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

# 2010

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.

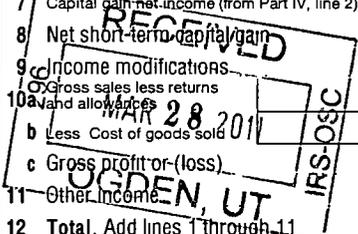
For calendar year 2010, or tax year beginning \_\_\_\_\_, and ending \_\_\_\_\_

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

Name of foundation <b>JAMES J MARKS FOUNDATION INC</b>		A Employer identification number <b>31-1587406</b>
Number and street (or P O box number if mail is not delivered to street address) <b>120 E MAIN STREET SUITE A</b>	Room/suite	B Telephone number <b>850-429-8640</b>
City or town, state, and ZIP code <b>PENSACOLA, FL 32502-6096</b>		C If exemption application is pending, check here <input type="checkbox"/>
H Check type of organization: <input checked="" type="checkbox"/> Section 501(c)(3) exempt private foundation <input type="checkbox"/> Section 4947(a)(1) nonexempt charitable trust <input type="checkbox"/> Other taxable private foundation		D 1. Foreign organizations, check here <input type="checkbox"/> 2. Foreign organizations meeting the 85% test, check here and attach computation <input type="checkbox"/>
I Fair market value of all assets at end of year (from Part II, col (c), line 16) \$ <b>610,422.</b>	J Accounting method: <input checked="" type="checkbox"/> Cash <input type="checkbox"/> Accrual <input type="checkbox"/> Other (specify) _____	E If private foundation status was terminated under section 507(b)(1)(A), check here <input type="checkbox"/>
		F If the foundation is in a 60-month termination under section 507(b)(1)(B), check here <input type="checkbox"/>

Part I Analysis of Revenue and Expenses <small>(The total of amounts in columns (b), (c), and (d) may not necessarily equal the amounts in column (a))</small>	(a) Revenue and expenses per books	(b) Net investment income	(c) Adjusted net income	(d) Disbursements for charitable purposes (cash basis only)
1 Contributions, gifts, grants, etc., received			N/A	
2 Check <input checked="" type="checkbox"/> if the foundation is not required to attach Sch B				
3 Interest on savings and temporary cash investments	2,990.	2,990.		STATEMENT 1
4 Dividends and interest from securities	10,693.	10,693.		STATEMENT 2
5a Gross rents				
b Net rental income or (loss)				
6a Net gain or (loss) from sale of assets not on line 10	18,127.			
b Gross sales price for all assets on line 6a <b>287,381.</b>				
7 Capital gain net income (from Part IV, line 2)		18,127.		
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	31,810.	31,810.		
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 <b>STMT 3</b>	1,200.	0.		0.
c Other professional fees <b>STMT 4</b>	4,943.	0.		0.
17 Interest				
18 Taxes <b>STMT 5</b>	2,445.	0.		0.
19 Depreciation and depletion				
20 Occupancy				
21 Travel, conferences, and meetings				
22 Printing and publications				
23 Other expenses <b>STMT 6</b>	1,125.	0.		0.
24 Total operating and administrative expenses. Add lines 13 through 23	9,713.	0.		0.
25 Contributions, gifts, grants paid	64,850.			64,850.
26 Total expenses and disbursements. Add lines 24 and 25	74,563.	0.		64,850.
27 Subtract line 26 from line 12:				
a Excess of revenue over expenses and disbursements	-42,753.			
b Net investment income (if negative, enter -0-)		31,810.		
c Adjusted net income (if negative, enter -0-)			N/A	

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<b>Part II Balance Sheets</b> <small>Attached schedules and amounts in the description column should be for end-of-year amounts only</small>		Beginning of year	End of year	
		(a) Book Value	(b) Book Value	(c) Fair Market Value
<b>Assets</b>	1 Cash - non-interest-bearing			
	2 Savings and temporary cash investments	5,544.	10,489.	10,489.
	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			
	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 <b>STMT 7</b>	353,620.	111,794.	155,158.
	c Investments - corporate bonds <b>STMT 8</b>	140,019.	334,147.	401,018.
	11 Investments - land, buildings, and equipment basis ▶ <b>43,757.</b> Less accumulated depreciation ▶	43,757.	43,757.	43,757.
	12 Investments - mortgage loans			
	13 Investments - other			
14 Land, buildings, and equipment; basis ▶ Less accumulated depreciation ▶				
15 Other assets (describe ▶ _____)				
<b>16 Total assets (to be completed by all filers)</b>	<b>542,940.</b>	<b>500,187.</b>	<b>610,422.</b>	
<b>Liabilities</b>	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 ▶ _____)			
<b>23 Total liabilities (add lines 17 through 22)</b>	<b>0.</b>	<b>0.</b>		
<b>Net Assets or Fund Balances</b>	<b>Foundations that follow SFAS 117, check here</b> ▶ <input type="checkbox"/> <b>and complete lines 24 through 26 and lines 30 and 31</b>			
	24 Unrestricted			
	25 Temporarily restricted			
	26 Permanently restricted			
	<b>Foundations that do not follow SFAS 117, check here</b> ▶ <input checked="" type="checkbox"/> <b>and complete lines 27 through 31.</b>			
	27 Capital stock, trust principal, or current funds	1,350,000.	1,350,000.	
	28 Paid-in or capital surplus, or land, bldg., and equipment fund	0.	0.	
29 Retained earnings, accumulated income, endowment, or other funds	-807,060.	-849,813.		
<b>30 Total net assets or fund balances</b>	<b>542,940.</b>	<b>500,187.</b>		
<b>31 Total liabilities and net assets/fund balances</b>	<b>542,940.</b>	<b>500,187.</b>		

**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 <small>(must agree with end-of-year figure reported on prior year's return)</small>	1	542,940.
2 Enter amount from Part I, line 27a	2	-42,753.
3 Other increases not included in line 2 (itemize) ▶ _____	3	0.
4 Add lines 1, 2, and 3	4	500,187.
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	500,187.

