



See a Social Security Number? Say Something!
Report Privacy Problems to <https://public.resource.org/privacy>
Or call the IRS Identity Theft Hotline at 1-800-908-4490



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

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

2011

For calendar year 2011 or tax year beginning

MAY 1, 2011

, and ending

APR 30, 2012

Name of foundation

THE VICTOR HERBERT FOUNDATION

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

11 DORIS CIRCLE

A Employer identification number

23-7044623

B Telephone number

617-965-3325

C If exemption application is pending, check here ► D 1. Foreign organizations, check here ►

Foreign organizations meeting the 85% test,

2. check here and attach computation ► E If private foundation status was terminated
under section 507(b)(1)(A), check here ► F If the foundation is in a 60-month termination
under section 507(b)(1)(B), check here ►

City or town, state, and ZIP code

NEWTON, MA 02458-1929

G Check all that apply: Initial return Initial return of a former public charity
 Final return Amended return
 Address change Name changeH Check type of organization: Section 501(c)(3) exempt private foundation
 Section 4947(a)(1) nonexempt charitable trust Other taxable private foundationI Fair market value of all assets at end of year J Accounting method: Cash Accrual
(from Part II, col. (c), line 16) Other (specify) ► \$ 2,545,437. (Part I, column (d) must be on cash basis.)

Part I Analysis of Revenue and Expenses (The total of amounts in columns (b), (c), and (d) may not necessarily equal the amounts in column (a))		(a) Revenue and expenses per books	(b) Net investment income	(c) Adjusted net income	(d) Disbursements for charitable purposes (cash basis only)
1 Contributions, gifts, grants, etc., received				N/A	
2 Check ► <input checked="" type="checkbox"/> if the foundation is not required to attach Sch B					
3 Interest on savings and temporary cash investments		17,558.	17,558.		STATEMENT 2
4 Dividends and interest from securities		71,059.	71,059.		STATEMENT 3
5a Gross rents					
b Net rental income or (loss)					
6a Net gain or (loss) from sale of assets not on line 10		152,187.			STATEMENT 1
b Gross sales price for all assets on line 6a	2,100,695.				
7 Capital gain net income (from Part IV, line 2)			152,396.		
8 Net short-term capital gain					
9 Income modifications					
Gross sales less returns and allowances					
b Less Cost of goods sold					
c Gross profit or (loss)					
11 Other income	RECEIVED	5,321.	17,087.		STATEMENT 4
12 Total. Add lines 1 through 11		246,125.	258,100.		
13 Compensation of officers, directors, trustees, etc.		4,242.	0.		4,242.
14 Other employee salaries and wages					
15 Pension plans, employee benefits					
16a Legal fees	OGDEN, UT				
b Accounting fees	STMT 5	9,250.	7,400.		1,850.
c Other professional fees					
17 Interest					
18 Taxes	STMT 6	1,223.	1,223.		0.
19 Depreciation and depletion					
20 Occupancy					
21 Travel, conferences, and meetings					
22 Printing and publications					
23 Other expenses	STMT 7	25,292.	25,002.		250.
24 Total operating and administrative expenses. Add lines 13 through 23		40,007.	33,625.		6,342.
25 Contributions, gifts, grants paid		137,625.			137,625.
26 Total expenses and disbursements. Add lines 24 and 25		177,632.	33,625.		143,967.
27 Subtract line 26 from line 12:					
a Excess of revenue over expenses and disbursements		68,493.			
b Net investment income (if negative, enter -0-)			224,475.		
c Adjusted net income (if negative, enter -0-)				N/A	

123501
12-02-11 LHA For Paperwork Reduction Act Notice, see instructions.

Form 990-PF (2011)

SCANNED OCT 30 2012

Operating and Administrative Expenses

17110924 758489 07998

2011.04030 THE VICTOR HERBERT FOUNDATION 079981

Assets	Part II Balance Sheets	Attached schedules and amounts in the description column should be for end-of-year amounts only	Beginning of year	End of year	
			(a) Book Value	(b) Book Value	(c) Fair Market Value
	1 Cash - non-interest-bearing		299,342.	242,626.	242,626.
	2 Savings and temporary cash investments				
	3 Accounts receivable ►				
	Less: allowance for doubtful accounts ►				
	4 Pledges receivable ►				
	Less: allowance for doubtful accounts ►				
	5 Grants receivable				
	6 Receivables due from officers, directors, trustees, and other disqualified persons				
	7 Other notes and loans receivable ►				
	Less: allowance for doubtful accounts ►				
	8 Inventories for sale or use				
	9 Prepaid expenses and deferred charges				
	10a Investments - U.S. and state government obligations	STMT 8	203,509.	26,747.	26,018.
	b Investments - corporate stock	STMT 9	1,145,954.	1,669,678.	1,927,152.
	c Investments - corporate bonds	STMT 10	248,508.	125,699.	128,905.
	11 Investments - land, buildings, and equipment basis ►				
	Less accumulated depreciation ►				
	12 Investments - mortgage loans				
	13 Investments - other	STMT 11	192,540.	93,596.	187,569.
	14 Land, buildings, and equipment basis ►				
	Less accumulated depreciation ►				
	15 Other assets (describe ► COPYRIGHT)		33,167.	33,167.	33,167.
	16 Total assets (to be completed by all filers)		2,123,020.	2,191,513.	2,545,437.
Liabilities	17 Accounts payable and accrued expenses				
	18 Grants payable				
	19 Deferred revenue				
	20 Loans from officers, directors, trustees, and other disqualified persons				
	21 Mortgages and other notes payable				
	22 Other liabilities (describe ► _____)				
	23 Total liabilities (add lines 17 through 22)		0.	0.	
Net Assets or Fund Balances	Foundations that follow SFAS 117, check here ► <input type="checkbox"/>				
	and complete lines 24 through 26 and lines 30 and 31.				
	24 Unrestricted				
	25 Temporarily restricted				
	26 Permanently restricted				
	Foundations that do not follow SFAS 117, check here ► <input checked="" type="checkbox"/>				
	and complete lines 27 through 31.				
	27 Capital stock, trust principal, or current funds		0.	0.	
	28 Paid-in or capital surplus, or land, bldg., and equipment fund		0.	0.	
	29 Retained earnings, accumulated income, endowment, or other funds		2,123,020.	2,191,513.	
	30 Total net assets or fund balances		2,123,020.	2,191,513.	
	31 Total liabilities and net assets/fund balances		2,123,020.	2,191,513.	

