601.	389,337.	.040071
2004	11,326.	285,520.	.039668

2 Total of line 1, column (d)	2	.188001
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	.037600
4 Enter the net value of noncharitable-use assets for 2009 from Part X, line 5	4	5,313,962.
5 Multiply line 4 by line 3	5	199,805.
6 Enter 1% of net investment income (1% of Part I, line 27b)	6	1,124.
7 Add lines 5 and 6	7	200,929.
8 Enter qualifying distributions from Part XII, line 4	8	228,165.

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

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

1a	Exempt operating foundations described in section 4940(d)(2), check here <input type="checkbox"/> and enter "N/A" on line 1 Date of ruling or determination letter. _____ (attach copy of letter if necessary-see instructions)		
b	Domestic foundations that meet the section 4940(e) requirements in Part V, check here <input checked="" type="checkbox"/> and enter 1% of Part I, line 27b	1	1,124.
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	1,124.
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	1,124.
6	Credits/Payments		
a	2009 estimated tax payments and 2008 overpayment credited to 2009	6a	3,000.
b	Exempt foreign organizations - tax withheld at source	6b	
c	Tax paid with application for extension of time to file (Form 8868)	6c	
d	Backup withholding erroneously withheld	6d	
7	Total credits and payments. Add lines 6a through 6d	7	3,000.
8	Enter any penalty for underpayment of estimated tax. Check here <input type="checkbox"/> if Form 2220 is attached	8	
9	Tax due. If the total of lines 5 and 8 is more than line 7, enter amount owed	9	
10	Overpayment. If line 7 is more than the total of lines 5 and 8, enter the amount overpaid	10	1,876.
11	Enter the amount of line 10 to be Credited to 2010 estimated tax <input checked="" type="checkbox"/> 1,876. Refunded <input type="checkbox"/>	11	0.

Part VII-A Statements Regarding Activities

	Yes	No
1a During the tax year, did the foundation attempt to influence any national, state, or local legislation or did it participate or intervene in any political campaign?		X
1b Did it spend more than \$100 during the year (either directly or indirectly) for political purposes (see instructions for definition)? If the answer is "Yes" to 1a or 1b, attach a detailed description of the activities and copies of any materials published or distributed by the foundation in connection with the activities.		X
1c Did the foundation file Form 1120-POL for this year?		X
d Enter the amount (if any) of tax on political expenditures (section 4955) imposed during the year (1) On the foundation <input type="checkbox"/> \$ 0. (2) On foundation managers <input checked="" type="checkbox"/> \$ 0.		
e Enter the reimbursement (if any) paid by the foundation during the year for political expenditure tax imposed on foundation managers <input type="checkbox"/> \$ 0.		
2 Has the foundation engaged in any activities that have not previously been reported to the IRS? If "Yes," attach a detailed description of the activities.		X
3 Has the foundation made any changes, not previously reported to the IRS, in its governing instrument, articles of incorporation, or bylaws, or other similar instruments? If "Yes," attach a conformed copy of the changes		X
4a Did the foundation have unrelated business gross income of \$1,000 or more during the year?		X
b If "Yes," has it filed a tax return on Form 990-T for this year?		
5 Was there a liquidation, termination, dissolution, or substantial contraction during the year? If "Yes," attach the statement required by General Instruction T.		X
6 Are the requirements of section 508(e) (relating to sections 4941 through 4945) satisfied either • By language in the governing instrument, or • By state legislation that effectively amends the governing instrument so that no mandatory directions that conflict with the state law remain in the governing instrument?		
7 Did the foundation have at least \$5,000 in assets at any time during the year? If "Yes," complete Part II, col. (c), and Part XV.	X	
8a Enter the states to which the foundation reports or with which it is registered (see instructions) <input type="checkbox"/> 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	X	
9 Is the foundation claiming status as a private operating foundation within the meaning of section 4942(j)(3) or 4942(j)(5) for calendar year 2009 or the taxable year beginning in 2009 (see instructions for Part XIV)? If "Yes," complete Part XIV		X
10 Did any persons become substantial contributors during the tax year? If "Yes," attach a schedule listing their names and addresses		X

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Part VII-A Statements Regarding Activities (continued)

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

Website address ► N/A

14 The books are in care of ► THE FOUNDATION Telephone no ► _____
 Located at ► B STRAUSS ASSOC LTD 307 5TH AVENUE, NEW YORK, NY ZIP+4 ► 10016-6517