**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 ATTACHED SCHEDULE	P		
b SEE ATTACHED SCHEDULE	P		
c CAPITAL GAINS DIVIDENDS			
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 143,474.		135,783.	7,691.
b 143,440.		133,471.	9,969.
c 467.			467.
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			7,691.
b			9,969.
c			467.
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	18,127.
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))
2009	58,183.	518,003.	.112322
2008	78,583.	695,843.	.112932
2007	131,039.	901,198.	.145405
2006	105,016.	913,963.	.114902
2005	125,845.	941,177.	.133710

2 Total of line 1, column (d)	2	.619271
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	.123854
4 Enter the net value of noncharitable-use assets for 2010 from Part X, line 5	4	541,108.
5 Multiply line 4 by line 3	5	67,018.
6 Enter 1% of net investment income (1% of Part I, line 27b)	6	318.
7 Add lines 5 and 6	7	67,336.
8 Enter qualifying distributions from Part XII, line 4 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.	8	64,850.

**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 type="checkbox"/> and enter 1% of Part I, line 27b	1	636.
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	636.
4	Subtitle A (income) tax (domestic section 4947(a)(1) trusts and taxable foundations only. Others enter -0-)	4	0.
5	<b>Tax based on investment income.</b> Subtract line 4 from line 3. If zero or less, enter -0-	5	636.
6	Credits/Payments:		
a	2010 estimated tax payments and 2009 overpayment credited to 2010	6a	360.
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	360.
8	Enter any <b>penalty</b> for underpayment of estimated tax. Check here <input type="checkbox"/> if Form 2220 is attached	8	
9	<b>Tax due.</b> If the total of lines 5 and 8 is more than line 7, enter <b>amount owed</b>	9	276.
10	<b>Overpayment.</b> If line 7 is more than the total of lines 5 and 8, enter the <b>amount overpaid</b>	10	
11	Enter the amount of line 10 to be: <b>Credited to 2011 estimated tax</b> <input type="checkbox"/> <b>Refunded</b> <input type="checkbox"/>	11	

**Part VII-A Statements Regarding Activities**

	Yes	No
1a		X
1b		X
1c		X
2		X
3		X
4a		X
4b		
5		X
6	X	
7	X	
8a		
8b	X	
9		X
10		X

N/A

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

11	At any time during the year, did the foundation, directly or indirectly, own a controlled entity within the meaning of section 512(b)(13)? If "Yes," attach schedule (see instructions)	11		X
12	Did the foundation acquire a direct or indirect interest in any applicable insurance contract before August 17, 2008?	12		X
13	Did the foundation comply with the public inspection requirements for its annual returns and exemption application? Website address ▶ <u>N/A</u>	13	X	
14	The books are in care of ▶ <u>BARRY DICKSON, CPA</u> Telephone no. ▶ <u>850-435-8300</u> Located at ▶ <u>900 NORTH 12TH AVE., PENSACOLA, FL</u> ZIP+4 ▶ <u>32501</u>			
15	Section 4947(a)(1) nonexempt charitable trusts filing Form 990-PF in lieu of Form 1041 - Check here and enter the amount of tax-exempt interest received or accrued during the year ▶ 15 <u>N/A</u>			
16	At any time during calendar year 2010, did the foundation have an interest in or a signature or other authority over a bank, securities, or other financial account in a foreign country? See page 20 of the instructions for exceptions and filing requirements for Form TD F 90-22.1. If "Yes," enter the name of the foreign country ▶	16	Yes	No X

**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 22 of the instructions)? Organizations relying on a current notice regarding disaster assistance check here ▶ <input type="checkbox"/>	1b	X
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 2010?	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 2010, did the foundation have any undistributed income (lines 6d and 6e, Part XIII) for tax year(s) beginning before 2010? <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 <b>not</b> 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 2010 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 2010) <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 2010?	4b	X

**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)?  Yes  No  
 Organizations relying on a current notice regarding disaster assistance check here  N/A

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)  N/A

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?  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?  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.

(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
NEAL NASH 120 E. MAIN STREET, SUITE A PENSACOLA, FL 32501	DIRECTOR 0.00	0.	0.	0.
LIANNA NASH 120 E. MAIN STREET, SUITE A PENSACOLA, FL 32501	DIRECTOR 0.00	0.	0.	0.
JAMES J. MARKS, JR. 120 E. MAIN STREET, SUITE A PENSACOLA, FL 32501	DIRECTOR 0.00	0.	0.	0.
STEPHANIE MARKS 120 E. MAIN STREET, SUITE A PENSACOLA, FL 32501	DIRECTOR 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

**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.

**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	543,420.
b	Average of monthly cash balances	1b	5,928.
c	Fair market value of all other assets	1c	
d	<b>Total</b> (add lines 1a, b, and c)	1d	549,348.
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	549,348.
4	Cash deemed held for charitable activities. Enter 1 1/2% of line 3 (for greater amount, see instructions)	4	8,240.
5	<b>Net value of noncharitable-use assets.</b> Subtract line 4 from line 3. Enter here and on Part V, line 4	5	541,108.
6	<b>Minimum investment return.</b> Enter 5% of line 5	6	27,055.

**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	27,055.
2a	Tax on investment income for 2010 from Part VI, line 5	2a	636.
b	Income tax for 2010. (This does not include the tax from Part VI.)	2b	
c	Add lines 2a and 2b	2c	636.
3	Distributable amount before adjustments. Subtract line 2c from line 1	3	26,419.
4	Recoveries of amounts treated as qualifying distributions	4	0.
5	Add lines 3 and 4	5	26,419.
6	Deduction from distributable amount (see instructions)	6	0.
7	<b>Distributable amount as adjusted.</b> Subtract line 6 from line 5. Enter here and on Part XIII, line 1	7	26,419.

