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

OMB No 1545-0052

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 ar beginning , 2010, and ending ,

| For cal         | endar year 2010, or                                   | tax year beginnin   | 9           |  | , 2010                  | , and ending                          | _            |          |   |                                       |
|-----------------|---|---|-------------|--|-------------------------|---------------------------------------|--------------|----------|---|---------------------------------------|
| G Che           | eck all that apply:                                   | Initial return  | Initi       | al Return  | of a former p           |                                       |              |          | Fina  | al return                             |
|                 | ,,,   | Amended retu  |             |  | Address                 | ´—                                    | Nam          | e ch     |   |                                       |
|                 |   |   |             |  | / toda cos t            | orialige                              |              | 4        | Employer identification nun                               | her                                   |
| ERNE            | ST E. PESTANA   | 7   |             |  |                         |                                       | <b>'</b>     | •        | 77-0891712  | ivei                                  |
|                 | ITABLE FOUNDA   |   |             |  |                         |                                       | _ h          | B        | Telephone number (see the                                 | netructions)                          |
| 360             | KIELY BOULEVA   | ARD #240  |             |  |                         |                                       | -            |          | 408-241-3300  | nistractions)                         |
| SAN             | JOSE, CA 9512   | 29  |             |  |                         |                                       | - 1          | <u> </u> |   | nondrag shoek have                    |
|                 |   |   |             |  |                         |                                       | - 1          |          | If exemption application is                               | · •                                   |
| H C             | heck type of organiz                                  | ration: Y Soct  | on 501      | 1(a)(3) ava  | mpt private f           |                                       | '            |          | Foreign organizations, chec<br>Foreign organizations meet |                                       |
| " ř             | Section 4947(a)(1                                     |   |             |  |                         | private foundation                    |              | 4        | here and attach computation                               |                                       |
|                 | air market value of all ass                           |   |             |  | ethod X C               |                                       | -            | E        | If private foundation status                              |                                       |
|                 | rom Part II, column (c), lii                          | ne 16)  | _           | Other (specif                                      |                         | asiiAcciu                             |              | _        | under section 507(b)(1)(A)                                | , check here                          |
| ► s             | 870   | 0,190.  |             |  | ~ ~                     | n cash basıs )                        |              | F        | If the foundation is in a 60-                             |                                       |
| Part I          | Analysis of R   | evenue and  | (1 2111,    |  |                         | Casir basis )                         |              | Т        | under section 507(b)(1)(B)                                | , CHECK HEIE                          |
|                 |   | e total of amounts  | ın          |  | enue and<br>s per books | (b) Net inves                         |              | t        | (c) Adjusted net  | (d) Disbursements                     |
|                 | columns (b), (c),                                     | and (d) may not i   | neces-      | expense:   | s per books             | ıncome                                |              |          | ıncome  | for charitable purposes               |
|                 | sarily equal the a<br>(see the instructi              | amounts in column   | (a)         |  |                         |                                       |              |          |   | (cash basis only)                     |
|                 |   | s, grants, etc, received (a                                   | att sch)    |  | 170,000.                |                                       |              | -+       | · <del></del>   |                                       |
|                 |   | foundn is <b>not</b> req to att                               | -           |  | 170,000.                |                                       |              | $\dashv$ |   |                                       |
|                 |   | ivings and tempora  |             |  | -                       |                                       |              | $\dashv$ |   |                                       |
|                 | cash investme   | ents  | ,           |  | 5,232.                  | 5,                                    | <u>, 232</u> | 2.       | 5,232.  |                                       |
|                 |   | terest from securities  |             | h  |                         |                                       |              | $\perp$  |   |                                       |
|                 | 5a Gross Tents<br>b Net rental income<br>or (loss)    | RECEIVE   |             | <del> </del>                                       | <del></del>             |                                       |              | 4        |   |                                       |
| _               | or (loss)   | ILULION   | <del></del> | <del>                                       </del> |                         |                                       |              | 4        |   |                                       |
| R<br>E          | D Gross sales or ice i                                | m sale of assets not on i                                     | line 100    |  |                         |                                       |              | -+       |   | -                                     |
| E<br>V          | assets of line 6a                                     | for all 9 1 2011<br>NOV 9 1 2011<br>Icome (from Part IV, line |             | <del>                                     </del>   | <del></del>             |                                       |              | +        | ····  |                                       |
| Ė               | Capital gain riet in     Net short-tern               | icome (from Part IV, line<br>n <u>capitaLgai</u>              | 2)          | <del>                                     </del>   |                         |                                       |              | +        |   | our magness greatery passalance gapes |
| U               | 9 Income modif  | Traffiche CA  |             | <del>                                     </del>   |                         |                                       |              | -+       |   | ,                                     |
| Ε               | 9 Income modif<br>10a Gross sales less<br>returns and |   |             | <del></del>  |                         |                                       |              | _        |   | <del></del>                           |
|                 | 4.1011411000  |   |             |  |                         |                                       |              |          |   |                                       |
|                 | <b>b</b> Less Cost of goods sold                      |   |             | ŀ  | ,                       | ł                                     |              | - 1      |   | wa                                    |
|                 | c Gross profit/(loss                                  | s) (att sch)  |             |  |                         | · · · · · · · · · · · · · · · · · · · |              |          |   |                                       |
|                 | 11 Other income                                       | (attach schedule)   |             |  |                         |                                       |              |          |   |                                       |
|                 |   | <u>See Stateme</u>  | <u>nt 1</u> |  | <u>4</u> 8,925.         |                                       |              |          |   |                                       |
|                 | <del></del>   | es 1 through 11   |             |  | <u> 224,157.</u>        | 5                                     | , 232        | 2.       | 5,232.  |                                       |
|                 | · ·   | officers, directors, trustee                                  | es, etc     |  | 0.                      |                                       |              | _        |   |                                       |
|                 | 14 Other employee s                                   | •   |             |  |                         |                                       |              | _        |   |                                       |
|                 |   | s, employee benef   | its         |  |                         |                                       |              | _        |   |                                       |
| A<br>D<br>M     | 16a Legal fees (attach                                | •   |             |  |                         |                                       |              | 4        |   |                                       |
| M               | <b>b</b> Accounting fees (                            | •   |             |  |                         |                                       |              | 4        |   |                                       |
| .O N            | c Other prof fees (a                                  | attach sch)   |             |  | <del></del>             |                                       |              | -        |   |                                       |
| OPERATING AND I | 17 Interest   |   |             |  |                         |                                       |              | +        |   |                                       |
| R R             | 18 Taxes (attach schedule) 19 Depreciation (          |   |             | <u> </u>   |                         | <u> </u>                              |              | $\dashv$ | <del>-</del> .  |                                       |
|                 | sch) and depl   | etion   |             |  |                         |                                       |              |          |   |                                       |
|                 | 20 Occupancy  |   |             |  |                         |                                       |              | 十        |   |                                       |
| ig E            |   | ences, and meetir   | ngs         |  |                         |                                       |              |          |   |                                       |
| AND EXP         | 22 Printing and p                                     |   |             |  |                         |                                       |              |          |   |                                       |
| ₽ م             |   | es (attach schedul  |             |  | 40                      |                                       |              |          |   |                                       |
|                 |   | See Stateme   |             |  | 43.                     |                                       |              | +        |   |                                       |
| E               | 24 Total operatin                                     | n <b>g and administra</b><br>Id lines 13 through              | 23          |  | 43.                     |                                       |              |          |   |                                       |
| •               |   | ts, grants paid Part  |             | <del></del>  | 34,500.                 |                                       |              | +        |   | 34,500.                               |
| 11107           | I   | es and disbursem  |             |  | ,                       |                                       |              | $\top$   |   | 34,300.                               |
| =               | Add lines 24 a  | and 25  |             |  | 34,543.                 |                                       | (            | ).       | 0.  | 34,500.                               |
|                 | · ·   | 26 from line 12:  |             |  | _                       |                                       |              | T        |   |                                       |
|                 | a Excess of rev<br>and disburser                      | enue over expens  | es          |  | 189,614.                |                                       |              | -        |   |                                       |
|                 |   | ments<br>come (if negative, enter                             | 0,          | <del>-</del> -                                     | 105,014.                | <u> </u>                              | , 232        | , +      |   | <del> </del>                          |
|                 |   | come (if negative, enter<br>me (if negative, enter -0         |             |  |                         | <sup>3</sup> ,                        | , 232        | ⊹┼       | 5,232.  |                                       |
|                 | i — majasteu net incoi                                | (II NEGALIVE, EINEL -U  | -, !        | •  |                         |                                       |              |          | J. L.17 l   |                                       |



Page 2

| Par              | t II 📗 | Balance Sheets                                | column should be for end-of-year amounts only                 | Degining or year                      |                                       |             | l a b f               |
|------------------|--------|---|---|---------------------------------------|---------------------------------------|-------------|-----------------------|
| _                |        | 0   | (See instructions )   | (a) Book Value                        | (b) Book Valu                         | <u>e</u>    | (c) Fair Market Value |
|                  | l      | Cash — non-interest                           | 5   | 600 576                               | 070 1                                 |             | 070 100               |
|                  | l      | Accounts receivable                           | rary cash investments   | 680,576.                              | 870,1                                 | 90.         | 870,190.              |
|                  | 3      | Less allowance for                            |   |                                       |                                       |             |                       |
|                  | 4      | Pledges receivable                            | doubtful accounts   |                                       |                                       |             |                       |
|                  | ~      | Less. allowance for                           | doubtful accounts   |                                       | <del></del>                           |             |                       |
|                  | 5      | Grants receivable                             | doubtidi accodinis  |                                       |                                       |             |                       |
|                  | ء ا    |   | icers, directors, trustees, and other                         | · · · · · · · · · · · · · · · · · · · |                                       |             |                       |
|                  | ľ      | disqualified persons (atta                    | ach schedule) (see the instructions)                          |                                       |                                       |             |                       |
| _                | 7      | Other notes and loans rec                     | ceivable (attach sch)   |                                       |                                       |             |                       |
| Ą                |        | Less: allowance for                           | doubtful accounts   |                                       |                                       |             |                       |
| š                | 8      | Inventories for sale                          | or use  |                                       |                                       |             |                       |
| A<br>S<br>E<br>T | 9      | Prepaid expenses a                            | and deferred charges  |                                       | -                                     |             |                       |
| Ś                | 10:    | a Investments – U.S.<br>obligations (attach s | and state government schedule)                                |                                       |                                       |             |                       |
|                  | 1      | <b>b</b> Investments — corporate              | stock (attach schedule)                                       |                                       |                                       |             |                       |
|                  | ۱ ،    | c Investments – corporate                     | bonds (attach schedule)                                       |                                       |                                       |             |                       |
|                  | 11     | Investments – land equipment basis            | , buildings, and  |                                       |                                       |             |                       |
|                  |        | Less: accumulated depred (attach schedule)    | ciation •   |                                       |                                       |             |                       |
|                  | 12     | Investments - mort                            |   |                                       |                                       |             |                       |
|                  | 13     |   | ,   |                                       |                                       |             |                       |
|                  | 14     | Land, buildings, and                          |   |                                       |                                       |             |                       |
|                  |        | Less: accumulated depred<br>(attach schedule) | <b></b>   |                                       |                                       |             |                       |
|                  |        | Other assets (descr                           | ibe) completed by all filers _                                |                                       |                                       |             |                       |
|                  | 10     | see instructions Als                          | so, see page 1, item I)                                       | 680,576.                              | 870,1                                 | 90.         | 870,190.              |
| Ļ                | 17     | Accounts payable a                            | nd accrued expenses   |                                       |                                       |             |                       |
| Å                | 18     | Grants payable                                |   |                                       |                                       |             |                       |
| B                | 19     | Deferred revenue                              |   |                                       |                                       |             |                       |
| Ļ                | 20     | Loans from officers, direct                   | ctors, trustees, & other disqualified persons                 |                                       |                                       |             |                       |
| ł                | 21     |   | es payable (attach schedule)                                  |                                       |                                       |             |                       |
| ĺ                | 22     | Other liabilities (desc                       | ribe)   |                                       |                                       |             |                       |
| E<br>S           | 23     | Total liabilities (add                        | d lines 17 through 22)  | 0.                                    |                                       | 0.          |                       |
|                  |        | Foundations that fo                           | ollow SFAS 117, check here 24 through 26 and lines 30 and 31. |                                       | · · · · · · · · · · · · · · · · · · · |             |                       |
| N F<br>E U       | 24     | Unrestricted                                  |   | 680,576.                              | 870,1                                 | 90.         |                       |
| T N              | 25     | Temporarily restricted                        |   |                                       |                                       |             |                       |
| A D              | 26     | Permanently restrict                          | -   |                                       | <del></del>                           |             | }                     |
| A B A L A N      |        | Foundations that do<br>and complete lines     | o not follow SFAS 117, check here P 27 through 31.            |                                       |                                       |             |                       |
| EL               | 27     | Capital stock, trust j                        | principal, or current funds                                   |                                       |                                       |             |                       |
| SNC              | 28     | , ,   | , or land, building, and equipment fund                       |                                       |                                       |             |                       |
| 0 E              | 29     | -   | nulated income, endowment, or other funds                     |                                       |                                       |             |                       |
| ŘŠ               | 30     |   | fund balances (see the instructions)                          | 680,576.                              | 870,1                                 | <u>90.</u>  |                       |
|                  | 31     | (see the instructions                         | net assets/fund balances                                      | 680,576.                              | 870,1                                 | 90.         |                       |
| Parl             | III    |   | nges in Net Assets or Fund Balance                            |                                       | 0,0,2                                 | <del></del> |                       |
|                  |        | <del></del>                                   | palances at beginning of year - Part II, colu                 |                                       | roo with                              |             |                       |
| •                | end-   | of-year figure reporte                        | ed on prior year's return).                                   | iriii (a), iiile 30 (iilust ay        | ree with                              | 1           | 680,576.              |
| 2                |        | r amount from Part I,                         | · · · · · · · · · · · · · · · · · · ·                         |                                       | ľ                                     | 2           | 189,614.              |
| 3                | Other  | increases not included in li                  | ne 2 (Itemize).   |                                       |                                       | 3           |                       |
| 4                | Add    | lines 1, 2, and 3                             |   |                                       |                                       | 4           | 870,190.              |
| 5                | Decre  | ases not included in line 2                   | (itemize)   |                                       | [                                     | 5           |                       |
| 6                | Tota   | I net assets or fund b                        | alances at end of year (line 4 minus line 5)                  | - Part II, column (b), III            | ne 30                                 | 6           | 870,190.              |