Part III Analysis of Changes in Net Assets or Fund Balances

1 Total net assets or fund balances at beginning of year - Part II, column (a), line 30 (must agree with end-of-year figure reported on prior year's return)	1	2,123,020.
2 Enter amount from Part I, line 27a	2	68,493.
3 Other increases not included in line 2 (itemize) ►	3	0.
4 Add lines 1, 2, and 3	4	2,191,513.
5 Decreases not included in line 2 (itemize) ►	5	0.
6 Total net assets or fund balances at end of year (line 4 minus line 5) - Part II, column (b), line 30	6	2,191,513.

Part IV Capital Gains and Losses for Tax on Investment Income

(a) List and describe the kind(s) of property sold (e.g., real estate, 2-story brick warehouse; or common stock, 200 shs. MLC Co.)			(b) How acquired P - Purchase D - Donation	(c) Date acquired (mo., day, yr.)	(d) Date sold (mo., day, yr.)
a KINDER MORGAN K1			P	VARIOUS	VARIOUS
b ENTERPRISE PRODUCTS PARTNERS K1			P	VARIOUS	VARIOUS
c ENTERPRISE PRODUCTS PARTNERS K1			P	VARIOUS	VARIOUS
d MORGAN STANLEY- PUBLICLY TRADED SECURITIES			P	VARIOUS	VARIOUS
e CAPITAL GAINS DIVIDENDS					
(e) Gross sales price	(f) Depreciation allowed (or allowable)	(g) Cost or other basis plus expense of sale		(h) Gain or (loss) (e) plus (f) minus (g)	
a 74.		33.		41.	
b 614.				614.	
c				0.	
d 2,099,453.		1,948,266.		151,187.	
e 554.				554.	
Complete only for assets showing gain in column (h) and owned by the foundation on 12/31/69			(I) Gains (Col. (h) gain minus col. (k), but not less than -0-) or Losses (from col. (h))		
(i) F.M.V. as of 12/31/69	(j) Adjusted basis as of 12/31/69	(k) Excess of col. (i) over col. (j), if any			
a				41.	
b				614.	
c				0.	
d				151,187.	
e				554.	
2 Capital gain net income or (net capital loss)	{ If gain, also enter in Part I, line 7 If (loss), enter -0- in Part I, line 7 }		2		152,396.
3 Net short-term capital gain or (loss) as defined in sections 1222(5) and (6): If gain, also enter in Part I, line 8, column (c). If (loss), enter -0- in Part I, line 8	{ }		3		N/A

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

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

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

Was the foundation liable for the section 4942 tax on the distributable amount of any year in the base period?

 Yes No

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

1 Enter the appropriate amount in each column for each year; see instructions before making any entries.

(a) Base period years Calendar year (or tax year beginning in)	(b) Adjusted qualifying distributions	(c) Net value of noncharitable-use assets	(d) Distribution ratio (col. (b) divided by col. (c))
2010	95,390.	2,356,537.	.040479
2009	125,602.	2,244,425.	.055962
2008	179,051.	2,690,443.	.066551
2007	147,827.	3,632,409.	.040697
2006	173,378.	3,545,370.	.048903

2 Total of line 1, column (d)

2 .252592

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 .050518

4 Enter the net value of noncharitable-use assets for 2011 from Part X, line 5

4 2,441,576.

5 Multiply line 4 by line 3

5 123,344.

6 Enter 1% of net investment income (1% of Part I, line 27b)

6 2,245.

7 Add lines 5 and 6

7 125,589.

8 Enter qualifying distributions from Part XII, line 4

8 143,967.

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

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

1a	Exempt operating foundations described in section 4940(d)(2), check here ► <input type="checkbox"/> and enter "N/A" on line 1.	(attach copy of letter if necessary-see instructions)	1 2,245.
Date of ruling or determination letter:			
b	Domestic foundations that meet the section 4940(e) requirements in Part V, check here ► <input checked="" type="checkbox"/> and enter 1% of Part I, line 27b		
c All other domestic foundations enter 2% of line 27b. Exempt foreign organizations enter 4% of Part I, line 12, col. (b).			
2	Tax under section 511 (domestic section 4947(a)(1) trusts and taxable foundations only. Others enter -0-)		
3	Add lines 1 and 2	2 0.	
4	Subtitle A (income) tax (domestic section 4947(a)(1) trusts and taxable foundations only. Others enter -0-)	3 2,245.	
5	Tax based on investment income. Subtract line 4 from line 3. If zero or less, enter -0-	4 0.	
6	Credits/Payments:	5 2,245.	
a	2011 estimated tax payments and 2010 overpayment credited to 2011	6a 2,321.	
b	Exempt foreign organizations - tax withheld at source	6b	
c	Tax paid with application for extension of time to file (Form 8868)	6c	
d	Backup withholding erroneously withheld	6d	
7	Total credits and payments. Add lines 6a through 6d	7 2,321.	
8	Enter any penalty for underpayment of estimated tax. Check here <input checked="" type="checkbox"/> if Form 2220 is attached	8	
9	Tax due. If the total of lines 5 and 8 is more than line 7, enter amount owed	9	
10	Overpayment. If line 7 is more than the total of lines 5 and 8, enter the amount overpaid	10 76.	
11	Enter the amount of line 10 to be: Credited to 2012 estimated tax ►	11 0.	