**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	64,850.
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	<b>Qualifying distributions.</b> Add lines 1a through 3b. Enter here and on Part V, line 8, and Part XIII, line 4	4	64,850.
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	0.
6	<b>Adjusted qualifying distributions.</b> Subtract line 5 from line 4	6	64,850.

**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 2009	(c) 2009	(d) 2010
<b>1</b> Distributable amount for 2010 from Part XI, line 7				26,419.
<b>2</b> Undistributed income, if any, as of the end of 2010				
<b>a</b> Enter amount for 2009 only			0.	
<b>b</b> Total for prior years:		0.		
<b>3</b> Excess distributions carryover, if any, to 2010:				
<b>a</b> From 2005	79,496.			
<b>b</b> From 2006	59,886.			
<b>c</b> From 2007	86,705.			
<b>d</b> From 2008	44,224.			
<b>e</b> From 2009	32,640.			
<b>f</b> Total of lines 3a through e	302,951.			
<b>4</b> Qualifying distributions for 2010 from Part XII, line 4: ▶ \$	64,850.			
<b>a</b> Applied to 2009, but not more than line 2a			0.	
<b>b</b> Applied to undistributed income of prior years (Election required - see instructions)		0.		
<b>c</b> Treated as distributions out of corpus (Election required - see instructions)	0.			
<b>d</b> Applied to 2010 distributable amount				26,419.
<b>e</b> Remaining amount distributed out of corpus	38,431.			
<b>5</b> Excess distributions carryover applied to 2010 (If an amount appears in column (d), the same amount must be shown in column (a))	0.			0.
<b>6</b> Enter the net total of each column as indicated below:				
<b>a</b> Corpus. Add lines 3f, 4c, and 4e. Subtract line 5	341,382.			
<b>b</b> Prior years' undistributed income. Subtract line 4b from line 2b		0.		
<b>c</b> 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.		
<b>d</b> Subtract line 6c from line 6b. Taxable amount - see instructions		0.		
<b>e</b> Undistributed income for 2009. Subtract line 4a from line 2a. Taxable amount - see instr.			0.	
<b>f</b> Undistributed income for 2010. Subtract lines 4d and 5 from line 1. This amount must be distributed in 2011				0.
<b>7</b> Amounts treated as distributions out of corpus to satisfy requirements imposed by section 170(b)(1)(F) or 4942(g)(3)	0.			
<b>8</b> Excess distributions carryover from 2005 not applied on line 5 or line 7	79,496.			
<b>9</b> Excess distributions carryover to 2011. Subtract lines 7 and 8 from line 6a	261,886.			
<b>10</b> Analysis of line 9:				
<b>a</b> Excess from 2006	59,886.			
<b>b</b> Excess from 2007	86,705.			
<b>c</b> Excess from 2008	44,224.			
<b>d</b> Excess from 2009	32,640.			
<b>e</b> Excess from 2010	38,431.			

**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 2010, 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			(e) Total
	(a) 2010	(b) 2009	(c) 2008	(d) 2007	
<b>2 a</b> Enter the lesser of the adjusted net income from Part I or the minimum investment return from Part X for each year listed					
<b>b</b> 85% of line 2a					
<b>c</b> Qualifying distributions from Part XII, line 4 for each year listed					
<b>d</b> Amounts included in line 2c not used directly for active conduct of exempt activities					
<b>e</b> Qualifying distributions made directly for active conduct of exempt activities. Subtract line 2d from line 2c					
<b>3</b> Complete 3a, b, or c for the alternative test relied upon:					
<b>a</b> "Assets" alternative test - enter:					
<b>(1)</b> Value of all assets					
<b>(2)</b> Value of assets qualifying under section 4942(j)(3)(B)(i)					
<b>b</b> "Endowment" alternative test - enter 2/3 of minimum investment return shown in Part X, line 6 for each year listed					
<b>c</b> "Support" alternative test - enter:					
<b>(1)</b> Total support other than gross investment income (interest, dividends, rents, payments on securities loans (section 512(a)(5)), or royalties)					
<b>(2)</b> Support from general public and 5 or more exempt organizations as provided in section 4942(j)(3)(B)(iii)					
<b>(3)</b> Largest amount of support from an exempt organization					
<b>(4)</b> 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).)

NONE

**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:

**NEAL NASH, 850-429-8640  
120 E. MAIN STREET, SUITE A, PENSACOLA, FL 32501**

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

**NO PREDETERMINED FORM**

**c** Any submission deadlines:

NONE

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

NONE







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

SOURCE	AMOUNT
WHITNEY BANK	2,990.
TOTAL TO FORM 990-PF, PART I, LINE 3, COLUMN A	2,990.

FORM 990-PF DIVIDENDS AND INTEREST FROM SECURITIES STATEMENT 2

SOURCE	GROSS AMOUNT	CAPITAL GAINS DIVIDENDS	COLUMN (A) AMOUNT
WHITNEY BANK	11,160.	467.	10,693.
TOTAL TO FM 990-PF, PART I, LN 4	11,160.	467.	10,693.

FORM 990-PF ACCOUNTING FEES STATEMENT 3

DESCRIPTION	(A) EXPENSES PER BOOKS	(B) NET INVESTMENT INCOME	(C) ADJUSTED NET INCOME	(D) CHARITABLE PURPOSES
ACCOUNTING	1,200.	0.		0.
TO FORM 990-PF, PG 1, LN 16B	1,200.	0.		0.

FORM 990-PF OTHER PROFESSIONAL FEES STATEMENT 4

DESCRIPTION	(A) EXPENSES PER BOOKS	(B) NET INVESTMENT INCOME	(C) ADJUSTED NET INCOME	(D) CHARITABLE PURPOSES
TRUSTEE FEES	4,943.	0.		0.
TO FORM 990-PF, PG 1, LN 16C	4,943.	0.		0.