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

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

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

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

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
NORMAN HIMELBERG	TRUSTEE			
B STRAUSS ASSOC LTD, 307 5TH AVE				
NEW YORK, NY 100166517	40.00	46,000.	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 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	4,279,606.
b	Average of monthly cash balances	1b	1,115,279.
c	Fair market value of all other assets	1c	
d	Total (add lines 1a, b, and c)	1d	5,394,885.
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	5,394,885.
4	Cash deemed held for charitable activities. Enter 1 1/2% of line 3 (for greater amount, see instructions)	4	80,923.
5	Net value of noncharitable-use assets. Subtract line 4 from line 3. Enter here and on Part V, line 4	5	5,313,962.
6	Minimum investment return. Enter 5% of line 5	6	265,698.

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	265,698.
2a	Tax on investment income for 2009 from Part VI, line 5	2a	1,124.
b	Income tax for 2009 (This does not include the tax from Part VI)	2b	
c	Add lines 2a and 2b	2c	1,124.
3	Distributable amount before adjustments. Subtract line 2c from line 1	3	264,574.
4	Recoveries of amounts treated as qualifying distributions	4	0.
5	Add lines 3 and 4	5	264,574.
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	264,574.

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	228,165.
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	228,165.
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	1,124.
6	Adjusted qualifying distributions. Subtract line 5 from line 4	6	227,041.

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

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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				264,574.
2 Undistributed income, if any, as of the end of 2009				
a Enter amount for 2008 only			193,933.	
b Total for prior years		0.		
3 Excess distributions carryover, if any, to 2009				
a From 2004				
b From 2005				
c From 2006				
d From 2007				
e From 2008				
f Total of lines 3a through e	0.			
4 Qualifying distributions for 2009 from Part XII, line 4 ▶ \$ 228,165.				
a Applied to 2008, but not more than line 2a			193,933.	
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	0.			34,232.
e Remaining amount distributed out of corpus	0.			0.
5 Excess distributions carryover applied to 2009 (If an amount appears in column (d), the same amount must be shown in column (a))				
6 Enter the net total of each column as indicated below:	0.			
a Corpus Add lines 3f, 4c, and 4e Subtract line 5				
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				230,342.
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	0.			
10 Analysis of line 9				
a Excess from 2005				
b Excess from 2006				
c Excess from 2007				
d Excess from 2008				
e Excess from 2009				

Part XV Supplementary Information (continued)

3 Grants and Contributions Paid During the Year or Approved for Future Payment				
Recipient	If recipient is an individual, show any relationship to any foundation manager or substantial contributor	Foundation status of recipient	Purpose of grant or contribution	Amount
Name and address (home or business)				
a Paid during the year SCHEDULE ATTACHED			GENERAL	157,690.
Total				▶ 3a 157,690.
b Approved for future payment NONE				
Total				▶ 3b 0.

Part XVI-A Analysis of Income-Producing Activities

Enter gross amounts unless otherwise indicated

Enter gross amounts unless otherwise indicated	Unrelated business income		Excluded by section 512, 513, or 514		(e) Related or exempt function income
	(a) Business code	(b) Amount	(c) Exclu- sion code	(d) Amount	
1 Program service revenue					
a _____					
b _____					
c _____					
d _____					
e _____					
f _____					
g Fees and contracts from government agencies					
2 Membership dues and assessments					
3 Interest on savings and temporary cash investments			14	722.	
4 Dividends and interest from securities			14	117,499.	
5 Net rental income or (loss) from real estate					
a Debt-financed property					
b Not debt-financed property					
6 Net rental income or (loss) from personal property					
7 Other investment income					
8 Gain or (loss) from sales of assets other than inventory			18	40,790.	
9 Net income or (loss) from special events					
10 Gross profit or (loss) from sales of inventory					
11 Other revenue:					
a _____					
b _____					
c _____					
d _____					
e _____					
12 Subtotal. Add columns (b), (d), and (e)		0.		159,011.	0.
13 Total. Add line 12, columns (b), (d), and (e)				159,011.	159,011.

(See worksheet in line 13 instructions to verify calculations)

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

[illegible]

Schedule B(Form 990, 990-EZ,
or 990-PF)Department of the Treasury
Internal Revenue Service**Schedule of Contributors**

▶ Attach to Form 990, 990-EZ, or 990-PF.