Part VII-A. Statements Regarding Activities

	Yes	No
1a	<input checked="" type="checkbox"/>	X
1b	<input checked="" type="checkbox"/>	X
<i>If the answer is "Yes" to 1a or 1b, attach a detailed description of the activities and copies of any materials published or distributed by the foundation in connection with the activities</i>		
1c	<input checked="" type="checkbox"/>	X
d	Enter the amount (if any) of tax on political expenditures (section 4955) imposed during the year: (1) On the foundation. ► \$ <u>0.</u> (2) On foundation managers. ► \$ <u>0.</u>	
e	Enter the reimbursement (if any) paid by the foundation during the year for political expenditure tax imposed on foundation managers. ► \$ <u>0.</u>	
2	Has the foundation engaged in any activities that have not previously been reported to the IRS? <i>If "Yes," attach a detailed description of the activities.</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? <i>If "Yes," attach a conformed copy of the changes</i>	
4a	Did the foundation have unrelated business gross income of \$1,000 or more during the year?	
b	If "Yes," has it filed a tax return on Form 990-T for this year?	
5	Was there a liquidation, termination, dissolution, or substantial contraction during the year? <i>If "Yes," attach the statement required by General Instruction T.</i>	
6	Are the requirements of section 508(e) (relating to sections 4941 through 4945) satisfied either: • By language in the governing instrument, or • By state legislation that effectively amends the governing instrument so that no mandatory directions that conflict with the state law remain in the governing instrument?	
7	Did the foundation have at least \$5,000 in assets at any time during the year? <i>If "Yes," complete Part II, col. (c), and Part XV</i>	
8a	Enter the states to which the foundation reports or with which it is registered (see instructions) ► <u>NY</u>	
b	If the answer is "Yes" to line 7, has the foundation furnished a copy of Form 990-PF to the Attorney General (or designate) of each state as required by General Instruction G? <i>If "No," attach explanation</i>	
9	Is the foundation claiming status as a private operating foundation within the meaning of section 4942(j)(3) or 4942(j)(5) for calendar year 2011 or the taxable year beginning in 2011 (see instructions for Part XIV)? <i>If "Yes," complete Part XIV</i>	
10	Did any persons become substantial contributors during the tax year? <i>If "Yes," attach a schedule listing their names and addresses</i>	

Part VII-A Statements Regarding Activities (continued)

11	At any time during the year, did the foundation, directly or indirectly, own a controlled entity within the meaning of section 512(b)(13)? If "Yes," attach schedule (see instructions)	11	X
12	Did the foundation make a distribution to a donor advised fund over which the foundation or a disqualified person had advisory privileges? If "Yes," attach statement (see instructions)	12	X
13	Did the foundation comply with the public inspection requirements for its annual returns and exemption application? Website address ► N/A	13	X
14	The books are in care of ► HERBERT JACOBY, ESQ Located at ► 45 EAST 85TH STREET, NEW YORK, NY	Telephone no. ► 212-872-1500 ZIP+4 ► 10020	
15	Section 4947(a)(1) nonexempt charitable trusts filing Form 990-PF in lieu of Form 1041 - Check here and enter the amount of tax-exempt interest received or accrued during the year	► 15	N/A
16	At any time during calendar year 2011, did the foundation have an interest in or a signature or other authority over a bank, securities, or other financial account in a foreign country? See the instructions for exceptions and filing requirements for Form TD F 90-22.1. If "Yes," enter the name of the foreign country ►	16	Yes X No X