FORM 990-PF TAXES STATEMENT 5

DESCRIPTION	(A) EXPENSES PER BOOKS	(B) NET INVEST- MENT INCOME	(C) ADJUSTED NET INCOME	(D) CHARITABLE PURPOSES
TAXES AND LICENSES	2,254.	0.		0.
FOREIGN TAXES	191.	0.		0.
TO FORM 990-PF, PG 1, LN 18	2,445.	0.		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
LAWN CARE	1,125.	0.		0.
TO FORM 990-PF, PG 1, LN 23	1,125.	0.		0.

FORM 990-PF CORPORATE STOCK STATEMENT 7

DESCRIPTION	BOOK VALUE	FAIR MARKET VALUE
WHITNEY TRUST	111,794.	155,158.
TOTAL TO FORM 990-PF, PART II, LINE 10B	111,794.	155,158.

FORM 990-PF CORPORATE BONDS STATEMENT 8

DESCRIPTION	BOOK VALUE	FAIR MARKET VALUE
WHITNEY TRUST	334,147.	401,018.
TOTAL TO FORM 990-PF, PART II, LINE 10C	334,147.	401,018.

FORM 990-PF

GRANTS AND CONTRIBUTIONS  
PAID DURING THE YEAR

STATEMENT 9

RECIPIENT NAME AND ADDRESS	RECIPIENT RELATIONSHIP AND PURPOSE OF GRANT	RECIPIENT STATUS	AMOUNT
ALZHEIMER'S FAMILY SERVICES 1201 N. TARRAGONA PENSACOLA, FL 32501	NONE CHARITABLE PURPOSES	PUBLIC CHARITY	500.
AMERICAN CANCER SOCIETY 701 E. CERVANTES STREET PENSACOLA, FL 32501	NONE CHARITABLE PURPOSES	PUBLIC CHARITY	1,000.
AMERICAN HEART ASSOC P.O. BOX 21714 PENSACOLA, FL 33742	NONE CHARITABLE PURPOSES	PUBLIC CHARITY	5,500.
ANNA TRINGAS LEGACY FUND 3820 MAULE RD PENSACOLA, FL 32503	NONE CHARITABLE PURPOSES	PUBLIC CHARITY	1,000.
BAPTIST HEALTH CARE FOUNDATION PO BOX 17500 PENSACOLA, FL 32522	NONE CHARITABLE PURPOSES	PUBLIC CHARITY	2,000.
CHAIN REACTION 840 W. MORENO STREET PENSACOLA, FL 32501	NONE CHARITABLE PURPOSES	PUBLIC CHARITY	5,000.
CORDOVA PARK PTA 2250 SEMUR DRIVE PENSACOLA, FL 32503	NONE CHARITABLE PURPOSES	PUBLIC CHARITY	250.
COUNCIL ON AGING 875 ROYCE STREET PENSACOLA, FL 32503	NONE CHARITABLE PURPOSES	PUBLIC CHARITY	1,000.

JAMES J MARKS FOUNDATION INC

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COVENANT HOSPICE 5041 N. 12TH AVE PENSACOLA, FL 32504	NONE CHARITABLE PURPOSES	PUBLIC CHARITY	1,000.
EARL HUTTO FOUNDATION INC PO BOX 15244 PENSACOLA, FL 32514	NONE CHARITABLE PURPOSES	EXEMPT PRIVATE FOUNDATION	3,000.
ESCAROSA COALITION ON THE HOMELESS PO BOX 17222 PENSACOLA, FL 32522	NONE CHARITABLE PURPOSES	PUBLIC CHARITY	1,000.
FAVOR HOUSE 2001 BLOUNT STREET PENSACOLA, FL 32501	NONE CHARITABLE PURPOSES	PUBLIC CHARITY	1,000.
GULF COAST KIDS HOUSE 3401 N. 12TH AVE PENSACOLA, FL 32503	NONE CHARITABLE PURPOSES	PUBLIC CHARITY	2,000.
MICHAEL E. GREEN PRESCRIPTION FUND 109 SEAMARGE PENSACOLA, FL 32507	NONE CHARITABLE PURPOSES	PUBLIC CHARITY	3,000.
NATIONAL COUNCIL ON ALCOHOLISM AND DRUGS 8738 ORTEGO DR. NAVARRE, FL 32566	NONE CHARITABLE PURPOSES	PUBLIC CHARITY	10,000.
ORDER OF ST. IGNATIUS 358 MOUNTAIN RD. ENGLEWOOD, NJ 07631	NONE CHARITABLE PURPOSES	PUBLIC CHARITY	1,000.
PACE CENTER FOR GIRLS 1201 COLLEGE BLVD. PENSACOLA, FL 32504	NONE CHARITABLE PURPOSES	PUBLIC CHARITY	5,000.
PACE TEMPLE CME CHURCH 2912 W. GADSDEN STREET PENSACOLA, FL 32505	NONE CHARITABLE PURPOSES	PUBLIC CHARITY	5,000.

JAMES J MARKS FOUNDATION INC

31-1587406

PANHANDLE CHARITABLE OPEN  
6847A N. 9TH AVENUE PENSACOLA,  
FL 32504

NONE  
CHARITABLE PURPOSES

PUBLIC  
CHARITY

1,500.

PENSACOLA BAY AREA IMPACT 100  
4400 BAYOU BLVD, SUITE 34  
PENSACOLA, FL 32503

NONE  
CHARITABLE PURPOSES

PUBLIC  
CHARITY

2,000.

SOCIETY OF DEBUTANTE CHARITY  
COTILLION  
P.O. BOX 2274 PENSACOLA, FL  
32504

NONE  
CHARITABLE PURPOSES

PUBLIC  
CHARITY

3,100.

ST. ANDREWS ANTIOCHIAN ORTHODOX  
CHURCH  
120 E. MAIN STREET, STE A  
PENSACOLA, FL 32502

NONE  
CHARITABLE PURPOSES

PUBLIC  
CHARITY

10,000.

TOTAL TO FORM 990-PF, PART XV, LINE 3A

64,850.