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| 2007       8,000.       346,870.       0.023063         2006       13,986.       236,529.       0.059130         2005       4,988.       193,625.       0.025761         2 Total of line 1, column (d)       2       0.177693         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       0.035539         4 Enter the net value of noncharitable-use assets for 2010 from Part X, line 5       4       737,063.         5 Multiply line 4 by line 3       5       26,194.         6 Enter 1% of net investment income (1% of Part I, line 27b)       6       52.         7 Add lines 5 and 6       7       26,246.         8 Enter qualifying distributions from Part XII, line 4       8       34,500.         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   | (a) List and describ   | LOSSES FOR TAX ON INVESTMENT<br>the the kind(s) of property sold (e.g., rose, or common stock, 200 shares ML | eal estate.                            | (b) How acquire P — Purchase D — Donation | (C) Date acquired (month, day, year) | (d) Date sold (month, day, year) |
|--|--|--|--|---|--------------------------------------|----------------------------------|
| (e) Gross sales price (f) Depreciation allowed (g) Cost or other basis (h) Cam or (loss) (or allowable) (or all | 1a N/A   |  |  |   |                                      |                                  |
| (e) Cross sales price (f) Depreciation allowed (g) Cost or other basis (h) Cain or (fies) (c) Flar Market Value  Complete only for assets showing gain in column (h) and owned by the foundation on 12/31/69  Complete only for assets showing gain in column (h) and owned by the foundation on 12/31/69  (g) Flar Market Value (g) Adjusted basis (h) Excess of column (h) (h) flar market Value (g) Adjusted basis (h) Excess of column (h) (h) and owned by the foundation on 12/31/69  (g) Excess of column (h), if any (h) Adjusted basis (h) Excess of column (h) (h) and in any (h) and in any (h) and owned by the foundation on 12/31/69  (g) Excess of column (h) (h) any (h) Excess of column (h) (h) |  |  |  |   |                                      |                                  |
| e (e) Gross sales price (f) Depreciation allowed (cr allowable) (g) Cost or other basis plus expense of sale (e) plus (f) minus (g)  a   | С  |  |  |   |                                      |                                  |
| (e) Gross sales price (f) Depreciation allowed (or allowable)  a  b  c  c  d  e  Complete only for assets showing gain in column (f) and owned by the foundation on 12/31/69  G Fair Market Value  G) Fair Market Value  G(Fair Optonal use by domestic private Toundations subject to the section 4940(g) fax on net investment income  G(For optonal use by domestic private Toundations subject to the section 4940(g) fax on net investment income  G(For optonal use by domestic private Toundations subject to the section 4940(g) fax on net investment income  G(For optonal use by domestic private Toundations subject to the section 4940(g) fax on net investment income  G(For optonal use by domestic private Toundations subject to the section 4940(g) fax on net investment income  G(For optonal use by domestic private Toundations subject to the section 4940(g) fax on net investment income  G(For optonal use by domestic private Toundations subject to the section 4940(g) fax on net investment income  G(For optonal use by domestic private Toundations Application | d  |  |  |   |                                      |                                  |
| (or allowable)    Susceptible   Complete only for assets showing gain in column (ft) and owned by the foundation on 12/31/69   OPER Market Value   | е  |  |  |   | T                                    |                                  |
| c c d d e Complete only for assets showing gain in column (h) and owned by the foundation on 12/31/69 (f) Earn Karket Value (g) Adjusted basis as of 12/31/69 (k) Excess of column (g) over column (g), if any than 12/31/69 (h) error column (g), but not less than 12/31/69 (h) error column (g), if any than 12/31/69 (h) error column (g) error column (g), if any than 12/31/69 (h) error column (g) | (e) Gross sales price  |  |  |   |                                      |                                  |
| c d d e Complete only for assets showing gain in column (h) and owned by the foundation on 12/31/69  (h) Fair Market Value as of 12/31/69  as of 12/31/69  2 Capital gain net income or (net capital loss). If gain, also enter in Part I, line 7   2   2   3   Net short-term capital gain or (loss) as defined in sections 12/25/3 and (loss), enter -0 in Part I, line 8  3 Net short-term capital gain or (loss) as defined in sections 12/25/3 and (loss), enter -0 in Part I, line 8  3 Net short-term capital gain or (loss) as defined in sections 12/25/3 and (loss), enter -0 in Part I, line 8  3 Net short-term capital gain or (loss) as defined in sections 12/25/3 and (loss), enter -0 in Part I, line 8  3 Net short-term capital gain or (loss) as defined in sections 12/25/3 and (loss), enter -0 in Part I, line 8  3 Net short-term capital gain or (loss) as defined in sections 12/25/3 and (loss), enter -0 in Part I, line 8  3 Net short-term capital gain or (loss) as defined in sections 12/25/3 and (loss), enter -0 in Part I, line 8  3 Net short-term capital gain or (loss) as defined in sections 12/25/3 and (loss), enter -0 in Part I, line 7  1 Repair (loss), enter -0 in Part I, line 7  2 Net you defined in Part I, line 8  3 Net short-term capital gain or (loss) as defined in sections 12/25/3 and (loss), enter -0 in Part I, line 7  2 Net you defined in Part I, line 8  3 Net short-term capital gain or (loss) as defined in sections 12/25/3 and (loss), enter -0 in Part I, line 7  3 Net short-term capital gain or (loss) as defined in sections 12/25/3 and (loss), enter -0 in Part I, line 7  3 Net short-term capital gain or (loss) as defined in sections 12/25/3 and (loss), enter -0 in Part I, line 7  3 Net short-term capital gain or (loss) as defined in sections 12/25/3 and (loss), enter -0 in Part I, line 2 by 5, or by the 1 line 2 by 5,  | a  |  |  |   |                                      |                                  |
| Complete only for assets showing gain in column (h) and owned by the foundation on 12/31/69  (i) Carris (Column (h) gain minus column (h) and owned by the foundation on 12/31/69  (ii) Carris (Column (h) gain minus column (h) and owned by the foundation on 12/31/69  (iii) Carris (Column (h) gain minus column (h) but not less than 6 y or Losses (from column (h)) than the state of 12/31/69  a b   |  |  |  |   |                                      |                                  |
| Complete only for assets showing gain in column (i) and owned by the foundation on 12/31/69  (i) Fair Market Value as of 12/31/69  (ii) Excess of column (i) agen minus column (ii) gen minus column (ii) gen minus column (iii) gen  |  |  |  |   | <del></del>                          |                                  |
| Complete only for assels showing gain in column (ft) and owned by the foundation on 12/31/69  (i) Fair Market Value (ii) Fair Market Value (iii) Fair Market Value (iii) Fair Market Value (iii) Fair Market Value (iiii) Adjusted basis (iii) Excess of column (i), if any (iiii) excess of column (i), if any (iiii) excess of column (i), if any (iiiii) excess of column (i), if any (iiiiii) excess of column (iiiii) gain main (iiiiii) excess (from column (iiiiii))  a b c d d e 2 Capital gain net income or (net capital loss).  [if gain, also enter in Part I, line 7] [if gain, also enter in Part I, line 8, column (c) (see the instructions) if (loss), enter -0- in Part I, line 7 In Part I, line 8  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) (see the instructions) if (loss), enter -0- in Part I, line 8  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) (see the instructions) if (loss), enter -0- in Part I, line 7 [if gain, also enter in Part I, line 8, column (c) (see the instructions) if (loss), enter -0- in Part I, line 7 [if gain, also enter in Part I, line 8, column (c) (see the instructions) if (loss), enter -0- in Part I, line 7 [if gain, also enter in Part I, line 8, column (c) (see the instructions) if (loss), enter -0- in Part I, line 7 [if gain, also enter in Part I, line 8, column (c) (see the instructions) if (loss), enter -0- in Part I, line 7 [if gain, also enter in Part I, line 8, column (c) (see the instructions) if (loss), enter -0- in Part I, line 7 [if gain, also enter in Part I, line 8, column (c) (see the instructions) if (loss), enter -0- in Part I, line 7 [if gain, also enter in Part I, line 8, column (c) (see the instructions) if (loss), enter -0- in Part I, line 7 [if gain, also enter in Part I, line 8, column (c) (see the instructions) if (loss), enter -0- in Part I, line 7 [if gain, also enter in Part I, line 8, column (c) (see the inst | <del></del>  |  |  |   | <del></del>                          |                                  |
| (i) Fair Market Value as of 12/31/69 (ii) Adjusted basis as of 12/31/69 (iii) Fair Market Value  |  |  |  |   |                                      |                                  |
| a b c c c c c c c c c c c c c c c c c c  |  |  |  | <del></del>                               |                                      |                                  |
| b c d d e 2 Capital gain net income or (net capital loss).    If gain, also enter in Part I, line 7    3 Net short-term capital gain or (loss) as defined in sections 122(5) and (6):    If gain, also enter in Part I, line 8    Part I, line 8, column (c) (see the instructions) if (loss), enter -0    James German (For optional use by domestic private foundations subject to the section 4940(a) 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 leash left of the section 4942 tax on the distributable amount of any year in the base period?    Yes X 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 the instructions before making any entries  Base (A)  Calendary event for fax year beginning in)  Adjusted qualifying distributions  Adjusted qualifying distributions  Net value of noncharriable-use assets  Calendary event (or fax year beginning in)  Adjusted qualifying distributions  Adjusted qualifying distributions  Net value of noncharriable-use assets  Column (b) divided by column (c)  Distribution ratio (column (b) divided by column (c))  Adjusted qualifying distributions  Net value of noncharriable-use assets  Column (b) divided by column (c)  Distribution ratio (column (c))  Adjusted qualifying distributions  Adjusted qualifying distr |  |  |  |   | than -0-) or Losses (f               | rom column (h))                  |
| c d d e  2 Capital garn net income or (net capital loss). — [if gain, also enter in Part I, line 7]  |  |  |  |   |                                      |                                  |
| 2 Capital gain net income or (net capital loss).   If gain, also enter in Part I, line 7 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) (see the instructions). If (loss), enter -0- in Part I, line 8    Apply   Qualification Under Section 4940(e) for Reduced Tax on Net Investment Income  |  |  |  |   |                                      |                                  |
| 2 Capital gain net income or (net capital loss). — If gain, also enter in Part I, line 7   |  | -  |  |   |                                      |                                  |
| 2 Capital gain net income or (net capital loss). If gain, also enter in Part I, line 7 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) (see the instructions) if (loss), enter -0. In Part I, line 8  2 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  1 Enter the appropriate amount in each column for each year; see the instructions before making any entries  (a)  Called years  Calendar year lot tax year beginning in)  Adjusted qualifying distributions  (b)  Adjusted qualifying distributions  (column (b) divided by column (c))  2009  26, 495.  (b)  Adjusted qualifying distributions  (column (b) divided by column (c))  2009  26, 495.  (column (b) divided by column (c))  2009  26, 495.  (column (b) divided by column (c))  2009  26, 495.  (column (b) divided by column (c))  2009  26, 495.  (column (b) divided by column (c))  2009  26, 495.  (column (b) divided by column (c))  2009  26, 495.  (column (b) divided by column (c))  2009  26, 495.  (column (b) divided by column (c))  2009  26, 495.  (column (b) divided by column (c))  2009  26, 495.  (column (b) divided by column (c))  2009  27, 285.  0, 031618  2007  3, 900.  346, 870.  0, 023063  2006  13, 986.  236, 529.  0, 051618  2007  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  4 Enter the net value of noncharitable-use assets for 2010 from Part X, line 5  4 Add lines 5 and 6  26, 194.  6 Enter 1% of net investment income (1% of Part I, line 27b)  7 Add lines 5 and 6  8 Enter qualifying distributions from Part XII, line 4  If line 8 is equal to or  |  |  | <del></del> .                          |   |                                      |                                  |
| 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) (see the instructions): If (loss), enter -0- in Part I, line 8  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 the instructions before making any entries  (d)  Base period years Calendar year (or tax year beginning in)  Calendar year (or tax year beginning in)  Adjusted qualifying distributions  Net value of noncharitable-use assets  (column (b) divided by column (c))  2009  26, 495.  695, 028.  0.038121  2008  16, 500.  521, 858.  0.031618  2007  8,000.  346, 870.  0.023063  2006  13, 986.  236, 529.  0.059130  2005  4, 988.  193, 625.  0.025761  2 Total of line 1, column (d)  2 0.177693  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  4 Enter the net value of noncharitable-use assets for 2010 from Part X, line 5  5 Multiply line 4 by line 3  6 Enter 1% of net investment income (1% of Part I, line 27b)  6 Enter 1% of net investment income (1% of Part I, line 27b)  6 Enter 1% of net investment income (1% of Part I, line 27b)  6 Enter 1% of net investment income (1% of Part II, 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   |  | et capital loss).  | enter in Part I, line 7                |   |                                      |                                  |
| If gain, also enter in Part I, line 8, column (c) (see the instructions) if (loss), enter -0-3 in Part I, line 8, Column (c) (see the instructions) if (loss), enter -0-3 in Part I, line 8, Column (c) (see the instructions) if (loss), enter -0-3 in Part I, line 8, Column (c) (see the instructions) if (loss), enter -0-3 in Part I, line 8, Column (c) (see the instructions) if (loss), enter -0-3 in Part I, line 8, Column (c) (see the instructions) if (loss), enter -0-3 in Part I, line 8, Column (c) (see the instructions) if (loss), enter -0-3 in Part I, line 8, Column (c) (see the instructions) if (loss), enter -0-3 in Part I, line 8, Column (loss), enter -0-3 in Part I, line 8, Column (loss), enter -0-3 in Part I, line 8, Column (loss), enter -0-3 in Part I, line 8, Column (loss), enter -0-3 in Part I, line 8, Column (loss), enter -0-3 in Part I, line 8, Column (loss), enter -0-3 in Part I, line 8, Column (loss), enter -0-3 in Part I, line 8, Column (loss), enter -0-3 in Part I, line 8, Column (loss), enter -0-3 in Part I, line 8, Column (loss), enter -0-3 in Part I, line 8, Column (loss), enter -0-3 in Part I, line 8, Column (loss), enter -0-3 in Part I, line 1, column (loss), enter -0-3 in Part I, line 1, column (loss), enter -0-3 in Part I, line 2, Column (loss), enter -0-3 in Part I, line 2, Column (loss), enter -0-3 in Part I, line 2, Column (loss), enter -0-3 in Part I, line 2, Column (loss), enter -0-3 in Part I, line 2, Column (loss), enter -0-3 in Part I, line 2, Column (loss), enter -0-3 in Part I, line 2, Column (loss), enter -0-3 in Part I, line 2, Column (loss), enter -0-3 in Part I, line 2, Column (loss), enter -0-3 in Part I, line 2, Column (loss), enter -0-3 in Part I, line 2, Column (loss), enter -0-3 in Part I, line 2, Column (loss), enter -0-3 in Part I, line 2, Column (loss), enter -0-3 in Part I, line 2, Column (loss), enter -0-3 in Part I, line 2, Column (loss), enter -0-3 in Part I, line 2, Column (loss), enter -0-3 in Part I, line 2, Column (loss), enter -0-3 in Part I, line 2, Column (loss | 3 Net short-term capital gain or                                   | _  | <del></del>                            | <u>2</u>                                  |                                      |                                  |
| Nart I, line 8   3   3   3   3   3   3   3   3   3   | . •  | . ,  | ``                                     |   |                                      |                                  |
| (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?  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 the instructions before making any entries.  (a)  Calendar year (or fax year beginning in)  2009  26, 495.  2009  26, 495.  (b)  Net value of noncharitable-use assets  Column (b) divided by column (c)  2009  26, 495.  695, 028.  0.038121  2007  8, 000.  346, 870.  0.023063  2006  13, 986.  236, 529.  0.025761  2 Total of line 1, column (d)  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  4 Enter the net value of noncharitable-use assets for 2010 from Part X, line 5  5 Add lines 5 and 6  6 Enter 1% of net investment income (1% of Part I, line 27b)  If section 4940(d)(2) applies, leave this part blank to the part VI, line 1b, and complete that part using a 1% tax rate See the  | in Part I, line 8  | e 6, column (c) (see the instructions)   | in (loss), enter -u-                   | 3   |                                      |                                  |
| 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   | Part Y Qualification Unde  | r Section 4940(e) for Reduce   | d Tax on Net Investme                  | nt Income                                 |                                      |                                  |
| (a) Base period years Calendar year (or tax year beginning in) Adjusted qualifying distributions  Net value of noncharitable-use assets  (column (b) divided by column (c))  2009 26, 495. 695, 028. 0.038121 2008 16, 500. 521, 858. 0.031618 2007 8, 000. 346, 870. 0.023063 2006 13, 986. 236, 529. 0.059130 2005 4, 988. 193, 625. 0.025761  2 Total of line 1, column (d) 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 4 Enter the net value of noncharitable-use assets for 2010 from Part X, line 5 4 737, 063. 5 Multiply line 4 by line 3 5 26, 194. 6 Enter 1% of net investment income (1% of Part I, line 27b) 6 52. 7 Add lines 5 and 6 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  | If 'Yes,' the foundation does not qua                              | alify under section 4940(e) Do not co  | mplete this part.                      |   | Yes                                  | X No                             |
| Registric description   Adjusted qualifying distributions   Net value of noncharitable-use assets   Column (b) divided by column (c)   | •  |  |  | any entries                               | (d)                                  |                                  |
| 2008       16,500.       521,858.       0.031618         2007       8,000.       346,870.       0.023063         2006       13,986.       236,529.       0.059130         2005       4,988.       193,625.       0.025761         2 Total of line 1, column (d)       2       0.177693         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       0.035539         4 Enter the net value of noncharitable-use assets for 2010 from Part X, line 5       4       737,063.         5 Multiply line 4 by line 3       5       26,194.         6 Enter 1% of net investment income (1% of Part I, line 27b)       6       52.         7 Add lines 5 and 6       7       26,246.         8 Enter qualifying distributions from Part XII, line 4       8       34,500.         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   | Base periód years<br>Calendar year (or tax year                    |  | Net value of                           | ets (co                                   | Distribution                         |                                  |
| 2008       16,500.       521,858.       0.031618         2007       8,000.       346,870.       0.023063         2006       13,986.       236,529.       0.059130         2005       4,988.       193,625.       0.025761         2 Total of line 1, column (d)       2       0.177693         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       0.035539         4 Enter the net value of noncharitable-use assets for 2010 from Part X, line 5       4       737,063.         5 Multiply line 4 by line 3       5       26,194.         6 Enter 1% of net investment income (1% of Part I, line 27b)       6       52.         7 Add lines 5 and 6       7       26,246.         8 Enter qualifying distributions from Part XII, line 4       8       34,500.         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   | 2009   | 26,495.  | 695                                    | ,028.                                     |                                      | 0.038121                         |
| 2006 13, 986. 236, 529. 0.059130 2005 4, 988. 193, 625. 0.025761  2 Total of line 1, column (d) 2 0.177693  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 0.035539  4 Enter the net value of noncharitable-use assets for 2010 from Part X, line 5 4 737, 063.  5 Multiply line 4 by line 3 5 26, 194.  6 Enter 1% of net investment income (1% of Part I, line 27b) 6 52.  7 Add lines 5 and 6 7 26, 246.  8 Enter qualifying distributions from Part XII, line 4 8 34,500.  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   | 2008   |  |  |   |                                      | 0.031618                         |
| 2 Total of line 1, column (d)  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  4 Enter the net value of noncharitable-use assets for 2010 from Part X, line 5  5 Multiply line 4 by line 3  6 Enter 1% of net investment income (1% of Part I, line 27b)  7 Add lines 5 and 6  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   | 2007   | 8,000.   | 346                                    | ,870.                                     |                                      | 0.023063                         |
| 2 Total of line 1, column (d)  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  4 Enter the net value of noncharitable-use assets for 2010 from Part X, line 5  5 Multiply line 4 by line 3  6 Enter 1% of net investment income (1% of Part I, line 27b)  7 Add lines 5 and 6  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   | 2006   |  |  |   |                                      | 0.059130                         |
| 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  4 Enter the net value of noncharitable-use assets for 2010 from Part X, line 5  5 Multiply line 4 by line 3  6 Enter 1% of net investment income (1% of Part I, line 27b)  7 Add lines 5 and 6  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   | 2005   | 4,988.   | 193                                    | ,625.                                     |                                      | 0.025761                         |
| number of years the foundation has been in existence if less than 5 years  4 Enter the net value of noncharitable-use assets for 2010 from Part X, line 5  5 Multiply line 4 by line 3  6 Enter 1% of net investment income (1% of Part I, line 27b)  7 Add lines 5 and 6  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   | 2 Total of line 1, column (d)                                      |  |  | 2   |                                      | 0.177693                         |
| 5 Multiply line 4 by line 3  5 26,194.  6 Enter 1% of net investment income (1% of Part I, line 27b)  6 52.  7 Add lines 5 and 6  7 26,246.  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   | Average distribution ratio for t<br>number of years the foundation | he 5-year base period – divide the to<br>n has been in existence if less than 5                              | otal on line 2 by 5, or by the 5 years | 3   |                                      | 0.035539                         |
| 6 Enter 1% of net investment income (1% of Part I, line 27b) 6 52.  7 Add lines 5 and 6 7 26,246.  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   | 4 Enter the net value of nonchar                                   | ritable-use assets for 2010 from Part  | X, line 5                              | 4   |                                      | 737,063.                         |
| 6 Enter 1% of net investment income (1% of Part I, line 27b) 6 52.  7 Add lines 5 and 6 7 26,246.  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   | 5 Multiply line 4 by line 3  |  |  | 5   |                                      |                                  |
| 7 Add lines 5 and 6  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  | 6 Enter 1% of net investment in                                    | come (1% of Part I. line 27b)  |  | 6   |                                      |                                  |
| 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   |  | Ç ,  |  |   |                                      |                                  |
| 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   |  | rom Part XII. line 4   |  |   |                                      |                                  |
| Part VI instructions.  | If line 8 is equal to or greater                                   | ,  | line 1b, and complete that p           |   | •                                    |                                  |