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

	File Form 4720 if any item is checked in the "Yes" column, unless an exception applies.	Yes	No
1a	During the year did the foundation (either directly or indirectly):		
(1)	Engage in the sale or exchange, or leasing of property with a disqualified person?	<input type="checkbox"/> Yes	X No
(2)	Borrow money from, lend money to, or otherwise extend credit to (or accept it from) a disqualified person?	<input type="checkbox"/> Yes	X No
(3)	Furnish goods, services, or facilities to (or accept them from) a disqualified person?	<input type="checkbox"/> Yes	X No
(4)	Pay compensation to, or pay or reimburse the expenses of, a disqualified person?	<input type="checkbox"/> 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)?	<input type="checkbox"/> 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.)	<input type="checkbox"/> Yes	X No
1b	If any answer is "Yes" to 1a(1)-(6), did any of the acts fail to qualify under the exceptions described in Regulations section 53.4941(d)-3 or in a current notice regarding disaster assistance (see instructions)? Organizations relying on a current notice regarding disaster assistance check here ►		X
1c	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 2011?		X
2	Taxes on failure to distribute income (section 4942) (does not apply for years the foundation was a private operating foundation defined in section 4942(j)(3) or 4942(j)(5)):		
a	At the end of tax year 2011, did the foundation have any undistributed income (lines 6d and 6e, Part XIII) for tax year(s) beginning before 2011? If "Yes," list the years ►	<input type="checkbox"/> Yes	X No
b	Are there any years listed in 2a for which the foundation is not applying the provisions of section 4942(a)(2) (relating to incorrect valuation of assets) to the year's undistributed income? (If applying section 4942(a)(2) to all years listed, answer "No" and attach statement - see instructions.)		
c	If the provisions of section 4942(a)(2) are being applied to any of the years listed in 2a, list the years here. ►		
3a	Did the foundation hold more than a 2% direct or indirect interest in any business enterprise at any time during the year?	<input type="checkbox"/> Yes	X No
b	If "Yes," did it have excess business holdings in 2011 as a result of (1) any purchase by the foundation or disqualified persons after May 26, 1969; (2) the lapse of the 5-year period (or longer period approved by the Commissioner under section 4943(c)(7)) to dispose of holdings acquired by gift or bequest; or (3) the lapse of the 10-, 15-, or 20-year first phase holding period? (Use Schedule C, Form 4720, to determine if the foundation had excess business holdings in 2011.)		
4a	Did the foundation invest during the year any amount in a manner that would jeopardize its charitable purposes?		
b	Did the foundation make any investment in a prior year (but after December 31, 1969) that could jeopardize its charitable purpose that had not been removed from jeopardy before the first day of the tax year beginning in 2011?		

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

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

- (1) Carry on propaganda, or otherwise attempt to influence legislation (section 4945(e))?
- (2) Influence the outcome of any specific public election (see section 4955); or to carry on, directly or indirectly, any voter registration drive?
- (3) Provide a grant to an individual for travel, study, or other similar purposes?
- (4) Provide a grant to an organization other than a charitable, etc., organization described in section 509(a)(1), (2), or (3), or section 4940(d)(2)?
- (5) Provide for any purpose other than religious, charitable, scientific, literary, or educational purposes, or for the prevention of cruelty to children or animals?

Yes No
 Yes No
 Yes No
 Yes No
 Yes No

b If any answer is "Yes" to 5a(1)-(5), did any of the transactions fail to qualify under the exceptions described in Regulations section 53.4945 or in a current notice regarding disaster assistance (see instructions)?

N/A



Organizations relying on a current notice regarding disaster assistance check here

c If the answer is "Yes" to question 5a(4), does the foundation claim exemption from the tax because it maintained expenditure responsibility for the grant?

N/A

 Yes No

If "Yes," attach the statement required by Regulations section 53.4945-5(d)

6a Did the foundation, during the year, receive any funds, directly or indirectly, to pay premiums on a personal benefit contract?

 Yes No

b Did the foundation, during the year, pay premiums, directly or indirectly, on a personal benefit contract?

If "Yes" to 6b, file Form 8870.

7a At any time during the tax year, was the foundation a party to a prohibited tax shelter transaction?

 Yes No

b If "Yes," did the foundation receive any proceeds or have any net income attributable to the transaction?

N/A



Part VIII Information About Officers, Directors, Trustees, Foundation Managers, Highly Paid Employees, and Contractors

1 List all officers, directors, trustees, foundation managers and their compensation.

(a) Name and address	(b) Title, and average hours per week devoted to position	(c) Compensation (If not paid, enter -0-)	(d) Contributions to employee benefit plans and deferred compensation	(e) Expense account, other allowances
HERBERT P JACOBY 45 EAST 85TH STREET NEW YORK, NY	CHAIRMAN 40.00	4,242.	0.	0.
CAROLYN JACOBY GABBAY 101 FEDERAL STREET BOSTON, MA	PRESIDENT 0.00	0.	0.	0.
LOIS C. SCHWARTZ 299 WEST 12TH STREET NEW YORK, NY	SECRETARY 0.00	0.	0.	0.
JONATHAN JACOBY 17 MAGNOLIA WAY NORTH HALEDON, NJ 07508	ASSISTANT TREASURER 0.00	0.	0.	0.

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

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

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

0

Form 990-PF (2011)

Information About Officers, Directors, Trustees, Foundation Managers, Highly Paid Employees, and Contractors (continued)

3 Five highest-paid independent contractors for professional services. If none, enter "NONE."

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

Total number of others receiving over \$50,000 for professional services

1

10

Part IX-A Summary of Direct Charitable Activities

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

Number of organizations and other beneficiaries served, conferences convened, research papers produced, etc.	
1	N/A
2	
3	
4	

Part IX-B Summary of Program-Related Investments

Describe the two largest program-related investments made by the foundation during the tax year on lines 1 and 2.

Describe the two largest program-related investments made by the foundation during the tax year on lines 1 and 2.		Amount
1	N/A	
2		
3	All other program-related investments. See instructions.	
Total. Add lines 1 through 3		0

Form 990-PF (2011)

123561
12-02-11

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

1	Fair market value of assets not used (or held for use) directly in carrying out charitable, etc., purposes:		
a	Average monthly fair market value of securities	1a	2,226,690.
b	Average of monthly cash balances	1b	218,900.
c	Fair market value of all other assets	1c	33,167.
d	Total (add lines 1a, b, and c)	1d	2,478,757.
e	Reduction claimed for blockage or other factors reported on lines 1a and 1c (attach detailed explanation)	1e	0.
2	Acquisition indebtedness applicable to line 1 assets	2	0.
3	Subtract line 2 from line 1d	3	2,478,757.
4	Cash deemed held for charitable activities. Enter 1 1/2% of line 3 (for greater amount, see instructions)	4	37,181.
5	Net value of noncharitable-use assets. Subtract line 4 from line 3. Enter here and on Part V, line 4	5	2,441,576.
6	Minimum investment return. Enter 5% of line 5	6	122,079.