**-Account Name:**

MARKS FOUNDATION, IM 300024-000

**Account Number:** 300024-000**Tax I.D. Number:** XX-XXX7406

THE FOLLOWING ARE THE DETAILS OF THE SALES REPORTED TO THE IRS ON THE 2010 FORM 1099-B.

Units	Description	Date Acquired	Date Sold	Gross Sales Price	Cost or Other Basis	Short-term Gain/Loss
	SHORT-TERM SALES REPORTED ON FORM 1099-B -----					
5.000	AFLAC INC	10/27/2009	02/17/2010	243.59	214.75	28.84
5.000	AFLAC INC	10/27/2009	07/08/2010	231.86	214.74	17.12
5.000	AT & T INC	02/17/2010	03/16/2010	128.60	127.35	1.25
5.000	AT & T INC	11/03/2010	12/01/2010	140.84	145.24	-4.40
5.000	AT & T INC	11/03/2010	12/10/2010	143.74	145.23	-1.49
5.000	AIR PRODUCTS & CHEMICALS	03/09/2010	12/10/2010	443.19	369.50	73.69
15.000	AIRGAS INC	11/24/2009	02/17/2010	942.90	627.73	315.17
37.000	AIRGAS INC	03/11/2009	03/09/2010	2,385.69	1,133.16	1,252.53
5.000	ALLIANT TECHSYSTEMS INC	02/17/2010	05/20/2010	356.93	388.50	-31.57
95.000	AMEREN CORP	07/08/2009	03/16/2010	2,411.97	2,211.12	200.85
5.000	AMERISOURCEBERGEN CORP	03/11/2009	02/17/2010	137.94	71.32	66.62
5.000	AMERISOURCEBERGEN CORP	11/03/2010	12/01/2010	157.09	158.57	-1.48
5.000	AMGEN INC	10/07/2009	05/20/2010	269.30	292.55	-23.25
5.000	APACHE CORP	11/24/2009	02/17/2010	519.19	485.25	33.94
5.000	APACHE CORP	11/03/2010	12/10/2010	569.99	509.80	60.19
58.000	AVON PRODUCTS INC	03/11/2009	02/17/2010	1,767.81	940.06	827.75
5.000	BALL CORP	10/27/2009	07/08/2010	267.90	251.31	16.59
5.000	BALL CORP	11/03/2010	12/10/2010	339.24	321.90	17.34
5.000	BECTON DICKINSON & CO	11/03/2010	12/10/2010	409.99	376.99	33.00
5.000	BIO-RAD LABORATORIES CL A	11/03/2010	12/10/2010	497.84	465.80	32.04
5.000	BRISTOL MYERS SQUIBB CO	02/17/2010	03/15/2010	129.30	123.00	6.30
5.000	BRISTOL MYERS SQUIBB CO	11/03/2010	12/01/2010	127.34	133.35	-6.01
5.000	BRISTOL MYERS SQUIBB CO	11/03/2010	12/10/2010	129.69	133.35	-3.66
5.000	CAMPBELL SOUP CO	02/17/2010	05/20/2010	174.65	168.40	6.25
5.000	CAMPBELL SOUP CO	11/03/2010	12/01/2010	170.49	182.39	-11.90
5.000	CATERPILLAR INC	11/03/2010	12/10/2010	446.84	397.09	49.75
5.000	CENTURYLINK INC	11/03/2010	12/01/2010	216.84	210.90	5.94
5.000	CHEVRON CORP	11/03/2010	12/10/2010	432.44	412.20	20.24
10.000	CHUBB CORP	07/08/2009	03/15/2010	502.11	390.40	111.71
5.000	CISCO SYSTEMS INC	11/03/2010	12/01/2010	96.34	118.14	-21.80
5.000	COGNIZANT TECHNOLOGY SOLUTIONS CORP	04/13/2009	03/15/2010	253.69	116.52	137.17
5.000	COGNIZANT TECHNOLOGY SOLUTIONS CORP	05/20/2010	07/08/2010	262.00	236.43	25.57
5.000	COMPUTER SCIENCES CORP	12/09/2009	12/01/2010	230.89	274.67	-43.78
5.000	CONAGRA FOODS INC	03/11/2009	02/17/2010	119.86	70.54	49.32
5.000	CONAGRA FOODS INC	11/03/2010	12/01/2010	109.49	111.35	-1.86
5.000	CONAGRA FOODS INC	11/03/2010	12/10/2010	110.04	111.35	-1.31
15.000	DARDEN RESTAURANTS INC	05/14/2009	02/17/2010	608.27	521.93	86.34
5.000	DARDEN RESTAURANTS INC	11/03/2010	12/01/2010	248.79	232.65	16.14
5.000	DARDEN RESTAURANTS INC	07/08/2010	12/10/2010	247.44	191.81	55.63
5.000	EQUIFAX INC	03/11/2009	02/17/2010	162.20	104.07	58.13
5.000	EQUIFAX INC	07/08/2010	07/14/2010	149.64	143.31	6.33
5.000	EXELON CORP	03/16/2010	12/01/2010	196.39	223.00	-26.61
5.000	FAMILY DOLLAR STORES INC	07/08/2010	12/01/2010	250.99	179.45	71.54
5.000	FEDEX CORP	11/03/2010	12/10/2010	463.79	435.31	28.48
5.000	FOREST LABS INC	02/17/2010	03/15/2010	156.30	148.70	7.60
5.000	GENERAL DYNAMICS CORP	07/08/2010	11/03/2010	338.45	302.64	35.81
5.000	GLOBAL PAYMENTS INC	11/24/2009	03/15/2010	222.95	261.23	-38.28
60.000	GLOBAL PAYMENTS INC	05/20/2010	07/08/2010	2,207.73	2,952.79	-745.06
5.000	HARRIS CORP	03/15/2010	05/20/2010	230.57	227.39	3.18
5.000	HARRIS CORP	11/03/2010	12/01/2010	227.09	229.24	-2.15

**Account Name:**

MARKS FOUNDATION, IM 300024-000

**Account Number:** 300024-000**Tax I.D. Number:** XX-XXX7406

THE FOLLOWING ARE THE DETAILS OF THE SALES REPORTED TO THE IRS ON THE 2010 FORM 1099-B.