| orn | n 990-PF (2010) ERNEST E. PESTANA 77-0891712   |        | _ P | age 4        |
|-----|--|--------|-----|--------------|
| Pa  | Excise Tax Based on Investment Income (Section 4940(a), 4940(b), 4940(e), or 4948 - see the instruc  | tions) |     |              |
| 1   | Exempt operating foundations described in section 4940(d)(2), check here and enter 'N/A' on line 1.  |        |     |              |
|     | Date of ruling or determination letter (attach copy of letter if necessary — see instr.)   |        |     |              |
| ١   | Domestic foundations that meet the section 4940(e) requirements in Part V,   |        |     | 52.          |
|     | check here ► X and enter 1% of Part I, line 27b  |        |     |              |
| •   | c All other domestic foundations enter 2% of line 27b. Exempt foreign organizations enter 4% of Part I, line 12, column (b)  |        |     |              |
| 2   | Tax under section 511 (domestic section 4947(a)(1) trusts and taxable  |        |     |              |
|     | foundations only Others enter -0-).  |        |     | 0.           |
| 3   | Add lines 1 and 2  |        |     | 52.          |
| 4   | Subtitle A (income) tax (domestic section 4947(a)(1) trusts and taxable foundations only. Others enter -0-)  |        |     | 0.           |
| 5   | Tax based on investment income. Subtract line 4 from line 3. If zero or less, enter -0-  |        |     | 52.          |
| 6   | Credits/Payments.  |        |     |              |
| i   | a 2010 estimated tax pmts and 2009 overpayment credited to 2010  |        |     |              |
| I   | Exempt foreign organizations — tax withheld at source  |        |     |              |
| (   | c Tax paid with application for extension of time to file (Form 8868)  |        |     |              |
|     | d Backup withholding erroneously withheld  |        |     |              |
| 7   | Total credits and payments Add lines 6a through 6d   |        | 1   | <u> 158.</u> |
| 8   | ,,   |        |     |              |
| 9   | Tax due. If the total of lines 5 and 8 is more than line 7, enter amount owed  |        |     | 0.           |
|     | Overpayment. If line 7 is more than the total of lines 5 and 8, enter the amount overpaid  |        | 1   | <u> 106.</u> |
|     | Enter the amount of line 10 to be: Credited to 2011 estimated tax  |        |     | 0.           |
| ريح | तं VIEA Statements Regarding Activities  |        |     |              |
| 1:  | a During the tax year, did the foundation attempt to influence any national, state, or local legislation or did it<br>participate or intervene in any political campaign?  | 1a     | Yes | No<br>X      |
| l   | Did it spend more than \$100 during the year (either directly or indirectly) for political purposes (see the instructions for definition)?   | 1 b    |     | х            |
|     | If the answer is 'Yes' to <b>1a</b> or <b>1b</b> , attach a detailed description of the activities and copies of any materials published or distributed by the foundation in connection with the activities  | . ;    |     | 1            |
|     | c Did the foundation file Form 1120-POL for this year?   | 1c     |     | Х            |
|     | d Enter the amount (if any) of tax on political expenditures (section 4955) imposed during the year.   |        |     |              |
|     | (1) On the foundation $\ \ \ \ \ \ \ \ \ \ \ \ \ \ \ \ \ \ \$  |        |     |              |
| •   | Enter the reimbursement (if any) paid by the foundation during the year for political expenditure tax imposed on foundation managers ►\$ 0.  |        |     |              |
| 2   | Has the foundation engaged in any activities that have not previously been reported to the IRS?  | 2      |     | Х            |
| _   | If 'Yes,' attach a detailed description of the activities  |        |     | A            |
| _   | ,  | i      |     |              |
| 3   | Has the foundation made any changes, not previously reported to the IRS, in its governing instrument, articles of incorporation, or bylaws, or other similar instruments? If 'Yes,' attach a conformed copy of the changes                           | 3      |     | Х            |
| 4:  | a Did the foundation have unrelated business gross income of \$1,000 or more during the year?  | 4a     |     | X            |
|     | b If 'Yes,' has it filed a tax return on Form 990-T for this year?   | 4b     | N   | /A           |
|     | Was there a liquidation, termination, dissolution, or substantial contraction during the year?   | 5      |     | Х            |
|     | If 'Yes,' attach the statement required by General Instruction T   |        |     |              |
| 6   | Are the requirements of section 508(e) (relating to sections 4941 through 4945) satisfied either   |        |     | !            |
|     | By language in the governing instrument, or  |        |     |              |
|     | By state legislation that effectively amends the governing instrument so that no mandatory directions that conflict  | 1      |     |              |
|     | with the state law remain in the governing instrument?   | 6      | X   |              |
| 7   | Did the foundation have at least \$5,000 in assets at any time during the year? If 'Yes,' complete Part II, column (c), and Part XV  | 7      | Х   |              |
| 8   | Enter the states to which the foundation reports or with which it is registered (see the instructions)   |        |     |              |
|     | CA   |        |     |              |
| ı   | of the answer is 'Yes' to line 7, has the foundation furnished a copy of Form 990-PF to the Attorney General   |        |     |              |
|     | 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   | 8ь     | Х   |              |
| 9   | Is the foundation claiming status as a private operating foundation within the meaning of section 4942(i)(3) or 4942(i)(5)   |        |     |              |
|     | 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 2010 or the taxable year beginning in 2010 (see instructions for Part XIV)? If 'Yes,' complete Part XIV | 9      |     | Х            |
| ΙŪ  | Did any persons become substantial contributors during the tax year? If 'Yes,' attach a schedule listing their names   | أمدا   |     | v            |