OMB No 1545-0047

2009

Name of the organization

Employer identification number

DAVID HIMELBERG FOUNDATION

13-7200887

Organization type (check one):

Filers of:

Section:

Form 990 or 990-EZ

☐ 501(c)() (enter number) organization☐ 4947(a)(1) nonexempt charitable trust **not** treated as a private foundation☐ 527 political organization

Form 990-PF

☒ 501(c)(3) exempt private foundation☐ 4947(a)(1) nonexempt charitable trust treated as a private foundation☐ 501(c)(3) taxable private foundationCheck if your organization is covered by the **General Rule** or a **Special Rule**.**Note.** Only a section 501(c)(7), (8), or (10) organization can check boxes for both the General Rule and a Special Rule. See instructions.**General Rule**

- ☒ For an organization filing Form 990, 990-EZ, or 990-PF that received, during the year, \$5,000 or more (in money or property) from any one contributor. Complete Parts I and II.

Special Rules

- ☐ For a section 501(c)(3) organization filing Form 990 or 990-EZ that met the 33 1/3% support test of the regulations under sections 509(a)(1) and 170(b)(1)(A)(vi), and received from any one contributor, during the year, a contribution of the greater of (1) \$5,000 or (2) 2% of the amount on (i) Form 990, Part VIII, line 1h or (ii) Form 990-EZ, line 1. Complete Parts I and II.
- ☐ For a section 501(c)(7), (8), or (10) organization filing Form 990 or 990-EZ that received from any one contributor, during the year, aggregate contributions of more than \$1,000 for use *exclusively* for religious, charitable, scientific, literary, or educational purposes, or the prevention of cruelty to children or animals. Complete Parts I, II, and III.
- ☐ For a section 501(c)(7), (8), or (10) organization filing Form 990 or 990-EZ that received from any one contributor, during the year, contributions for use *exclusively* for religious, charitable, etc., purposes, but these contributions did not aggregate to more than \$1,000. If this box is checked, enter here the total contributions that were received during the year for an *exclusively* religious, charitable, etc., purpose. Do not complete any of the parts unless the **General Rule** applies to this organization because it received nonexclusively religious, charitable, etc., contributions of \$5,000 or more during the year. ▶ \$ _____

Caution. An organization that is not covered by the General Rule and/or the Special Rules does not file Schedule B (Form 990, 990-EZ, or 990-PF), but it **must** answer "No" on Part IV, line 2 of its Form 990, or check the box on line H of its Form 990-EZ, or on line 2 of its Form 990-PF, to certify that it does not meet the filing requirements of Schedule B (Form 990, 990-EZ, or 990-PF).

LHA For Privacy Act and Paperwork Reduction Act Notice, see the Instructions
for Form 990, 990-EZ, or 990-PF.

Schedule B (Form 990, 990-EZ, or 990-PF) (2009)

Name of organization	Employer identification number
DAVID HIMELBERG FOUNDATION	13-7200887

Part I Contributors (see instructions)

(a) No.	(b) Name, address, and ZIP + 4	(c) Aggregate contributions	(d) Type of contribution
1	ESTATE OF DAVID HIMELBERG	\$ 65,089.	Person <input type="checkbox"/> Payroll <input type="checkbox"/> Noncash <input checked="" type="checkbox"/> (Complete Part II if there is a noncash contribution.)
2	ESTATE OF DAVID HIMELBERG	\$ 122,790.	Person <input type="checkbox"/> Payroll <input type="checkbox"/> Noncash <input checked="" type="checkbox"/> (Complete Part II if there is a noncash contribution.)
		\$	Person <input type="checkbox"/> Payroll <input type="checkbox"/> Noncash <input type="checkbox"/> (Complete Part II if there is a noncash contribution.)
		\$	Person <input type="checkbox"/> Payroll <input type="checkbox"/> Noncash <input type="checkbox"/> (Complete Part II if there is a noncash contribution.)
		\$	Person <input type="checkbox"/> Payroll <input type="checkbox"/> Noncash <input type="checkbox"/> (Complete Part II if there is a noncash contribution.)
		\$	Person <input type="checkbox"/> Payroll <input type="checkbox"/> Noncash <input type="checkbox"/> (Complete Part II if there is a noncash contribution.)
		\$	Person <input type="checkbox"/> Payroll <input type="checkbox"/> Noncash <input type="checkbox"/> (Complete Part II if there is a noncash contribution.)