Part XI Distributable Amount (see instructions) (Section 4942(j)(3) and (j)(5) private operating foundations and certain foreign organizations check here ► and do not complete this part.)

1	Minimum investment return from Part X, line 6	1	122,079.
2a	Tax on investment income for 2011 from Part VI, line 5	2a	2,245.
b	Income tax for 2011. (This does not include the tax from Part VI.)	2b	
c	Add lines 2a and 2b	2c	2,245.
3	Distributable amount before adjustments. Subtract line 2c from line 1	3	119,834.
4	Recoveries of amounts treated as qualifying distributions	4	0.
5	Add lines 3 and 4	5	119,834.
6	Deduction from distributable amount (see instructions)	6	0.
7	Distributable amount as adjusted. Subtract line 6 from line 5. Enter here and on Part XIII, line 1	7	119,834.

Part XII Qualifying Distributions (see instructions)

1	Amounts paid (including administrative expenses) to accomplish charitable, etc., purposes:		
a	Expenses, contributions, gifts, etc. - total from Part I, column (d), line 26	1a	143,967.
b	Program-related investments - total from Part IX-B	1b	0.
2	Amounts paid to acquire assets used (or held for use) directly in carrying out charitable, etc., purposes	2	
3	Amounts set aside for specific charitable projects that satisfy the:		
a	Suitability test (prior IRS approval required)	3a	
b	Cash distribution test (attach the required schedule)	3b	
4	Qualifying distributions. Add lines 1a through 3b. Enter here and on Part V, line 8, and Part XIII, line 4	4	143,967.
5	Foundations that qualify under section 4940(e) for the reduced rate of tax on net investment income. Enter 1% of Part I, line 27b	5	2,245.
6	Adjusted qualifying distributions. Subtract line 5 from line 4	6	141,722.

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

Part XIII Undistributed Income (see instructions)

	(a) Corpus	(b) Years prior to 2010	(c) 2010	(d) 2011
1 Distributable amount for 2011 from Part XI, line 7				119,834.
2 Undistributed income, if any, as of the end of 2010			10,471.	
a Enter amount for 2010 only				
b Total for prior years:		0.		
3 Excess distributions carryover, if any, to 2011:				
a From 2006				
b From 2007				
c From 2008				
d From 2009				
e From 2010				
f Total of lines 3a through e		0.		
4 Qualifying distributions for 2011 from Part XII, line 4: ► \$ 143,967.			10,471.	
a Applied to 2010, but not more than line 2a				
b Applied to undistributed income of prior years (Election required - see instructions)		0.		
c Treated as distributions out of corpus (Election required - see instructions)				
d Applied to 2011 distributable amount				119,834.
e Remaining amount distributed out of corpus				
5 Excess distributions carryover applied to 2011 (If an amount appears in column (d), the same amount must be shown in column (a))		0.		0.
6 Enter the net total of each column as indicated below:				
a Corpus Add lines 3f, 4c, and 4e Subtract line 5				
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				
d Subtract line 6c from line 6b. Taxable amount - see instructions		0.		
e Undistributed income for 2010. Subtract line 4a from line 2a. Taxable amount - see instr.			0.	
f Undistributed income for 2011. Subtract lines 4d and 5 from line 1. This amount must be distributed in 2012				0.
7 Amounts treated as distributions out of corpus to satisfy requirements imposed by section 170(b)(1)(F) or 4942(g)(3)		0.		
8 Excess distributions carryover from 2006 not applied on line 5 or line 7		0.		
9 Excess distributions carryover to 2012. Subtract lines 7 and 8 from line 6a		13,662.		
10 Analysis of line 9:				
a Excess from 2007				
b Excess from 2008				
c Excess from 2009				
d Excess from 2010				
e Excess from 2011		13,662.		

Part XV Supplementary Information (continued)

3 Grants and Contributions Paid During the Year or Approved for Future Payment				
Recipient	If recipient is an individual, show any relationship to any foundation manager or substantial contributor	Foundation status of recipient	Purpose of grant or contribution	Amount
a Paid during the year				
AMERICAN OPERA PROJECTS		NONE	ARTS	2,500.
BRONX OPERA		NONE	ARTS	2,500.
CANTON COMIC OPERA COMPANY		NONE	ARTS	8,000.
CENTRAL PARK CONSERVANCY		NONE	GENERAL	250.
COMIC OPERA GUILD		NONE	ARTS	4,000.
Total	SEE CONTINUATION SHEET(S)		► 3a	137,625.
b Approved for future payment				
NONE				
Total			► 3b	0.

Part XVI-A Analysis of Income-Producing Activities

Enter gross amounts unless otherwise indicated.