Form **990-PF** (2010)

BAA

|          | 990-PF (2010) ERNEST E. PESTANA VII-A   Statements Regarding Activities (Continued)  | 77-08917              | 712          | F         | age <b>5</b> |
|----------|--|-----------------------|--------------|-----------|--------------|
|          | 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           |           | х            |
| 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 Website address  N/A  | on application?       | 13           | Х         |              |
| 14       | The books are in care of ► MICHAEL J. KELLY, JR. CPA, CFP Telephon   | e no. ► 408-          | <u>241-3</u> | 300       |              |
| 15       | Located at > 360 KIELY BOULEVARD, SUITE 240 SAN JOSE CA ZIP + 4 • Section 4947(a)(1) nonexempt charitable trusts filing Form 990-PF in lieu of Form 1041 — Check here  | ,                     | <u>-</u> -   |           |              |
| 16       | and enter the amount of tax-exempt interest received or accrued during the year.  At any time during calendar year 2010, did the foundation have an interest in or a signature or other and the signature of the signature.  | ► 15 authority over a | 1            | Yes       | N/A<br>No    |
|          | bank, securities, or other financial account in a foreign country?  See the instructions for exceptions and filing requirements for Form TD F 90-22 1. If 'Yes,' enter the results for Form TD F 90-22 1.  | name of the           | 16           |           | X            |
| Parl     | foreign country ► tVII-B Statements Regarding Activities for Which Form 4720 May Be Required   | <del></del>           |              | L         |              |
| <u> </u> | File Form 4720 if any item is checked in the 'Yes' column, unless an exception applies.  |                       | <b>T</b>     | Yes       | No           |
| 1 a      | During the year did the foundation (either directly or indirectly)   |                       |              | 1.55      |              |
|          | (1) Engage in the sale or exchange, or leasing of property with a disqualified person?   | Yes X No              | ,            |           |              |
|          | (2) Borrow money from, lend money to, or otherwise extend credit to (or accept it from) a disqualified person?   | Yes X No              | ,            |           |              |
|          | <ul><li>(3) Furnish goods, services, or facilities to (or accept them from) a disqualified person?</li><li>(4) Pay compensation to, or pay or reimburse the expenses of, a disqualified person?</li></ul>  | Yes X No              |              |           |              |
|          | (5) Transfer any income or assets to a disqualified person (or make any of either available for the benefit or use of a disqualified person)?  | Yes X No              | ,            |           |              |
|          | (6) Agree to pay money or property to a government official? (Exception. Check 'No' if the foundation agreed to make a grant to or to employ the official for a period after termination of government service, if terminating within 90 days.)  | Yes X No              | ,            |           |              |
| b        | off any answer is 'Yes' to 1a(1)-(6), did <b>any</b> of the acts fail to qualify under the exceptions described in   | 1                     | <u> </u>     | ir webson | ,            |
|          | If any answer is 'Yes' to 1a(1)-(6), did <b>any</b> 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 the instruct Organizations relying on a current notice regarding disaster assistance check here   | tions)?<br>► ∏        | 1b           | N         | A            |
| c        | Did the foundation engage in a prior year in any of the acts described in 1a, other than excepted acts that were not corrected before the first day of the tax year beginning in 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))  |                       |              |           |              |
| а        | 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?  | Yes X No              | ,            |           |              |
|          | If 'Yes,' list the years ► 20 , 20 , 20 , 20   |                       |              |           |              |
| t        | Are there any years listed in 2a for which the foundation is <b>not</b> applying the provisions of section 494 (relating to incorrect valuation of assets) to the year's undistributed income? (If applying section 4942 <b>all</b> years listed, answer 'No' and attach statement — see the instructions.)  |                       | 2 b          | N         | /A           |
| c        | If the provisions of section 4942(a)(2) are being applied to any of the years listed in 2a, list the years   | here                  |              | 1         |              |
|          | ► 20 , 20 , 20 , 20  |                       |              | 1         |              |
| 3 a      | Did the foundation hold more than a 2% direct or indirect interest in any business enterprise at any time during the year?   | Yes X No              | ,            |           |              |
| t        | olf '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 approve 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 | า<br>ed               |              |           |              |
|          | determine if the foundation had excess business holdings in 2010.)   |                       | 3ь           | N         | /A           |
| 4 a      | Did the foundation invest during the year any amount in a manner that would jeopardize its charitable purposes?  |                       | 4a           |           | Х            |
| t        | 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           |           | Х            |
| BAA      |  |                       | Form 99      | 90-PF     | •            |