Units	Description	Date Acquired	Date Sold	Gross Sales Price	Cost or Other Basis	Short-term Gain/Loss
5.000	HARRIS CORP	11/03/2010	12/10/2010	230.09	229.24	0.85
5 000	HARSCO CORP	11/24/2009	03/15/2010	156.66	161.25	-4.59
25.000	HARSCO CORP	05/20/2010	11/03/2010	570.92	687.97	-117.05
1.000	HEWLETT PACKARD CO	05/20/2010	12/10/2010	42.37	45.89	-3.52
5.000	HOLLY CORP	11/24/2009	02/17/2010	140.16	129.80	10.36
36.000	HOLLY CORP	07/08/2009	05/20/2010	917.70	609.83	307.87
86.000	IMS HEALTH INC	03/11/2009	02/26/2010	1,892.00	1,024.26	867.74
5.000	INTEL CORP	10/07/2009	03/16/2010	109.39	98.84	10.55
10.000	INTEL CORP	11/03/2010	12/01/2010	214.59	204.00	10.59
5.000	INTEL CORP	11/03/2010	12/10/2010	109.09	102.00	7.09
5.000	IBM	02/17/2010	05/20/2010	627.39	632.35	-4.96
5.000	INTUIT INC	11/24/2009	03/16/2010	173.31	147.65	25.66
5.000	ISHARES S&P 500/BARRA GROWTH	05/20/2010	07/08/2010	272.92	277.34	-4.42
5.000	ISHARES S&P 500/BARRA GROWTH	05/20/2010	11/03/2010	313.97	277.34	36.63
10 000	ISHARES S&P 500/BARRA GROWTH	05/20/2010	12/01/2010	639.38	554.68	84.70
10.000	ISHARES S&P 500/BARRA GROWTH	05/20/2010	12/10/2010	648.58	554.68	93.90
10 000	ISHARES S&P 500/BARRA VALUE	05/20/2010	12/01/2010	564.39	526.01	38.38
10 000	ISHARES S&P 500/BARRA VALUE	05/20/2010	12/10/2010	582.59	526.01	56.58
5.000	ISHARES DOW JONES U S REAL ESTATE	03/08/2010	05/20/2010	238.64	240.83	-2.19
5.000	ISHARES DOW JONES U S REAL ESTATE	03/08/2010	07/08/2010	237.50	240.83	-3.33
20.000	ISHARES DOW JONES U S REAL ESTATE	03/08/2010	11/03/2010	1,109.43	963.32	146.11
20.000	ISHARES DOW JONES U S REAL ESTATE	03/08/2010	12/01/2010	1,085.18	963.32	121.86
115.000	ISHARES S&P SMALLCAP 600	11/24/2009	02/17/2010	6,276.76	5,935.48	341.28
50.000	ISHARES S&P SMALLCAP 600	08/28/2009	03/16/2010	2,955.96	2,527.50	428.46
120.000	ISHARES S&P SMALLCAP 600	07/08/2010	11/03/2010	7,470.16	6,791.55	678.61
90 000	ISHARES S&P SMALLCAP 600	07/08/2010	12/01/2010	5,883.43	4,928.82	954.61
196 000	ISHARES IBOX \$ HIGH YIELD CORP BD	02/17/2010	03/08/2010	17,208.24	15,729.18	1,479.06
5.000	JP MORGAN CHASE & CO	05/20/2010	12/01/2010	189.79	191.08	-1.29
5.000	JP MORGAN CHASE & CO	05/20/2010	12/10/2010	204.34	191.09	13.25
5 000	JOHNSON & JOHNSON	02/17/2010	05/20/2010	305.35	320.35	-15.00
5 000	KELLOGG CO	03/15/2010	05/20/2010	271.19	262.84	8.35
5 000	KELLOGG CO	11/03/2010	12/01/2010	247.19	248.37	-1.18
10.000	KOHL'S CORP	05/20/2010	08/10/2010	483.86	527.94	-44.08
5.000	LINCARE HOLDINGS INC	03/11/2009	02/17/2010	206.92	99.13	107.79
5.000	LINCARE HOLDINGS INC	07/08/2010	12/01/2010	130.09	134.90	-4.81
10 000	LINCOLN NATIONAL CORP	10/27/2009	02/17/2010	250.82	255.20	-4.38
5.000	LINCOLN NATIONAL CORP	11/24/2009	03/15/2010	140.65	119.50	21.15
5.000	LINEAR TECHNOLOGY CORP	03/16/2010	05/20/2010	135.80	140.89	-5.09
10 000	LINEAR TECHNOLOGY CORP	10/27/2009	07/08/2010	291.81	267.19	24.62
5.000	LINEAR TECHNOLOGY CORP	11/03/2010	12/01/2010	165.94	159.24	6.70
5 000	LINEAR TECHNOLOGY CORP	11/03/2010	12/10/2010	171.44	159.25	12.19
10 000	MARATHON OIL CORP	11/24/2009	03/15/2010	311.40	324.20	-12.80
10 000	MARATHON OIL CORP	02/17/2010	07/08/2010	319.82	307.60	12.22
5.000	MARATHON OIL CORP	11/03/2010	12/01/2010	170.54	163.94	6.60
5 000	MARRIOTT INTERNATIONAL INC CLASS A	11/03/2010	12/01/2010	199.54	188.95	10.59
15 000	MCDONALD'S CORP	07/08/2009	02/17/2010	961.97	849.27	112.70
5.000	MERCK & CO INC	03/09/2010	12/01/2010	173.94	184.90	-10.96
5 000	MERCK & CO INC	03/09/2010	12/10/2010	178.29	184.90	-6.61
5 000	NATIONAL OILWELL INC	10/27/2009	02/17/2010	222.01	217.05	4.96
10.000	NATIONAL OILWELL INC	05/20/2010	11/03/2010	546.29	359.69	186.60
5.000	OGE ENERGY CORP	03/11/2009	02/17/2010	184.00	105.80	78.20
5.000	OCCIDENTAL PETROLEUM CORP	02/17/2010	07/08/2010	402.39	404.69	-2.30
5.000	OCCIDENTAL PETROLEUM CORP	02/17/2010	12/10/2010	460.39	404.69	55.70

**-Account Name:**

MARKS FOUNDATION, IM 300024-000

**Account Number:** 300024-000**Tax I.D. Number:** XX-XXX7406

THE FOLLOWING ARE THE DETAILS OF THE SALES REPORTED TO THE IRS ON THE 2010 FORM 1099-B.