	Unrelated business income		Excluded by section 512, 513, or 514		(e) Related or exempt function income
	(a) Business code	(b) Amount	(c) Exclu- sion code	(d) Amount	
1 Program service revenue:					
a					
b					
c					
d					
e					
f					
g Fees and contracts from government agencies					
2 Membership dues and assessments					
3 Interest on savings and temporary cash investments			14	17,558.	
4 Dividends and interest from securities			14	71,059.	
5 Net rental income or (loss) from real estate:					
a Debt-financed property					
b Not debt-financed property					
6 Net rental income or (loss) from personal property					
7 Other investment income	900000	<10,658.15		15,979.	
8 Gain or (loss) from sales of assets other than inventory			18	152,187.	
9 Net income or (loss) from special events					
10 Gross profit or (loss) from sales of inventory					
11 Other revenue:					
a					
b					
c					
d					
e					
12 Subtotal. Add columns (b), (d), and (e)		<10,658.15		256,783.	0.
13 Total. Add line 12, columns (b), (d), and (e) (See worksheet in line 13 instructions to verify calculations.)				13	246,125.

Relationship of Activities to the Accomplishment of Exempt Purposes

123621
12-02-11

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

1 Did the organization directly or indirectly engage in any of the following with any other organization described in section 501(c) of the Code (other than section 501(c)(3) organizations) or in section 527, relating to political organizations?

	Yes	No
1a(1)		X
1a(2)		X
1b(1)		X
1b(2)		X
1b(3)		X
1b(4)		X
1b(5)		X
1b(6)		X
1c		X

a Transfers from the reporting foundation to a noncharitable exempt organization of:

- (1) Cash
- (2) Other assets

b Other transactions:

(1) Sales of assets to a noncharitable exempt organization

(2) Purchases of assets from a noncharitable exempt organization

(3) Rental of facilities, equipment, or other assets

(4) Reimbursement arrangements

(5) Loans or loan guarantees

(6) Performance of services or membership or fundraising solicitations

c. Sharing of facilities, equipment, mailing lists, other assets, or paid employees

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

2a Is the foundation directly or indirectly affiliated with, or related to, one or more tax-exempt organizations described in section 501(c) of the Code (other than section 501(c)(3)) or in section 527?

Yes No

b If "Yes," complete the following schedule.

(a) Name of organization	(b) Type of organization	(c) Description of relationship
N/A		

**Sign
Here**

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

May the IRS discuss this return with the preparer shown below (see instr.)?

Signature of officer or trustee		Date	Date	
Paid Preparer Use Only	Print/Type preparer's name	Preparer's signature	Date	Check <input type="checkbox"/> if self-employed
	ROBERTO VICECONTE		9/25/12	PTIN
	Firm's name ► WEISERMAZARS LLP			Firm's EIN ► 13-1459550
Firm's address ► 135 WEST 50TH STREET NEW YORK, NY 10020			Phone no. (212) 812-7000	

THE VICTOR HERBERT FOUNDATION

23-7044623

Part XV Supplementary Information

3 Grants and Contributions Paid During the Year (Continuation)

Recipient	If recipient is an individual, show any relationship to any foundation manager or substantial contributor	Foundation status of recipient	Purpose of grant or contribution	Amount
Name and address (home or business)				
CONCERT OPERETTA THEATER		NONE	ARTS	10,000.
GOTHAM EARLY MUSIC SCENE		NONE	ARTS	4,000.
LAKE PLACID SINFONIETTA		NONE	ARTS	37,500.
LIGHT OPERA COMPANY OF NEW YORK		NONE	ARTS	5,000.
MANHATTAN SCHOOL OF MUSIC		NONE	ARTS	2,500.
NEW YORK PHILHARMONIC ORCHESTRA		NONE	ARTS	17,000.
THE CITY COLLEGE FUND		NONE	GENERAL	5,000.
THE GROVES AT LINCOLN INC.		NONE	ARTS	10,875.
THE SKYLARK OPERA		NONE	ARTS	7,500.
THE SPHINX ORGANIZATION		NONE	GENERAL	2,500.
Total from continuation sheets				120,375.

THE VICTOR HERBERT FOUNDATION

23-7044623

Part XV Supplementary Information

3 Grants and Contributions Paid During the Year (Continuation)

FORM 990-PF

GAIN OR (LOSS) FROM SALE OF ASSETS

STATEMENT

1

(A) DESCRIPTION OF PROPERTY		MANNER ACQUIRED		DATE ACQUIRED		DATE SOLD			
PURCHASED		VARIOUS		VARIOUS					
(B) GROSS SALES PRICE	(C) COST OR OTHER BASIS	(D) EXPENSE OF SALE	(E) DEPREC.	(F) GAIN OR LOSS					
74.	0.	0.	0.	74.					
(A) DESCRIPTION OF PROPERTY		MANNER ACQUIRED		DATE ACQUIRED		DATE SOLD			
PURCHASED		VARIOUS		VARIOUS					
(B) GROSS SALES PRICE	(C) COST OR OTHER BASIS	(D) EXPENSE OF SALE	(E) DEPREC.	(F) GAIN OR LOSS					
614.	0.	0.	0.	614.					
(A) DESCRIPTION OF PROPERTY		MANNER ACQUIRED		DATE ACQUIRED		DATE SOLD			
PURCHASED		VARIOUS		VARIOUS					
(B) GROSS SALES PRICE	(C) COST OR OTHER BASIS	(D) EXPENSE OF SALE	(E) DEPREC.	(F) GAIN OR LOSS					
0.	242.	0.	0.	0.	<242.>				

(A) DESCRIPTION OF PROPERTY			MANNER ACQUIRED	DATE ACQUIRED	DATE SOLD
	MORGAN STANLEY- PUBLICLY TRADED SECURITIES	PURCHASED	VARIOUS	VARIOUS	
(B) GROSS SALES PRICE	(C) COST OR OTHER BASIS	(D) EXPENSE OF SALE	(E) DEPREC.	(F) GAIN OR LOSS	
2,099,453.	1,948,266.	0.	0.	151,187.	
CAPITAL GAINS DIVIDENDS FROM PART IV					554.
TOTAL TO FORM 990-PF, PART I, LINE 6A					152,187.