Name of organization

Employer identification number

DAVID HIMELBERG FOUNDATION

13-7200887

Part II Noncash Property (see instructions)

(a) No. from Part I	(b) Description of noncash property given	(c) FMV (or estimate) (see instructions)	(d) Date received
1	1,090 SHS BP PLC @ COST	\$ 65,089.	06/01/10
2	2,459 SHS GLAXO SMITHKLINE PLC @ COST	\$ 122,790.	07/16/10
		\$	
		\$	
		\$	
		\$	
		\$	
		\$	

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

SOURCE	AMOUNT
BANK OF NEW YORK	722.
TOTAL TO FORM 990-PF, PART I, LINE 3, COLUMN A	722.

FORM 990-PF DIVIDENDS AND INTEREST FROM SECURITIES STATEMENT 2

SOURCE	GROSS AMOUNT	CAPITAL GAINS DIVIDENDS	COLUMN (A) AMOUNT
BANK OF NEW YORK	117,499.	0.	117,499.
TOTAL TO FM 990-PF, PART I, LN 4	117,499.	0.	117,499.

FORM 990-PF ACCOUNTING FEES STATEMENT 3

DESCRIPTION	(A) EXPENSES PER BOOKS	(B) NET INVEST- MENT INCOME	(C) ADJUSTED NET INCOME	(D) CHARITABLE PURPOSES
BARRY M STRAUSS ASSOC LTD	1,425.	0.		1,425.
TO FORM 990-PF, PG 1, LN 16B	1,425.	0.		1,425.

FORM 990-PF OTHER PROFESSIONAL FEES STATEMENT 4

DESCRIPTION	(A) EXPENSES PER BOOKS	(B) NET INVEST- MENT INCOME	(C) ADJUSTED NET INCOME	(D) CHARITABLE PURPOSES
BANK OF NEW YORK - ACCOUNT FEE	45,357.	45,357.		0.
INVESTMENT ADVISORY	298.	298.		0.
TO FORM 990-PF, PG 1, LN 16C	45,655.	45,655.		0.

FORM 990-PF	TAXES			STATEMENT	5
DESCRIPTION	(A) EXPENSES PER BOOKS	(B) NET INVEST- MENT INCOME	(C) ADJUSTED NET INCOME	(D) CHARITABLE PURPOSES	
US EXCISE TAX - NET	5,892.	0.		0.	
FOREIGN TAX W/H	937.	937.		0.	
TO FORM 990-PF, PG 1, LN 18	6,829.	937.		0.	

FORM 990-PF	OTHER EXPENSES			STATEMENT	6
DESCRIPTION	(A) EXPENSES PER BOOKS	(B) NET INVEST- MENT INCOME	(C) ADJUSTED NET INCOME	(D) CHARITABLE PURPOSES	
NYS DEPT OF LAW - FILING FEE	250.	0.		250.	
TO FORM 990-PF, PG 1, LN 23	250.	0.		250.	

FORM 990-PF	CORPORATE STOCK		STATEMENT	7
DESCRIPTION	BOOK VALUE	FAIR MARKET VALUE		
SCHEDULE ATTACHED	5,274,009.	4,212,221.		
TOTAL TO FORM 990-PF, PART II, LINE 10B	5,274,009.	4,212,221.		