Units	Description	Date Acquired	Date Sold	Gross Sales Price	Cost or Other Basis	Short-term Gain/Loss
5.000	OMNICOM GROUP INC	05/20/2010	12/01/2010	232 59	193.74	38.85
5.000	OMNICOM GROUP INC	02/17/2010	12/10/2010	231 74	182.39	49.35
5.000	PNC FINANCIAL SERVICES GROUP	03/15/2010	05/20/2010	305 68	286.80	18 88
5.000	PNC FINANCIAL SERVICES GROUP	11/03/2010	12/01/2010	274.14	266.79	7.35
5.000	PNC FINANCIAL SERVICES GROUP	11/03/2010	12/10/2010	305 24	266.79	38.45
5.000	PROCTER & GAMBLE CO	05/14/2009	02/17/2010	314.44	256.27	58.17
35.000	PROCTER & GAMBLE CO	03/15/2010	03/26/2010	2,223.52	1,856.23	367.29
5.000	RAYMOND JAMES FINANCIAL INC	05/14/2009	02/17/2010	131.50	79.36	52.14
5.000	RAYMOND JAMES FINANCIAL INC	11/03/2010	12/01/2010	146.69	145.35	1.34
10.000	RAYMOND JAMES FINANCIAL INC	05/20/2010	12/10/2010	310.50	273.07	37 43
5.000	REINSURANCE GROUP OF AMERICA INC	11/24/2009	07/08/2010	237 33	237.90	-0.57
5.000	REINSURANCE GROUP OF AMERICA INC	11/03/2010	12/01/2010	253 09	250.96	2.13
5.000	STATE STREET CORP	10/07/2009	02/17/2010	223.68	265.25	-41.57
5.000	STATE STREET CORP	10/27/2009	03/15/2010	222.40	220.94	1 46
5.000	TJX COS INC	02/17/2010	03/15/2010	213 79	194.30	19.49
5.000	TJX COS INC	11/03/2010	12/01/2010	228.19	233.55	-5 36
5.000	US BANCORP	03/15/2010	12/01/2010	120 44	129 75	-9.31
15.000	US BANCORP	03/15/2010	12/10/2010	384.29	389.25	-4.96
5.000	UNION PACIFIC CORP	10/27/2009	07/08/2010	352 40	283 10	69.30
5.000	UNION PACIFIC CORP	11/03/2010	12/10/2010	459.89	451.65	8.24
191 345	VANGUARD S/T BOND INDEX-INV	09/24/2009	02/23/2010	2,011.04	1,999.55	11.49
185.536	VANGUARD INTRM TRM BD IDX-IV	09/24/2009	02/23/2010	2,014 92	2,007.50	7.42
885.740	VANGUARD INTRM TRM BD IDX-IV	03/19/2010	07/01/2010	10,000 00	9,654.57	345.43
88 574	VANGUARD INTRM TRM BD IDX-IV	12/06/2010	12/10/2010	994.69	1,019.49	-24 80
889.680	VANGUARD INTRM TRM BD IDX-IV	12/06/2010	12/22/2010	10,000.00	10,240.22	-240 22
695.000	VANGUARD EMERGING MARKET	03/16/2010	05/20/2010	25,269 01	27,935.41	-2,666.40
105.000	VANGUARD EMERGING MARKET	08/28/2009	07/08/2010	4,156 49	3,742.20	414.29
5.000	WAL MART STORES INC	11/03/2010	12/01/2010	273.29	273.24	0.05
35 000	XTO ENERGY INC	10/27/2009	02/17/2010	1,611 45	1,432.38	179.07
5 000	YUM BRANDS INC	10/27/2009	03/15/2010	187.86	169.80	18.06
5.000	YUM BRANDS INC	02/17/2010	07/08/2010	199.05	168.55	30.50
	TOTAL SHORT-TERM SALES REPORTED ON 1099-B			143,474 12	135,783.44	7,690 68

Account Name:

MARKS FOUNDATION, IM 300024-000

Account Number: 300024-000

Tax I.D. Number: XX-XXX7406

THE FOLLOWING ARE THE DETAILS OF THE SALES REPORTED TO THE IRS ON THE 2010 FORM 1099-B.