FORM 990-PF INTEREST ON SAVINGS AND TEMPORARY CASH INVESTMENTS STATEMENT 2

SOURCE	AMOUNT
ENTERPRISE PRODUCTS PARTNERS K1	18.
FROM K-1 - KINDER MORGAN	102.
MORGAN STANLEY	17,438.
TOTAL TO FORM 990-PF, PART I, LINE 3, COLUMN A	17,558.

FORM 990-PF DIVIDENDS AND INTEREST FROM SECURITIES STATEMENT 3

SOURCE	GROSS AMOUNT	CAPITAL GAINS DIVIDENDS	COLUMN (A) AMOUNT
FROM K-1 - KINDER MORGAN	45.	0.	45.
MORGAN STANLEY	71,568.	554.	71,014.
TOTAL TO FM 990-PF, PART I, LN 4	71,613.	554.	71,059.

FORM 990-PF	OTHER INCOME	STATEMENT	4
-------------	--------------	-----------	---

DESCRIPTION	(A) REVENUE PER BOOKS	(B) NET INVEST- MENT INCOME	(C) ADJUSTED NET INCOME
ROYALTIES	15,979.	15,979.	
ENTERPRISE PRODUCTS PARTNERS K1	<6,297.>	0.	
FROM K-1 - ENTERPRISE	18.	18.	
FROM K-1 - KINDER MORGAN	<5,469.>	0.	
MAGELLAN MIDSTREAM K1	1,090.	1,090.	
TOTAL TO FORM 990-PF, PART I, LINE 11	5,321.	17,087.	

FORM 990-PF	ACCOUNTING FEES	STATEMENT	5
-------------	-----------------	-----------	---

DESCRIPTION	(A) EXPENSES PER BOOKS	(B) NET INVEST- MENT INCOME	(C) ADJUSTED NET INCOME	(D) CHARITABLE PURPOSES
ACCOUNTING FEES	9,250.	7,400.		1,850.
TO FORM 990-PF, PG 1, LN 16B	9,250.	7,400.		1,850.

FORM 990-PF	TAXES	STATEMENT	6
-------------	-------	-----------	---

DESCRIPTION	(A) EXPENSES PER BOOKS	(B) NET INVEST- MENT INCOME	(C) ADJUSTED NET INCOME	(D) CHARITABLE PURPOSES
FOREIGN TAXES	973.	973.		0.
NYS TAX	250.	250.		0.
TO FORM 990-PF, PG 1, LN 18	1,223.	1,223.		0.

FORM 990-PF	OTHER EXPENSES	STATEMENT	7
-------------	----------------	-----------	---

DESCRIPTION	(A) EXPENSES PER BOOKS	(B) NET INVEST- MENT INCOME	(C) ADJUSTED NET INCOME	(D) CHARITABLE PURPOSES
MANAGEMENT FEE	24,616.	24,616.		0.
BANK CHARGES	<25.>	<25.>		0.
ENTERPRISE PRODUCTS - N/D EXPENSE	14.	0.		0.
KINDER MORGAN - INVESTMENT INTEREST	61.	61.		0.
FILING FEES	250.	0.		250.
MAGELLAN - N/D EXPENSES	12.	0.		0.
KINDER MORGAN - INTANGIBLE DRILLING COSTS	350.	350.		0.
KINDER MORGAN - N/D EXPENSES	14.	0.		0.
TO FORM 990-PF, PG 1, LN 23	25,292.	25,002.		250.

FORM 990-PF	U.S. AND STATE/CITY GOVERNMENT OBLIGATIONS	STATEMENT	8
-------------	--	-----------	---

DESCRIPTION	U.S. GOV'T	OTHER GOV'T	BOOK VALUE	FAIR MARKET VALUE
SEE STATEMENT ATTACHED	X		26,747.	26,018.
TOTAL U.S. GOVERNMENT OBLIGATIONS			26,747.	26,018.
TOTAL STATE AND MUNICIPAL GOVERNMENT OBLIGATIONS				
TOTAL TO FORM 990-PF, PART II, LINE 10A			26,747.	26,018.

FORM 990-PF	CORPORATE STOCK	STATEMENT	9
-------------	-----------------	-----------	---

DESCRIPTION	BOOK VALUE	FAIR MARKET VALUE
SEE STATEMENT ATTACHED	1,669,678.	1,927,152.
TOTAL TO FORM 990-PF, PART II, LINE 10B	1,669,678.	1,927,152.

FORM 990-PF

CORPORATE BONDS

STATEMENT 10

DESCRIPTION	BOOK VALUE	FAIR MARKET VALUE
SEE STATEMENT ATTACHED	125,699.	128,905.
TOTAL TO FORM 990-PF, PART II, LINE 10C	125,699.	128,905.

FORM 990-PF

OTHER INVESTMENTS

STATEMENT 11

DESCRIPTION	VALUATION METHOD	BOOK VALUE	FAIR MARKET VALUE
SEE STATEMENT ATTACHED	COST	93,596.	187,569.
TOTAL TO FORM 990-PF, PART II, LINE 13		93,596.	187,569.