| Form 990-PF (2010) ERNEST E. PESTANA   |  |   | 77-085   | 91/12 Page 6                          |
|--|--|---|--|---------------------------------------|
| Part VII-B Statements Regarding Activit  |  | <u>ı 4720 May Be Req</u> i                          | uired (continued)  |                                       |
| 5a During the year did the foundation pay or incu<br>(1) Carry on propaganda, or otherwise attempt                         | -  | in (section 4945(e))?                               | ☐ Yes X  | No                                    |
| (2) Influence the outcome of any specific pub  | lic election (see section                                      | , , , , , ,   |  |                                       |
| on, directly or indirectly, any voter registra  (3) Provide a grant to an individual for travel,                           | ation drive?   |   | H H  | No<br>No                              |
| (4) Provide a grant to an organization other ti  | •  | •   |  |                                       |
| in section 509(a)(1), (2), or (3), or section  | 4940(d)(2)? (see instri  | uctions)  | Yes X  | No                                    |
| (5) Provide for any purpose other than religio<br>educational purposes, or for the prevention                              | n of cruelty to children                                       | or animals?   | Yes X  | No                                    |
| b If any answer is 'Yes' to 5a(1)-(5), did any of<br>described in Regulations section 53 4945 or in<br>(see instructions)? | the transactions fail to<br>a current notice regard            | qualify under the excep<br>ding disaster assistance | tions  | 5b N/A                                |
| Organizations relying on a current notice rega   | rding disaster assistant                                       | ce check here                                       | ▶ □  |                                       |
| c If the answer is 'Yes' to question 5a(4), does tax because it maintained expenditure respon                              | sibility for the grant?  | •   | N/A Yes  | No                                    |
| If 'Yes,' attach the statement required by Reg   | ulations section 53 494  | 5-5(d)  |  |                                       |
| 6a Did the foundation, during the year, receive a on a personal benefit contract?  |  |   | ∐ Yes X  | No Signature                          |
| <b>b</b> Did the foundation, during the year, pay prem<br>If 'Yes' to 6b, file Form 8870                                   | iums, directly or indirec                                      | ctly, on a personal bene                            | fit contract?  | 6b X                                  |
| 7a At any time during the tax year, was the found  | dation a party to a proh                                       | ubited tax shelter transa                           | ction? Yes X   | No                                    |
| <b>b</b> If yes, did the foundation receive any proceed  | ls or have any net incor                                       | me attributable to the tra                          | ansaction?   | I/A 7b                                |
| Information About Officers, D and Contractors  | irectors, Trustees,  | Foundation Manag                                    | gers, Highly Paid E  | Employees,                            |
| 1 List all officers, directors, trustees, foundation   |  |   | ructions).   |                                       |
| (a) Name and address   | (b) Title and average<br>hours per week<br>devoted to position | (c) Compensation<br>(If not paid, enter -0-)        | (d) Contributions to<br>employee benefit<br>plans and deferred<br>compensation | (e) Expense account, other allowances |
| IRENE A. PESTANA   | President  | 0.  | 0.   | 0.                                    |
| 1431 ATTEBERRY LANE  | 0  |   |  |                                       |
| SAN JOSE, CA 95131   | 774 D44-   |   | •  |                                       |
| MICHAEL J. KELLY, JR., CPA, CFP 360 KIELY BOULEVARD, SUITE 240   | Vice Preside   | 0.  | 0.   | 0.                                    |
| SAN JOSE, CA 95129   | 0  |   |  |                                       |
| LINDA PESTANA  | Vice Preside   | 0.  | 0.   | 0.                                    |
| 1505 GOLDEN HILLS ROAD<br>COLORADO SPRINGS, CO 80919   | 0  |   |  |                                       |
| CAROLYN GUIDO  | Vice Preside   | 0.  | 0.   | 0.                                    |
| 1643 TOWNCLUB DRIVE  | 0  |   |  |                                       |
| SAN JOSE, CA 95124   |  |   |  |                                       |
| 2 Compensation of five highest-paid employee   |  |   |  | <del></del>                           |
| (a) Name and address of each employee paid more than \$50,000  | (b) Title and average<br>hours per week<br>devoted to position | (c) Compensation                                    | (d) Contributions to<br>employee benefit<br>plans and deferred<br>compensation | (e) Expense account, other allowances |
| None   |  |   |  |                                       |
|  |  |   |  |                                       |
|  |  |   |  |                                       |
|  |  |   |  |                                       |
|  |  |   |  |                                       |
|  |  |   |  |                                       |
| Tatal number of other analysis and are \$50.000  | <u> </u>   | <u></u>   |  |                                       |
| Total number of other employees paid over \$50,000 BAA   | J<br>TEEA0306L (   | 07/23/10  |  | Form <b>990-PF</b> (2010)             |

| Part VIII Information About Officers, Directors, Trustees, Foundation Managers, Highly Paid   | 891712 Page 7 Employees,  |
|---|---------------------------|
| and Contractors (continued)  3 Five highest-paid independent contractors for professional services (see instructions). If none, enter 'NONE.'   |                           |
|   | (a) Componentian          |
| (a) Name and address of each person paid more than \$50,000 (b) Type of service  None   | (c) Compensation          |
|   |                           |
|   |                           |
|   |                           |
|   |                           |
|   |                           |
| Total number of others receiving over \$50,000 for professional services  | <u> </u>                  |
|   | -1 0                      |
| 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 <u>N/A</u>  | _                         |
|   | -                         |
| 2   | _                         |
|   | -                         |
| 3   | _                         |
|   | -                         |
| 4   | _                         |
|   | -                         |
| Part X-B. Summary of Program-Related Investments (see instructions)   |                           |
| Describe the two largest program-related investments made by the foundation during the tax year on lines 1 and 2.   | Amount                    |
| 1 <u>N/A</u>  | _                         |
|   | -                         |
| 2   | _                         |
| All other program-related investments See instructions  | <del> </del>              |
| 3   | _                         |
|   | -                         |
| Votant / Go III / Go | 0.                        |
| BAA   | Form <b>990-PF</b> (2010) |

Form **990-PF** (2010)

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

|     | See manualines.)   |       |             |
|-----|--|-------|-------------|
| 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  | 1 a   | 748,287.    |
| - 1 | Average of monthly cash balances   | 1 b   |             |
|     | c Fair market value of all other assets (see instructions)   | 1 c   |             |
|     | d Total (add lines 1a, b, and c)   | 1 d   | 748,287.    |
| •   | 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     | 748,287.    |
| 4   | Cash deemed held for charitable activities Enter 1-1/2% of line 3 (for greater amount, see instructions)   | 4     | 11,224.     |
| 5   | Net value of noncharitable-use assets. Subtract line 4 from line 3 Enter here and on Part V, line 4  | 5     | 737,063.    |
|     | Minimum investment return. Enter 5% of line 5  | 6     | 36,853.     |
| 201 | Distributable Amount (see instructions) (Section 4942(j)(3) and (j)(5) private operations  | atıng | foundations |
|     | and certain foreign organizations check here ▶ and do not complete this pa   |       |             |
| 1   | Minimum investment return from Part X, line 6  | 1     | 36,853.     |
| 2   | a Tax on investment income for 2010 from Part VI, line 5   |       |             |
| 1   | b Income tax for 2010. (This does not include the tax from Part VI.)   |       |             |
| •   | c Add lines 2a and 2b  | 2 c   | 52.         |
| 3   | Distributable amount before adjustments Subtract line 2c from line 1   | 3     | 36,801.     |
| 4   | The second secon | 4     |             |
| 5   | Add lines 3 and 4  | 5     | 36,801.     |
| 6   | Deduction from distributable amount (see instructions)   | 6     |             |
| 7   | Distributable amount as adjusted. Subtract line 6 from line 5. Enter here and on Part XIII, line 1   | 7     | 36,801.     |
| اخر | 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    | 34,500.     |
|     | b Program-related investments — total from Part IX-B   | 1b    | 34,300.     |
|     | 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    |             |
|     | Qualifying distributions. Add lines 1a through 3b Enter here and on Part V, line 8, and Part XIII, line 4  | 4     | 34,500.     |
|     |  |       |             |
| 9   | Foundations that qualify under section 4940(e) for the reduced rate of tax on net investment income. Enter 1% of Part I, line 27b (see instructions)   | 5     | 52.         |

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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6 Adjusted qualifying distributions. Subtract line 5 from line 4

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34,448.

6

## Part XIII Undistributed Income (see instructions)

|   | (a)<br>Corpus | (b)<br>Years prior to 2009 | <b>(c)</b><br>2009 | <b>(d)</b><br>2010 |
|---|---------------|----------------------------|--------------------|--------------------|
| 1 Distributable amount for 2010 from Part XI, line 7  |               |                            |                    | 36,801.            |
| 2 Undistributed income, if any, as of the end of 2010:  |               |                            |                    |                    |
| a Enter amount for 2009 only  |               |                            | 34,261.            |                    |
| <b>b</b> Total for prior years: 20, 20, 20  |               | 0.                         |                    |                    |
| 3 Excess distributions carryover, if any, to 2010:  |               |                            |                    |                    |
| <b>a</b> From 2005  |               |                            |                    |                    |
| <b>b</b> From 2006  |               |                            |                    |                    |
| <b>c</b> From 2007  |               |                            |                    |                    |
| <b>d</b> From 2008  |               |                            |                    |                    |
| <b>e</b> From 2009  |               |                            |                    |                    |
| f Total of lines 3a through e   | 0.            |                            |                    |                    |
| 4 Qualifying distributions for 2010 from Part   |               |                            |                    |                    |
| XII, line 4 \\$ 34,500.   |               |                            | 24.061             |                    |
| a Applied to 2009, but not more than line 2a  |               |                            | 34,261.            |                    |
| <b>b</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 2010 distributable amount  | 0.            |                            |                    | 239.               |
| e Remaining amount distributed out of corpus  | 0.            |                            |                    |                    |
| 5 Excess distributions carryover applied to 2010  | 0.            |                            |                    | 0.                 |
| (If an amount appears in column (d), the same amount must be shown in column (a).)                |               |                            |                    |                    |
| same amount must be shown in column (a).)   |               |                            |                    |                    |
| 6 Enter the net total of each column as   |               |                            |                    |                    |
| indicated below:  |               |                            |                    |                    |
| a Corpus Add lines 3f, 4c, and 4e. Subtract line 5  | 0.            |                            |                    |                    |
| <b>b</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   | <del></del>   | 0.                         |                    |                    |
| e Undistributed income for 2009. Subtract line 4a from line 2a. Taxable amount — see instructions |               |                            | 0.                 |                    |
| The 2a Taxable amount — See instructions  |               |                            | U.                 |                    |
| f Undistributed income for 2010 Subtract lines  |               |                            |                    |                    |
| 4d and 5 from line 1 This amount must be distributed in 2011                                      |               |                            |                    | 36,562.            |
| 7 Amounts treated as distributions out of   |               |                            |                    | 00,0021            |
| corpus to satisfy requirements imposed by section 170(b)(1)(F) or 4942(g)(3)                      |               |                            | :                  |                    |
| (see instructions)  | 0.            |                            |                    |                    |
| 8 Excess distributions carryover from 2005 not  |               |                            |                    |                    |
| applied on line 5 or line 7 (see instructions)  | 0.            |                            |                    |                    |
| 9 Excess distributions carryover to 2011.<br>Subtract lines 7 and 8 from line 6a                  | 0.            |                            |                    |                    |
| 10 Analysis of line 9   |               |                            |                    |                    |
| a Excess from 2006  | <b>.</b>      |                            |                    |                    |
| <b>b</b> Excess from 2007   | ]             |                            |                    |                    |
| c Excess from 2008  | 1             | <b>!</b>                   |                    |                    |
| d Excess from 2009  |               |                            |                    |                    |
| e Excess from 2010  |               |                            |                    |                    |

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|---|--|---|--|-----------------------|-------------------|
| Part XIV Private Operating Foundation   |  |   |  |                       | N/A               |
| 1a If the foundation has received a ruling or d<br>is effective for 2010, enter the date of the   | ruling                                   | •   | · -                                      |                       | <del></del>       |
| <b>b</b> Check box to indicate whether the foundat  |  | erating foundation of                         |  | 4942(j)(3) or         | 4942(j)(5)        |
| 2a Enter the lesser of the adjusted net income from Part I or the minimum investment return from Part X for each year listed  | Tax year<br>(a) 2010                     | <b>(b)</b> 2009                               | Prior 3 years<br>(c) 2008                | <b>(d)</b> 2007       | (e) Total         |
| <b>b</b> 85% of line 2a   |  |   |  |                       |                   |
| c Qualifying distributions from Part XII,<br>line 4 for each year listed  |  |   | -  |                       |                   |
| d Amounts included in line 2c not used directly for active conduct of exempt activities   | -  |   |  |                       |                   |
| <ul> <li>Qualifying distributions made directly<br/>for active conduct of exempt activities<br/>Subtract line 2d from line 2c</li> </ul>                              |  |   |  |                       |                   |
| 3 Complete 3a, b, or c for the alternative test relied upon.  |  |   |  |                       |                   |
| a 'Assets' alternative test – enter:  (1) Value of all assets   |  |   |  |                       |                   |
| (2) Value of assets qualifying under section 4942(j)(3)(B)(i)   |  |   |  |                       |                   |
| b 'Endowment' alternative test — enter 2/3 of minimum investment return shown in Part X, line 6 for each year listed  |  |   |  |                       |                   |
| c 'Support' alternative test - enter.   |  |   |  |                       |                   |
| (1) Total support other than gross investment income (interest, dividends, rents, payments on securities loans (section 512(a)(5)), or royalties)                     |  |   |  |                       |                   |
| (2) Support from general public and 5 or more exempt organizations as provided in section 4942(j)(3)(B)(III)  |  |   |  |                       |                   |
| (3) Largest amount of support from<br>an exempt organization  |  |   |  |                       |                   |
| (4) Gross investment income   |  |   | <u> </u>                                 |                       |                   |
| Supplementary Information assets at any time during th  |  |   | organization ha                          | id \$5,000 or moi     | e in              |
| Information Regarding Foundation Managa List any managers of the foundation who holose of any tax year (but only if they have None                                    | nave contributed m                       | ore than 2% of the<br>than \$5,000) (See      | total contributions resection 507(d)(2)) | eceived by the found  | dation before the |
| b List any managers of the foundation who of<br>a partnership or other entity) of which the<br>None   | own 10% or more of<br>foundation has a 1 | of the stock of a col<br>10% or greater inter | rporation (or an equa<br>est             | ally large portion of | the ownership of  |
| 2 Information Regarding Contribution, Gran<br>Check here ▶ X if the foundation only n<br>requests for funds if the foundation make<br>complete items 2a, b, c, and d. | nakes contributions                      | s to preselected cha                          | arıtable organization:                   |                       |                   |
| a The name, address, and telephone numbe  | r of the person to                       | whom applications                             | should be addressed                      | d                     |                   |
|   |  |   |  |                       |                   |
| <b>b</b> The form in which applications should be s   | submitted and info                       | rmation and materi                            | als they should ınclu                    | ide <sup>.</sup>      |                   |
| c Any submission deadlines:   | •  | ****  | <del></del>                              |                       |                   |
| d Any restrictions or limitations on awards, s  | such as by geograp                       | phical areas, charita                         | able fields, kinds of i                  | nstitutions, or other | factors:          |
|   |  |   |  |                       |                   |