Capital Gains Report by Year

09/01/09 Through 08/31/10

Page 1

Security	Shares	Bought	Sold	Sales Price	Cost Basis	Gain/Loss
09/01/09 - 12/31/09						
Dover Corp	1,000	05/12/05	12/24/09	41,103.64	36,800.00	4,303.64
Pepsico Inc	200	11/25/08	12/29/09	12,083.69	10,417.60	1,666.09
Pepsico Inc	100	01/27/09	12/29/09	6,041.84	4,958.99	1,082.85
Pepsico Inc	100	01/27/09	12/30/09	6,053.06	4,958.99	1,094.07
Pepsico Inc	200	04/27/09	12/30/09	12,106.13	9,992.00	2,114.13
TOTAL 09/01/09 - 12/31/09				77,388.36	67,127.58	10,260.78
01/01/10 - 08/31/10						
IBM Corp	500	05/12/05	01/07/10	66,298.29	36,575.00	29,723.29
IBM Corp	200	05/12/05	01/20/10	26,395.66	14,630.00	11,765.66
Abbott Labs	400	05/12/05	04/15/10	20,982.16	19,700.00	1,282.16
Zimmer Holdings Inc	500	05/12/05	04/21/10	30,040.14	39,027.50	-8,987.36
Norfolk Southern Corp	200	08/20/08	04/23/10	12,055.80	14,113.00	-2,057.20
Goldman Sachs Group	100	03/30/07	04/29/10	15,236.74	21,081.00	-5,844.26
Goldman Sachs Group	100	04/18/07	04/29/10	15,236.74	20,620.00	-5,383.26
Goldman Sachs Group	50	01/23/08	04/29/10	7,618.37	9,571.98	-1,953.61
BP Plc	2,000	05/12/05	05/06/10	97,128.36	119,430.00	-22,301.64
IBM Corp	400	05/12/05	05/18/10	52,932.30	29,260.00	23,672.30
BP Plc	500	05/12/05	06/07/10	18,704.68	29,857.50	-11,152.82
BP Plc	590	05/12/05	06/15/10	18,816.79	35,231.85	-16,415.06
IBM Corp	300	05/12/05	06/21/10	39,071.34	21,945.00	17,126.34
Frontier Communications	72	10/15/09	07/09/10	501.29	548.38	-47.09
Frontier Communications	72	10/16/09	07/09/10	501.29	545.91	-44.62
Frontier Communications	96	10/23/09	07/09/10	668.39	729.10	-60.71
Frontier Communications	72	01/12/10	07/09/10	501.29	600.29	-99.00
Frontier Communications	120	01/13/10	07/09/10	835.48	993.50	-158.02
Frontier Communications	44	01/21/10	07/09/10	306.34	353.94	-47.60
Kraft Foods Inc	200	11/25/08	07/13/10	5,795.90	5,164.00	631.90
Kraft Foods Inc	200	02/17/09	07/13/10	5,795.90	5,040.73	755.17
Kraft Foods Inc	600	12/10/09	07/13/10	17,387.71	16,086.78	1,300.93
Procter & Gamble Co	1,000	05/12/05	07/13/10	60,978.97	55,705.00	5,273.97
Glaxo Smithkline Plc	2,000	05/12/05	07/20/10	74,198.75	99,870.00	-25,671.25
Glaxo Smithkline Plc	500	05/12/05	07/20/10	18,553.69	24,967.50	-6,413.81
Glaxo Smithkline Plc	500	05/12/05	07/20/10	18,564.69	24,967.50	-6,402.81
IBM Corp	400	05/12/05	08/03/10	52,539.11	29,260.00	23,279.11
Frontier Communications	0	10/15/09	08/24/10	0.08	0.08	0.00
Frontier Communications	0	10/16/09	08/24/10	0.08	0.08	0.00
Frontier Communications	0	10/23/09	08/24/10	0.15	0.15	0.00
Frontier Communications	0	01/12/10	08/24/10	0.08	0.08	0.00
Frontier Communications	0	01/13/10	08/24/10	0.15	0.17	-0.02
Frontier Communications	0	01/21/10	08/24/10	0.08	0.08	0.00
Colgate Palmolive Co	1,100	05/12/05	08/27/10	83,048.60	54,290.50	28,758.10
TOTAL 01/01/10 - 08/31/10				760,695.39	730,166.60	30,528.79
OVERALL TOTAL				838,083.75	797,294.18	40,789.57