Units	Description	Date Acquired	Date Sold	Gross Sales Price	Cost or Other Basis	Long-term Gain/Loss
LONG-TERM SALES REPORTED ON FORM 1099-B						
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15% MAXIMUM RATE SALES REPORTED ON FORM 1099-B:						
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5.000	AFLAC INC	10/27/2009	11/03/2010	278.67	214.75	63.92
5.000	AFLAC INC	10/27/2009	12/01/2010	264.34	214.74	49.60
5.000	AT & T INC	07/11/2005	05/20/2010	124.85	119.00	5.85
20.000	ALLIANT TECHSYSTEMS INC	03/11/2009	05/20/2010	1,427.70	1,278.68	149.02
15.000	AMERISOURCEBERGEN CORP	03/11/2009	05/20/2010	461.55	213.95	247.60
5.000	AMPHENOL CORP CL A	04/11/2003	12/01/2010	257.74	48.73	209.01
5.000	ARCHER DANIELS MIDLAND CO	11/24/2009	12/01/2010	146.69	156.94	-10.25
5.000	BRISTOL MYERS SQUIBB CO	03/11/2009	05/20/2010	116.56	98.29	18.27
5.000	BRISTOL MYERS SQUIBB CO	03/11/2009	07/08/2010	127.60	98.29	29.31
5.000	COGNIZANT TECHNOLOGY SOLUTIONS CORP	04/13/2009	12/01/2010	333.44	116.52	216.92
5.000	CONAGRA FOODS INC	03/11/2009	05/20/2010	122.41	70.54	51.87
61.000	EQUIFAX INC	03/11/2009	07/14/2010	1,825.65	1,269.70	555.95
10.000	FAMILY DOLLAR STORES INC	03/11/2009	05/20/2010	408.81	311.48	97.33
40,000.000	FHLB 4.375% 3/17/10	03/28/2006	03/17/2010	40,000.00	39,087.20	912.80
25,000.000	FHLB 4.625% 2/18/11	03/27/2008	12/01/2010	25,230.60	26,392.50	-1,161.90
5.000	FEDERATED INVESTORS INC CL B	11/24/2009	12/01/2010	120.34	130.79	-10.45
5.000	FEDERATED INVESTORS INC CL B	11/24/2009	12/10/2010	128.94	130.79	-1.85
59.000	FOREST LABS INC	03/11/2009	11/03/2010	1,971.85	1,159.27	812.58
29.000	GENERAL DYNAMICS CORP	04/11/2003	11/03/2010	1,963.04	920.51	1,042.53
53.000	HARSCO CORP	02/13/2004	11/03/2010	1,210.34	1,217.14	-6.80
5.000	HEWLETT PACKARD CO	06/20/2008	12/01/2010	213.79	230.14	-16.35
4.000	HEWLETT PACKARD CO	06/20/2008	12/10/2010	169.47	184.11	-14.64
25,000.000	INTL LEASE FIN CORP 5.000% 4/15/10	04/06/2006	04/15/2010	25,000.00	24,539.50	460.50
5.000	INTUIT INC	03/11/2009	03/16/2010	173.31	124.34	48.97
5.000	INTUIT INC	03/11/2009	07/08/2010	178.05	124.34	53.71
5.000	INTUIT INC	03/11/2009	11/03/2010	238.75	124.34	114.41
5.000	INTUIT INC	03/11/2009	12/01/2010	233.79	124.34	109.45
15.000	ISHARES TR MSCI EAFE INDEX FUND	01/25/2008	05/20/2010	710.86	1,080.81	-369.95
55.000	ISHARES TR MSCI EAFE INDEX FUND	01/25/2008	07/08/2010	2,723.59	3,962.95	-1,239.36
45.000	ISHARES TR MSCI EAFE INDEX FUND	01/25/2008	11/03/2010	2,589.34	3,242.42	-653.08
45.000	ISHARES TR MSCI EAFE INDEX FUND	01/25/2008	12/01/2010	2,507.35	3,242.41	-735.06
10.000	ISHARES TR MSCI EAFE INDEX FUND	01/25/2008	12/10/2010	571.69	720.54	-148.85
55.000	ISHARES S&P SMALLCAP 600	08/28/2009	12/01/2010	3,595.43	2,780.25	815.18
185.000	ISHARES S&P SMALLCAP 600	08/28/2009	12/10/2010	12,437.37	9,351.75	3,085.62
22.000	KOHL'S CORP	07/08/2009	08/10/2010	1,064.48	950.27	114.21
10.000	LINCARE HOLDINGS INC	03/11/2009	05/20/2010	453.81	198.25	255.56
20.000	LINCOLN NATIONAL CORP	03/11/2009	03/15/2010	562.59	146.76	415.83
77.000	LINCOLN NATIONAL CORP	03/11/2009	05/20/2010	2,013.71	565.03	1,448.68
24.000	MCDONALD'S CORP	01/04/2008	02/17/2010	1,539.16	1,367.93	171.23
5.000	MURPHY OIL CORP	10/07/2009	12/01/2010	346.19	293.65	52.54
5.000	NATIONAL OILWELL INC	05/14/2009	12/01/2010	311.89	169.81	142.08
5.000	NATIONAL OILWELL INC	05/14/2009	12/10/2010	313.64	169.81	143.83
5.000	OGE ENERGY CORP	03/11/2009	12/01/2010	224.09	105.80	118.29
5.000	OGE ENERGY CORP	03/11/2009	12/10/2010	224.84	105.80	119.04
5.000	PARKER HANNIFIN CORP	07/11/2005	12/10/2010	425.24	209.67	215.57
5.000	PEPSICO INC	05/13/1999	05/20/2010	322.69	186.65	136.04
5.000	STATE STREET CORP	11/24/2009	12/01/2010	224.39	207.70	16.69

**Account Name:**

MARKS FOUNDATION, IM 3000024-000

**Account Number:** 3000024-000**Tax I.D. Number:** XX-XXX7406

THE FOLLOWING ARE THE DETAILS OF THE SALES REPORTED TO THE IRS ON THE 2010 FORM 1099-B.

Units	Description	Date Acquired	Date Sold	Gross Sales Price	Cost or Other Basis	Long-term Gain/Loss
90.000	VANGUARD EMERGING MARKET	08/28/2009	11/03/2010	4,296.64	3,207.60	1,089.04
55.000	VANGUARD EMERGING MARKET	08/28/2009	12/01/2010	2,569.00	1,960.20	608.80
5.000	WAL MART STORES INC	01/20/2006	05/20/2010	259.90	225.30	34.60
5.000	WASTE MANAGEMENT INC	06/24/2008	12/01/2010	172.04	190.64	-18.60
5.000	YUM BRANDS INC	03/11/2009	12/01/2010	251.74	128.04	123.70
	TOTAL 15% MAXIMUM RATE SALES REPORTED ON 1099-B			143,439.95	133,470.96	9,968.99
	TOTAL LONG-TERM SALES REPORTED ON FORM 1099-B			143,439.95	133,470.96	9,968.99