| ( ¿ œio | george                                     |   |                      |                                  |         |
|---------|--|---|----------------------|----------------------------------|---------|
| 3       | Grants and Contributions Paid During the Y | ear or Approved for Fut   | ure Paymen           | it                               |         |
|         | Recipient                                  | If recipient is an individual, show any relationship to any foundation manager or substantial contributor | Foundation status of | Purpose of grant or contribution | Amount  |
|         | Name and address (home or business)        | substantial contributor   | recipient            |                                  |         |
|         | Paid during the year                       |   |                      |                                  |         |
| See     | Statement 3                                |   | i                    |                                  |         |
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|         |  |   |                      |                                  |         |
|         |  |   |                      |                                  |         |
|         | Total                                      | <u> </u>  | 1                    | ► 3a                             | 34,500. |
| —       | Approved for future payment                |   | T                    | - 3a                             | 34,300. |
| L       | Approved for fature payment                |   |                      |                                  |         |
|         |  |   |                      |                                  |         |
|         |  |   |                      | İ                                |         |
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|         |  |   |                      | 1                                |         |
|         | Total                                      | <del></del>   | 1                    | <u> </u>                         |         |

## Analysis of Income-Producing Activities

| inter gross amounts unless otherwise indicated             | Unrelate                | ed business income   | Excluded                      | by section 512, 513, or 514           | (e)   |
|--|-------------------------|----------------------|-------------------------------|---------------------------------------|---|
| Program service revenue                                    | (a)<br>Business<br>code | <b>(b)</b><br>Amount | (c)<br>Exclu-<br>sion<br>code | <b>(d)</b><br>Amount                  | Related or exempt<br>function income<br>(see the instructions |
| 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                            | 5,232.                                |   |
| 4 Dividends and interest from securities                   |                         |                      |                               |                                       |   |
| 5 Net rental income or (loss) from real estate             |                         |                      |                               |                                       |   |
| a Debt-financed property                                   |                         |                      |                               |                                       |   |
| <b>b</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 | <u> </u>                |                      |                               |                                       |   |
| 9 Net income or (loss) from special events.                |                         |                      |                               |                                       |   |
| 10 Gross profit or (loss) from sales of inventory          |                         |                      |                               |                                       |   |
| 11 Other revenue:  | No. of the Paris        |                      | THE NEW                       |                                       |   |
| a INSURANCE PROCEEDS                                       |                         |                      | 14                            | 48,925.                               |   |
| b  |                         |                      |                               |                                       |   |
| С  |                         |                      |                               |                                       |   |
| d  |                         |                      |                               |                                       |   |
| e  |                         |                      |                               |                                       |   |
| 12 Subtotal Add columns (b), (d), and (e)                  | L                       |                      |                               | 54,157.                               |   |
| 13 Total. Add line 12, columns (b), (d), and (e).          |                         |                      |                               | 13                                    | 54,157  |
| See worksheet in line 13 instructions to verify calculate  | ons )                   |                      |                               | 13                                    |   |

| Line No.<br>▼ | Explain below how each activity for which income is reported in column (e) of Part XVI-A contributed importantly to the accomplishment of the foundation's exempt purposes (other than by providing funds for such purposes). (See the instructions.) |
|---------------|---|
| N/A           |   |
|               |   |
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## Part XVII Information Regarding Transfers To and Transactions and Relationships With Noncharitable Exempt Organizations

| - <del>-</del>     |  |   |   |                                   |                       |  |               |  | 1              | Yes          | No           |
|--------------------|--|---|---|-----------------------------------|-----------------------|--|---------------|--|----------------|--------------|--------------|
| describe           | organization directly order in section 501(c) or to political organizati   | of the Code (of                               | ngage in any of the<br>ther than section 50             | following wit<br>11(c)(3) organ   | h any ot<br>iizations | her organization)<br>or in section           | in<br>527,    |  | ***            | 1            | the state of |
| _                  | s from the reporting   |   | a noncharitable ex                                      | empt organiza                     | ation of              |  |               |  | the street     |              | <b>STATE</b> |
| (1) Cash           |  |   |   |                                   |                       |  |               |  | 1a (1)         |              | X            |
| (2) Othe           | er assets  |   |   |                                   |                       |  |               |  | 1a (2)         |              | X            |
| <b>b</b> Other tra | ansactions   |   |   |                                   |                       |  |               |  |                | <i>~</i> , . |              |
| (1) Sale           | es of assets to a none   | charitable exe                                | mpt organization  |                                   |                       |  |               |  | 1b(1)          |              | Х            |
|                    | chases of assets from  |   |   | ation                             |                       |  |               |  | 1b(2)          |              | X            |
| (3) Reni           | tal of facilities, equip   | ment, or othe                                 | r assets  |                                   |                       |  |               |  | 1b (3)         |              | X            |
| <b>(4)</b> Rein    | nbursement arranger  | ments   |   |                                   |                       |  |               |  | 1b (4)         |              | Х            |
| <b>(5)</b> Loar    | ns or loan guarantees  | s   |   |                                   |                       |  |               |  | 1b (5)         |              | Х            |
| <b>(6)</b> Perf    | ormance of services  | or membersh                                   | ip or fundraising so                                    | licitations                       |                       |  |               |  | 1b (6)         |              | Х            |
| <b>c</b> Sharing   | of facilities, equipme   | ent, mailing lis                              | sts, other assets, or                                   | paid employe                      | ees                   |  |               |  | 1c             |              | Х            |
|                    |  |   |   |                                   |                       |  |               | ,  |                |              |              |
| the good           | iswer to any of the al<br>ils, other assets, or s<br>saction or sharing ar | ervices given                                 | by the reporting for                                    | indation If th                    | e founda              | ation received I                             | ess than fa   | ır marke                                 | t value in     | ue of        |              |
| (a) Line no        | (b) Amount involved  |   | of noncharitable exempt of                              |                                   | -                     | Description of tran                          |               |  |                | gement       | s            |
| N/A_               |  |   | <u> </u>  |                                   |                       | ·  |               |  |                |              |              |
|                    |  |   |   |                                   |                       |  |               |  |                |              |              |
|                    |  |   |   |                                   |                       |  | -             | _  |                |              |              |
|                    |  |   |   |                                   |                       |  |               |  |                |              |              |
|                    |  |   | -   |                                   |                       |  |               |  |                |              |              |
|                    |  |   |   |                                   |                       |  |               | ·  |                |              |              |
|                    |  |   |   |                                   |                       |  |               |  |                |              |              |
|                    |  |   |   |                                   |                       |  |               |  |                |              |              |
|                    |  |   |   |                                   |                       |  |               |  |                |              |              |
|                    |  |   |   |                                   |                       |  |               |  |                |              |              |
|                    |  |   | _   |                                   |                       |  |               |  |                |              | -            |
|                    |  |   |   |                                   |                       |  |               |  |                |              |              |
|                    |  |   | _   |                                   |                       |  |               |  |                |              |              |
|                    | · · · · ·  |   |   |                                   |                       |  |               |  |                |              |              |
|                    |  |   |   |                                   |                       |  |               |  |                |              |              |
|                    |  |   | <del></del>   |                                   |                       |  |               |  |                |              |              |
| describe           | undation directly or indicated in section 501(c) occupiete the following   | of the Code (of                               | ated with, or related<br>ther than section 50           | d to, one or m<br>01(c)(3)) or in | ore tax-<br>section   | exempt organi;<br>527?                       | zations       |  | Yes            | X            | No           |
| (a)                | Name of organization   | on  | <b>(b)</b> Type of                                      | organization                      |                       | (0   | ) Description | n of rela                                | tionship       |              |              |
| N/A                |  |   |   |                                   |                       |  |               |  |                |              |              |
|                    |  |   |   |                                   |                       |  |               |  |                |              |              |
|                    |  |   |   |                                   |                       |  |               |  |                |              |              |
|                    |  |   |   |                                   |                       |  |               |  |                |              |              |
| ·····              |  |   |   |                                   |                       |  |               |  |                |              |              |
| Sign<br>Here       | enalties of perjury, I declare and complete Declaration of                 | e that I have examinate of preparer (other to | ined this return, including than taxpayer or fiduciary) | accompanying sch                  | //-                   | d statements, and to<br>of which preparer ha | Pn.<br>Secr   | knowledge<br>ge<br><b>æ</b> 3 ,<br>etary | and belief, i  | t is true,   |              |
| Sig                | nature of officer or trustee   |   | Deconomia s a s   | atura 4 -                         | Date                  | Inch   | Title         | <del></del>                              | DTIN           |              |              |
|                    | Print/Type preparer's nam  |   | Breparer's signa  | ature DA                          | ALL                   | Date   | Check if      | X it                                     | PTIN           |              |              |
| Paid               | MICHAEL J. KELL  |   |   | KEKKY, JI                         | ₹. <b>/⊙</b> ⁄A,      | 1 11/1/1                                     | self-empl     |  | P006977        | 35           |              |
| reparer            | _  | elly & Asso                                   |   |                                   | <del></del> -         |  | Firm's EIN ►  | 77-015                                   | 9132           |              |              |
| Jse Only           | I Firm's address   |   | ulevard, Suite  | 240                               |                       |  |               |  |                |              |              |
|                    | <u>Sa</u>  | in Jose, CA                                   | 33123   |                                   |                       |  | Phone no      | (408)                                    | 241-330        |              |              |
| BAA                |  |   |   |                                   |                       |  |               |  | Form <b>99</b> | 0-PF (       | 2010)        |