David Himmelberg Foundation
EIN: 13-7200887
Form 990-PF
August 31, 2010

Part II, Line 10, Investments

# of Shares	Security	Book Value	Fair Market Value
200	3M Co	15,704 00	15,710 00
2,200	Abbott Labs	109,101 48	108,548
1,200	ADP Inc	47,497 64	46,332
400	Alcoa Inc	8,909 46	4,087
3,000	Allstate Corp	171,030 00	82,800
1,200	Altria Group Inc	22,542 92	26,784
2,200	AT&T Inc	57,786 83	59,466
1,000	Bank of America Corp	336,460 00	124,600
500	Bershire Hataway - CI B	30,052 45	39,390
4,150	BNY Mellon Corp	116,778 50	100,679
4,500	Boeing Co	274,522 50	275,085
1,950	Chevron Corp	124,712 88	144,456
300	Cigna Corp	10,665 67	9,666
12,000	Citigroup Inc	399,876 80	44,508
200	Clorox Co	12,050 92	12,964
1,800	Coca Cola Co	90,707 58	100,589
1,100	Colgate Palmolive Co	74,561 00	81,224
400	Consolidated Edison Inc	16,944 80	19,012
500	ConocoPhillips	23,498 00	26,215
1,000	Dover Corp	36,800 00	44,760
1,500	Duke Energy Holdings	30,625 00	25,770
2,000	E I du Pont de Nemours & Co	79,138 00	81,540
3,400	Eli Lilly & Co	202,742 00	114,206
500	Emerson Electric Co	23,733 00	23,325
5,200	Exxon Mobil Corp	286,078 31	307,372
4	Frontier Communications	32 18	31
200	General Dynamics Corp	11,954 00	11,174
4,000	General Electric Co	144,240 00	57,920
300	General Mills Inc	10,206 00	10,848
2,959	Glaxo Smithkline Plc	147,757 67	110,667
50	Goldman Sachs Group	9,571 97	6,847
100	Google Inc	47,255 55	45,002
400	Hewlett Packard Co	20,468 00	15,380
1,000	Honeywell Int'l Inc	47,150 00	39,060
500	Hudson City Bancorp Inc	6,589 90	5,765
1,400	IBM Corp	112,644 00	172,382
1,000	Illinois Tool Works Inc	52,345 00	41,260
3,500	Ingersoll Rand Co	134,741 25	113,855
1,000	Intel Corp	26,084 25	17,665
300	Ishares FTSE/Xinhua China	10,931 00	11,787
500	Ishares MSCI EAFE Index	38,477 00	24,970
1,500	Ishares MSCI Japan Index	22,200 00	14,070
3,700	Johnson & Johnson	237,934 60	210,974
3,500	JP Morgan Chase & Co	124,015 00	127,260
300	Kellogg CO	15,994 50	14,904
1,000	Kimberly Clark Corp	58,501 56	64,400
3,128	Legg Mason Partners Equity Fund	42,825 40	32,344
1,000	McDonald's Corp	64,828 00	73,060
500	Medtronic Inc	19,955 00	15,725
1,000	Merck & Co Inc	37,575 20	35,160
500	Microsoft Corp	17,870 00	11,732
1,000	Morgan Stanley Co	41,574 65	24,690

David Himmelberg Foundation
EIN: 13-7200887
Form 990-PF
August 31, 2010

Part II, Line 10, Investments (Cont'd)

# of Shares	Security	Book Value	Fair Market Value
300	Nike Inc	20,895 00	21,000
100	Norfolk Southern Corp	7,056 50	5,368
1,200	Novartis AG	66,423 86	62,988
400	Paychex Inc	11,167 60	9,956
900	Pepsico Inc	54,212.00	57,762
7,000	Pfizer Inc	195,335 00	111,370
1,300	Philip Morris Int'l	60,592.08	66,768
2,000	PPG Industries Inc	132,940.00	131,660
1,000	Procter & Gamble Co	59,068 94	59,670
200	Progress Energy Inc	8,593 46	8,582
300	Raytheon Co	13,776 00	13,176
800	Royal Dutch Shell Plc	44,413 50	42,440
200	Sanofi-Aventis ADR	7,200 00	5,722
600	Schlumberger Ltd	47,434 00	31,998
700	SPDR DJ Wilshire Global	48,026 50	24,801
100	SPDR Tr S&P Depos Recpts	15,037 00	10,531
400	Stryker Corp	19,544 00	17,276
1,600	Teva Pharmaceuticals Inds	73,372 50	80,992
2,000	Verizon Communications Inc	56,432 58	59,060
600	Visa Inc	47,188 00	41,388
700	Wal-Mart Stores Inc	36,071 34	35,098
300	Wellpoint Inc	24,343 83	14,897
1,520	Zimmer Holdings Inc	118,643 60	71,698
Totals		\$ 5,274,008 71	\$ 4,212,221

David Himelberg Foundation

EIN 13-7200887

08/31/2010

Schedule of Contributions

Albert Einstein College of Medicine	\$ 25,000
American Assn for Bikur Cholim Hospital	400
American Committee for Sharre Zedek Hospital	9,000
American Friends of Magen David Adom	3,000
American Museum of Natural History	150
American Prostate Society	100
American Society for Yad Vashem	2,000
Amit	400
Boys Town Jerusalem Foundation	300
Braille Books for Blind Children	75
Chai Lifeline	6,000
Childrens Village of Jerusalem	200
Colel Chabad	100
Doctors without Borders	300
Dorot	400
Hadassah	10,000
Hebrew Free Burial Association	3,000
Hillel	3,000
Jewish Guild for the Blind	6,000
Lighthouse International	3,000
Museum of Jewish Heritage	300
NY University - Medical Center	45,000
National Jewish Outreach Program	400
Rabbinical Seminary of America	400
St Jude Childrens Hospital	300
Simon Wiesenthal Center	100
The Home of the Sages in Israel	100
The Jewish Museum	265
The Smile Train	3,000
UJA/Federation	100
US Holocaust Museum	300
Yeshiva University	35,000
Total	<u>\$ 157,690</u>