### 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

2010

| Name of the organization ERNEST E. PEST             | ANA   | Employer identification number                            |
|---|---|---|
| CHARITABLE FOU                                      | NDATION, INC.   | 77-0891712  |
| Organization type (check one)                       |   |   |
| Filers of:  | Section:  |   |
| Form 990 or 990-EZ                                  | 501(c)( ) (enter number) organiza   | tion  |
|   | 4947(a)(1) nonexempt charitable trust n   | ot treated as a private foundation                        |
|   | 527 political organization  | ·   |
|   | _   |   |
| Form 990-PF   | X 501(c)(3) exempt private foundation   |   |
|   | 4947(a)(1) nonexempt charitable trust tr  | eated as a private foundation                             |
|   | 501(c)(3) taxable private foundation  |   |
|   |   |   |
| Check if your organization is covered by the        | ne General Rule or a Special Rule   |   |
| <b>Note.</b> Only a section 501(c)(7), (8), or (10) | organization can check boxes for both the Gener   | al Rule and a Special Rule. See instructions              |
|   |   |   |
| General Rule  | 00 F7 - 000 P5 II I I II II II II   | 5.000   |
| contributor. (Complete Parts I and II)              | JU-EZ, or 990-PF that received, during the year, \$   | 5,000 or more (in money or property) from any one         |
| , , , , , , , , , , , , , , , , , , ,               |   |   |
| Smariel Bules                                       |   |   |
| Special Rules                                       |   |   |
| For a section 501(c)(3) organization file           | ing Form 990 or 990-EZ, that met the 33-1/3% su<br>eived from any one contributor, during the year, a       | pport test of the regulations under sections              |
| (2) 2% of the amount on (i) Form 990,               | Part VIII, line 1h or (ii) Form 990-EZ, line 1. Com   | iplete Parts I and II.                                    |
| For a section 501(c)(7), (8), or (10) ord           | ganization filing Form 990 or 990-EZ, that received   | d from any one contributor, during the year.              |
| aggregate contributions of more than \$             | \$1,000 for use <i>exclusively</i> for religious, charitable,   | scientific, literary, or educational purposes, or         |
| the prevention of cruelty to children or            |   |   |
| For a section 501(c)(7), (8), or (10) ord           | ganization filing Form 990 or 990-EZ, that receive<br>ligious, charitable, etc, purposes, but these contril | d from any one contributor, during the year,              |
| If this box is checked, enter here the to           | otal contributions that were received during the ve   | ear for an <i>exclusively</i> religious, charitable, etc. |
| purpose Do not complete any of the p                | arts unless the <b>General Rule</b> applies to this organ   | nization because it received nonexclusively               |
| religious, charitable, etc, contributions           | of \$5,000 or more during the year  | <b>►</b> \$   |
| Caution: An organization that is not covered        | ed by the General Rule and/or the Special Rules o   | does not file Schedule B (Form 990, 990-EZ, or            |
| 990-PF) but it <b>must</b> answer 'No' on Part IV   | /, line 2 of their Form 990, or check the box on line filling requirements of Schedule B (Form 990, 99      | ie H of its Form 990-EZ, or on line 2 of its Form         |
| <del></del>   |   | <u> </u>  |
| BAA For Paperwork Reduction Act Notice              | e, see the instructions for Form 990,   | <b>Schedule B</b> (Form 990, 990-EZ, or 990-PF) (2010     |

| Name of orga  | enization   |                                  | Employer | Identification number  |
|---------------|---|----------------------------------|----------|--|
| ERNEST        | È. PESTANA  |                                  |          | 391712   |
| Parid:        | Contributors (see instructions )  |                                  |          |  |
| (a)<br>Number | (b)<br>Name, address, and ZIP + 4   | (c)<br>Aggregate<br>contributio  | e<br>ns  | (d)<br>Type of contribution  |
| 1             | ERNEST E. PESTANA SEPARATE PROP. TR  360 KIELY BOULEVARD, SUITE 240  SAN JOSE, CA 95129 |                                  | ,000.    | Person X Payroll Noncash  (Complete Part II if there is a noncash contribution.) |
| (a)<br>Number | (b)<br>Name, address, and ZIP + 4   | (c)<br>Aggregate<br>contributio  | e<br>ns  | (d) Type of contribution   |
|               |   | \$                               |          | Person Payroll Noncash (Complete Part II if there is a noncash contribution.)    |
| (a)<br>Number | (b)<br>Name, address, and ZIP + 4   | (c)<br>Aggregate<br>contributio  | e<br>ns  | (d) Type of contribution   |
|               |   | \$                               |          | Person Payroll Noncash (Complete Part II if there is a noncash contribution)     |
| (a)<br>Number | (b)<br>Name, address, and ZIP + 4   | (c)<br>Aggregate<br>contribution | e<br>ons | (d)<br>Type of contribution  |
|               |   | \$                               |          | Person Payroll Noncash  (Complete Part II if there is a noncash contribution.)   |
| (a)<br>Number | (b)<br>Name, address, and ZIP + 4   | (c)<br>Aggregat<br>contributio   | e<br>ons | (d)<br>Type of contribution  |
|               |   | \$                               |          | Person Payroll Noncash (Complete Part II if there is a noncash contribution)     |
| (a)<br>Number | (b)<br>Name, address, and ZIP + 4   | (c)<br>Aggregate<br>contribution | e<br>ons | (d)<br>Type of contribution  |
|               |   | \$                               |          | Person Payroll Noncash (Complete Part II if there is a noncash contribution)     |

Schedule **B** (Form 990, 990-EZ, or 990-PF) (2010)

| Part II                   | Noncash Property (see instructions.)         |  |                      |
|---------------------------|--|--|----------------------|
| (a)<br>No. from<br>Part I | (b)<br>Description of noncash property given | (c)<br>FMV (or estimate)<br>(see instructions) | (d)<br>Date received |
|                           | N/A  | \$\$   |                      |
| (a)<br>No. from<br>Part I | (b)  Description of noncash property given   | (c)<br>FMV (or estimate)<br>(see instructions) | (d)<br>Date received |
|                           |  | <b>⇔</b>                                       |                      |
| (a)<br>No. from<br>Part I | (b) Description of noncash property given    | (c)<br>FMV (or estimate)<br>(see instructions) | (d)<br>Date received |
|                           |  | \$   |                      |
| (a)<br>No. from<br>Part I | (b)  Description of noncash property given   | (c) FMV (or estimate) (see instructions)       | (d)<br>Date received |
|                           |  | \$   |                      |
| (a)<br>No. from<br>Part I | (b)  Description of noncash property given   | (c) FMV (or estimate) (see instructions)       | (d)<br>Date received |
|                           |  | \$   |                      |
| (a)<br>No. from<br>Part I | (b)  Description of noncash property given   | (c)<br>FMV (or estimate)<br>(see instructions) | (d)<br>Date received |
|                           |  | \$   |                      |
|                           |  | Υ  | <del></del>          |

BAA

of Part III

Name of organization

Employer identification number

| FKNF21                    | E. PESTANA  |   |                                     | 1/1-0831/1                  | 2           |  |  |  |
|---------------------------|---|---|-------------------------------------|-----------------------------|-------------|--|--|--|
| Pendil                    | Exclusively religious, charitable, etc, individual contributions to section 501(c)(7), (8), or (10) organizations aggregating more than \$1,000 for the year. Complete cols (a) through (e) and the following line entry. |   |                                     |                             |             |  |  |  |
|                           | For organizations completing Part III, enter contributions of \$1,000 or less for the year.   | total of <i>exclusively</i> religious, ch<br>(Enter this information once S | naritable, etc,<br>see instructions | .) ▶\$                      | N/A         |  |  |  |
| (a)<br>No. from<br>Part I | (b)<br>Purpose of gift  | (c)<br>Use of gift  |                                     | (d)<br>Description of how g | ift is held |  |  |  |
|                           | N/A   | -   |                                     |                             |             |  |  |  |
|                           |   |   |                                     |                             |             |  |  |  |
|                           | Transferee's name, addres   | (e)<br>Transfer of gift<br>ss, and ZIP + 4                                  | Relati                              | onship of transferor to tra | nsferee     |  |  |  |
|                           |   |   | -                                   | ·                           |             |  |  |  |
|                           |   |   |                                     |                             |             |  |  |  |
| (a)                       | (b)   | (c)   |                                     | (d)                         |             |  |  |  |
| No. from<br>Part I        | Purpose of gift   | Use of gift   |                                     | Description of how g        | ift is held |  |  |  |
|                           |   |   |                                     |                             |             |  |  |  |
|                           |   |   |                                     |                             |             |  |  |  |
|                           | (e)  Transfer of gift  Transferee's name, address, and ZIP + 4  Relationship of transferor to transferee  |   |                                     |                             |             |  |  |  |
|                           |   | ,   |                                     | ·                           |             |  |  |  |
|                           |   |   |                                     |                             |             |  |  |  |
| (a)<br>No. from<br>Part I | (b)<br>Purpose of gift  | (c)<br>Use of gift  |                                     | (d)<br>Description of how g | ift is held |  |  |  |
|                           |   |   |                                     |                             |             |  |  |  |
|                           |   |   |                                     |                             |             |  |  |  |
|                           | Transferee's name, addres   | Relati  | onship of transferor to tra         | nsferee                     |             |  |  |  |
|                           |   |   |                                     |                             |             |  |  |  |
|                           |   |   |                                     |                             | <del></del> |  |  |  |
| (a)<br>No. from<br>Part i | (b)<br>Purpose of gift  |   |                                     | (d)<br>Description of how g | ift is held |  |  |  |
|                           |   |   |                                     |                             |             |  |  |  |
|                           |   |   |                                     |                             |             |  |  |  |
|                           |   | (e)   |                                     | <del></del>                 |             |  |  |  |
|                           | Transferee's name, addres   | Transfer of gift ss, and ZIP + 4  | Relati                              | onship of transferor to tra | nsferee     |  |  |  |
|                           |   |   |                                     |                             |             |  |  |  |

| 2010   | Federal States  ERNEST E. PER  CHARITABLE FOUN | ESTANA   | ·                                    | Page<br>77-08917              |
|--|--|--|--------------------------------------|-------------------------------|
| Statement 1<br>Form 990-PF, Part I, Line 11<br>Other Income                                |  |  |                                      |                               |
|  |  | (a)<br>Revenue<br>per Books  | (b) Net<br>Investment<br>Income      | (c)<br>Adjusted<br>Net Income |
| INSURANCE PROCEEDS   | Total  | \$ 48,92<br>\$ 48,92   | 25.<br>25.\$ 0.\$                    | 0.                            |
| Statement 2<br>Form 990-PF, Part I, Line 23<br>Other Expenses                              |  |  |                                      |                               |
|  | , ,  |  |                                      |                               |
| BANK CHARGES<br>STATE FILING FEE   | 1  | s Investm  | ent Adjusted                         | <u>Purposes</u>               |
|  | Expense <u>per Book</u> \$ 3                   | s Investments Income 13. 0. \$   | ent Adjusted<br>me <u>Net Income</u> | Charitable<br>Purposes        |
| STATE FILING FEE  Statement 3 Form 990-PF, Part XV, Line 3a Recipient Paid During the Year | Expense per Book \$ 3 Total \$ 4  Donee        | S Investments Income State Inco | Net Income  O. \$ 0.  Purpose of     | Charitable Purposes  \$ 0     |
| STATE FILING FEE  Statement 3 Form 990-PF, Part XV, Line 3a                                | Expense per Book \$ 3 Total \$ 4               | Found- ation Status  | Net Income  O. \$ 0.                 | Charitable<br>Purposes        |

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|----|---|---|
| ZU |   | U |

# Federal Statements ERNEST E. PESTANA CHARITABLE FOUNDATION, INC.

Page 2

77-0891712

Statement 3 (continued) Form 990-PF, Part XV, Line 3a Recipient Paid During the Year

| Name and Address  | Donee<br><u>Relationship</u> | Found-<br>ation<br>Status | Purpose of<br>Grant  | Amount     |
|---|------------------------------|---------------------------|--|------------|
| MAYO CLINIC FOUNDATION<br>13400 EAST SHEA BOULEVARD<br>SCOTTSDALE, AZ 85259           | NONE                         | 501 (C) (3)               | THE PURPOSE OF THE GRANT WAS TO PROVIDE THE MAYO CLINIC WITH FUNDS TO BE UTILIZED IN THEIR CAMPAIGN AGAINST ALZHEIMER DISEASE AND MELANOMA RESEARCH EFFORTS. | \$ 1,000.  |
| AMERICAN CANCER SOCIETY<br>PO BOX 22718<br>OKLAHOMA CITY, OK 73123                    | NONE                         | 501 (C) (3)               | CONTRIBUTION TO THE AMERICAN CANCER SOCIETY TO HELP AIDE IN THE TREATMENT OF CANCER PATIENTS.  | 29,250.    |
| ALZHEIMER'S DISEASE<br>RESEARCH<br>22512 GATEWAY CENTER DRIVE<br>CLARKSBURG, MD 20871 | NONE                         | 501 (C) (3)               | CONTRIBUTION TO ALZHEIMER'S DISEASE RESEARCH TO AIDE IN THE TREATMENT OF ALZHEIMER'S DISEASE.  | 1,000.     |
|   |                              |                           | Total  | \$ 34,500. |

| <ul> <li>If you are filing for an Additional (Not Automatic) 3-Month Extension, complete only Part II and on Note. Only complete Part II if you have already been granted an automatic 3-month extension on a positive if you are filing for an Automatic 3-Month Extension, complete only Part I (on page 1)</li> <li>Part II Additional (Not Automatic) 3-Month Extension of Time. Only file the original in the property of the page 1.</li> </ul> | reviously filed Fo  | Page 2  ► [X]  prm 8868       |  |  |  |  |  |  |
|---|---|-------------------------------|--|--|--|--|--|--|
| Note. Only complete Part II if you have already been granted an automatic 3-month extension on a p  • If you are filing for an Automatic 3-Month Extension, complete only Part I (on page 1)  | reviously filed Fo  |                               |  |  |  |  |  |  |
|   |   |                               |  |  |  |  |  |  |
| Part II Additional (Not Automatic) 3-Month Extension of Time Only file the original   |   |                               |  |  |  |  |  |  |
| Taren   Maditional (Not Automatio) o month Extension of Time. Only life the original  |   | s needed).                    |  |  |  |  |  |  |
| Name of exempt organization   | Name of exempt organization  Employer identification number |                               |  |  |  |  |  |  |
| Type or ERNEST E. PESTANA   |   |                               |  |  |  |  |  |  |
| print CHARITABLE FOUNDATION, INC.   | 77-089  | 1712                          |  |  |  |  |  |  |
| Number, street, and room or suite number. If a P.O. box, see instructions   |   |                               |  |  |  |  |  |  |
| File by the extended due date for due date for due date for due date for due date for due date for due date for due date for due date for due due due due due due due due due due   | extended Kelly & Associates due date for 1260 % Associates  |                               |  |  |  |  |  |  |
| return See  |   |                               |  |  |  |  |  |  |
|   |   |                               |  |  |  |  |  |  |
| San Jose, CA 95129  |   |                               |  |  |  |  |  |  |
| Enter the Return code for the return that this application is for (file a separate application for each re  | turn)   | 04                            |  |  |  |  |  |  |
| Application Return Code Is For  |   | Return<br>Code                |  |  |  |  |  |  |
| Form 990 01   | ng vage for management in agil,                             | A-Company of management       |  |  |  |  |  |  |
| Form 990-BL 02 Form 1041-A  |   | 08                            |  |  |  |  |  |  |
| Form 990-EZ 03 Form 4720  |   | 09                            |  |  |  |  |  |  |
| Form 990-PF 04 Form 5227  |   | 10                            |  |  |  |  |  |  |
| Form 990-T (section 401(a) or 408(a) trust) 05 Form 6069  |   |                               |  |  |  |  |  |  |
| Form 990-T (trust other than above) 06 Form 8870  |   | 12                            |  |  |  |  |  |  |
| STOP! Do not complete Part II if you were not already granted an automatic 3-month extension on a   | previously filed  | Form 8868.                    |  |  |  |  |  |  |
| The books are in care of ► MICHAEL J. KELLY, JR. CPA, CFP   |   |                               |  |  |  |  |  |  |
| Telephone No ► 408-241-3300 FAX No ► (408) 241-8072   |   | _                             |  |  |  |  |  |  |
| <ul> <li>If the organization does not have an office or place of business in the United States, check this be</li> </ul>  | ЭX  | ▶ [                           |  |  |  |  |  |  |
| • If this is for a Group Return, enter the organization's four digit Group Exemption Number (GEN)   |   | If this is for the            |  |  |  |  |  |  |
| whole group, check this box    If it is for part of the group, check this box    and attach a   | list with the nam   | nes and EINs of all           |  |  |  |  |  |  |
| members the extension is for.   |   |                               |  |  |  |  |  |  |
| 4 I request an additional 3-month extension of time until 11/15 , 20 11   |   |                               |  |  |  |  |  |  |
| 5 For calendar year 2010, or other tax year beginning , 20, and end 6 If the tax year entered in line 5 is for less than 12 months, check reason Initial return   | <sup>ding</sup> _   | , 20                          |  |  |  |  |  |  |
| 6 If the tax year entered in line 5 is for less than 12 months, check reason Initial return   | n ∐ Fır   | nal return                    |  |  |  |  |  |  |
| Change in accounting period   |   |                               |  |  |  |  |  |  |
| 7 State in detail why you need the extension TAXPAYER RESPECTFULLY REQUEST:   |   |                               |  |  |  |  |  |  |
| THE EXEMPT ORGANIZATION TAX RETURNS IN ORDER TO OBTAIN INFO   | MATION NEC  | ESSARY TO                     |  |  |  |  |  |  |
| PREPARE A COMPLETE AND ACCURATE TAX RETURN.   |   |                               |  |  |  |  |  |  |
| 8a If this application is for Form 990-BL, 990-PF, 990-T, 4720, or 6069, enter the tentative tax, less<br>nonrefundable credits. See instructions.  |   | \$ 0.                         |  |  |  |  |  |  |
| <b>b</b> If this application is for Form 990-PF, 990-T, 4720, or 6069, enter any refundable credits and es payments made include any prior year overpayment allowed as a credit and any amount paid p with Form 8868  | reviously   | \$ 158.                       |  |  |  |  |  |  |
| c Balance due. Subtract line 8b from line 8a Include your payment with this form, if required, by EFTPS (Electronic Federal Tax Payment System). See instructions   | using   | \$ 0.                         |  |  |  |  |  |  |
| Signature and Verification  |   | 217 0.                        |  |  |  |  |  |  |
| Under penalties of perjury, I declare that I have examined this form, including accompanying schedules and statements, and to the best correct, and complete, and that I am authorized to prepare this form   | of my knowledge and   | belief, it is true,           |  |  |  |  |  |  |
| Signature ► LUMP   Title ► Secretary  |   | Date -8/15/11                 |  |  |  |  |  |  |
| BAA FIFZ0502L 11/15/10  |   | Form <b>8868</b> (Rev 1-2011) |  |  |  |  |  |  |

| Form 8868   | (Rev 1-2011)  |                     |   |               |                     | Page <b>2</b>  |  |
|---|---|---------------------|---|---------------|---------------------|----------------|--|
| <ul> <li>If you are filing for an Additional (Not Automatic) 3-Month Extension, complete only Part II and check this box</li> </ul> |   |                     |   |               |                     | <u>► X</u>     |  |
|   | complete Part II if you have already been granted   |                     |   | ly filed Fo   | rm 8868             |                |  |
|   | ere filing for an Automatic 3-Month Extension, con  |                     |   |               |                     |                |  |
| Part II   | Additional (Not Automatic) 3-Month Exte   | nsion of            | Time. Only file the original (r                 | no copies     | s needed).          |                |  |
|   | Name of exempt organization   |                     |   | Employer ide  | entification numb   | er             |  |
| Type or   | ERNEST E. PESTANA   |                     |   |               |                     |                |  |
| print   | CHARITABLE FOUNDATION, INC.   |                     |   | <u>77-089</u> | 1712                |                |  |
| File by the   | Number, street, and room or suite number. If a P O box, see insti   | ructions            |   |               |                     |                |  |
| extended<br>due date for  | ended for Kelly & Associates  |                     |   |               |                     |                |  |
| filing the 1360 Kleiv Boulevard, Suite 240  |   |                     |   |               |                     |                |  |
| return See<br>instructions  | City, town or post office, state, and ZIP code. For a foreign address   | ss, see instruction | ons   |               |                     |                |  |
|   | San Jose, CA 95129  |                     |   |               |                     |                |  |
|   |   |                     |   |               |                     |                |  |
| Enter the F   | Return code for the return that this application is fo  | or (file a sep      | parate application for each return)             |               |                     | 04             |  |
|   |   | T                   |   |               |                     |                |  |
| Application<br>Is For   | n   | Return<br>Code      | Application<br>Is For                           |               |                     | Return<br>Code |  |
| Form 990  |   | 01                  | <b>一般のないとなるない事が多いがないとっていた。</b>                  | řu ne         | 7 17 17             | <del></del>    |  |
| Form 990-8  | RI  | 02                  | Form 1041-A                                     | ············  | 4                   | 08             |  |
| Form 990-8  |   | 03                  | Form 4720                                       |               |                     | 09             |  |
| Form 990-F  |   | 04                  | Form 5227                                       |               |                     | 10             |  |
|   | T (section 401(a) or 408(a) trust)  | 05                  | Form 6069                                       |               |                     | 11             |  |
|   | T (trust other than above)  | 06                  | Form 8870                                       | <del> </del>  |                     | 12             |  |
|   | not complete Part II if you were not already grante   |                     |   | ously filed   | Form 8868.          | _1             |  |
|   | oks are in care of MICHAEL J. KELLY,  |                     |   |               |                     | <del></del>    |  |
|   |   |                     | (408) 241-8072                                  |               |                     |                |  |
|   | irganization does not have an office or place of but  |                     |   |               |                     | ▶ 🗍            |  |
|   | s for a Group Return, enter the organization's four   |                     |   |               | If the              | s is for the   |  |
| whole grou  | ıp, check this box   ▶ 🔲 lf it is for part of the gr  | oup, check t        | his box 🏲 🔲 and attach a list wit               | h the nam     | es and EINs         | of all         |  |
| members t   | he extension is for   |                     |   |               |                     |                |  |
| 4   requ  | uest an additional 3-month extension of time until  | 11/15               | , 20 <u>11</u>                                  |               |                     |                |  |
| <b>5</b> For c  | alendar year $\underline{2010}$ , or other tax year beginnin tax year entered in line 5 is for less than 12 month.          | g                   | , 20 , and ending                               |               | , 20                | - <del>-</del> |  |
| 6 If the  | tax year entered in line 5 is for less than 12 mont   | hs, check re        | eason 🔲 Initial return                          | Fır           | nal return          |                |  |
|   | Change in accounting period   |                     |   |               |                     |                |  |
|   |   |                     | SPECTFULLY REQUESTS ADD                         | - <b></b>     |                     |                |  |
|   | EXEMPT ORGANIZATION TAX RETURN  |                     |   | TON NEC       | ESSARY T            | 0              |  |
| PRE   | PARE A COMPLETE AND ACCURATE TA   | X RETUR             | N   | · <del></del> | <del></del>         |                |  |
| 8a If this  | s application is for Form 990-BL, 990-PF, 990-T, 47<br>efundable credits See instructions                                   | 720, or 6069        | , enter the tentative tax, less any             | 88            | \$                  | 0.             |  |
| <b>b</b> If this  | s application is for Form 990-PF, 990-T, 4720, or 6   | 069, enter a        | any refundable credits and estimated            | d tax         |                     |                |  |
| paym  | ents made Include any prior year overpayment al<br>Form 8868  | lowed as a          | credit and any amount paid previou              | sly + + + +   | ]<br>s \$           | 158.           |  |
|   | <u> </u>  | r naumant u         | with this form of required by using             | - 01          | 72                  | 156.           |  |
| EFTP  | nce due. Subtract line 8b from line 8a Include you<br>S (Electronic Federal Tax Payment System). See                        | instructions        | with this form, if required, by using           | 80            | \$                  | 0.             |  |
|   |   |                     | d Verification                                  |               |                     |                |  |
| Under penaltie<br>correct, and co   | s of perjury, I declare that I have examined this form, including accomplete, and that I am authorized to prepare this form | ompanying sche      | edules and statements, and to the best of my kn | owledge and I | belief, it is true, |                |  |
|   | 111. 1000 11 12000 110  | Secreta             | ) TT  | _             | ·R/                 | 15/11          |  |
| Signature BAA   | THE TITLE   |                     | <del></del>                                     |               | Form 9959           | (Rev 1-2011)   |  |
| DAA   | U (/()  | FIFZ0502L           | 11/15/10  |               | 1 UIIII <b>0000</b> | (IVEA 1.5011)  |  |