Victor Herbert Foundation
 EIN # 23-7044623
 Tax Year 2011

Type of Investment	Security Name	# Of Shares	Cost	FMV
<u>Investment in U.S. Obligations</u>				
	US TREASURY NOTE 3.125%	25,000	26,747	26,018
<u>Total U.S. Obligations</u>				
			26,747	26,018
<u>Investment in Stocks</u>				
	ALLIANT ENERGY LP	1,000	27,739	45,240
	ALTRIA GROUP INC	1,300	36,114	41,873
	AMERICAN CAPITAL AGENCY	1,000	27,046	31,235
	AMERICAN EXPRESS COMPANY	700	27,373	42,147
	ANNALY CAPITAL MNGMT	2,000	35,557	32,640
	AT&T	1,300	34,287	42,783
	BANK OF NOVA SCOTIA	750	35,945	41,595
	BLACKROCK LTD DURATION	2,500	41,244	44,350
	BRISTOL MYERS SQUIBB	1,000	26,457	33,370
	BRISTOL MYERS SQUIBB	300	8,589	10,011
	CENTURYLINK	1,000	35,410	38,560
	CHEVRON	350	35,389	37,296
	CHURCH & DWIGHT CO	700	31,485	35,560
	CISCO SYS INC	1,500	28,584	30,233
	COCA COLA CO	600	32,334	45,792
	CONOCOPHILLIPS	500	34,748	35,815
	DEERE & CO	400	33,269	32,944
	DIAMOND OFFSHORE DRILLING	700	47,999	47,985
	DOMINION RES INC VA	700	25,710	36,533
	DU PONT	700	5,494	37,422
	ELI LILLY & CO	800	30,413	33,112
	GENERAL ELECTRIC	2,000	32,480	39,160
	HJ HEINZ CO	700	30,573	37,317
	HOME DEPOT	700	30,335	36,253
	HONEYWELL INTERNATIONAL	500	28,378	30,330
	IBM	200	27,630	41,416
	INTEL CORP	1,500	31,290	42,593
	ISHARES DJ US RL EST INDEX	500	28,698	31,955
	ISHARES IBOXX INVEST GR COR	500	54,429	58,240
	ISHARES IBOXX INVEST GR COR	200	22,240	23,296
	ISHARES IBOXX H/Y CORP	800	70,688	72,960
	ISHARES JP MORGAN EM BOND	500	56,703	57,135
	JOHNSON & JOHNSON	600	38,435	39,060
	KLA TENCOR CORP	800	31,624	41,708
	KRAFT FOODS INC.	800	21,340	31,896
	KRAFT FOODS INC.	200	6,962	7,974
	MICROSOFT CORP	1,000	28,006	32,015
	MONSANTO CO	450	35,972	34,281
	PFIZER INC	1,500	26,591	34,350
	PIMCO CORPORATE OPPTY	2,000	33,870	36,340

PROSHARES SHOR QQQ	1,500	40,110	38,775
PROSHARS SHORT S&P 500	1,700	76,646	61,047
SPDR GOLD TRU	400	65,455	64,752
TELLUS CORP	800	23,922	46,968
TORONTO DOM BK	500	35,441	42,225
US BANKCORP COM	1,000	28,256	32,170
UNION PACIFIC CORP	300	32,223	33,732
VODAPHONE GROUP INC	1,000	24,800	27,820
VODAPHONE GROUP INC	300	7,911	8,346
WALT DISNEY CO	700	27,458	30,177
YUM BRANDS INC	500	30,078	36,365
 Total Stocks		1,669,730	1,927,152
 Investments in Corp. Bonds			
BANK OF AMERICA CORP.	50,000	50,000	49,846
HARTFORD FIN SVCS	1,300	28,112	27,859
JP MORGAN CHASE CAP 7.0%	2,000	47,586	51,200
 Total Investments in Corp. Bonds		125,698	128,905
 Investments Other			
ENTERPRISE PRODUCTS PARTNERS LP	1,500	21,458	77,310
MAGELLAN MIDSTREAM PARTNERS LP	700	21,501	49,574
TERRA NITROGEN CO LP	100	18,836	26,800
US BANKCORP PFD	1,500	31,801	33,885
 Total Investments Other		93,595	187,569
 TOTAL ALL		1,915,770	2,269,644

Application for Extension of Time To File an Exempt Organization Return

OMB No. 1545-1709

► File a separate application for each return.

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

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

Electronic filing (e-file). You can electronically file Form 8868 if you need a 3-month automatic extension of time to file (6 months for a corporation required to file Form 990-T), or an additional (not automatic) 3-month extension of time. You can electronically file Form 8868 to request an extension of time to file any of the forms listed in Part I or Part II with the exception of Form 8870, Information Return for Transfers Associated With Certain Personal Benefit Contracts, which must be sent to the IRS in paper format (see instructions). For more details on the electronic filing of this form, visit www.irs.gov/efile and click on e-file for Charities & Nonprofits.

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

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

Part I only ►

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

Type or print	Name of exempt organization or other filer, see instructions. THE VICTOR HERBERT FOUNDATION	Employer identification number (EIN) or 23-7044623
File by the due date for filing your return. See instructions.	Number, street, and room or suite no. If a P.O. box, see instructions. 11 DORIS CIRCLE	Social security number (SSN) <input type="checkbox"/>
	City, town or post office, state, and ZIP code. For a foreign address, see instructions. NEWTON, MA 02458-1929	

Enter the Return code for the return that this application is for (file a separate application for each return) ► **0 4**

Application Is For	Return Code	Application Is For	Return Code
Form 990	01	Form 990-T (corporation)	07
Form 990-BL	02	Form 1041-A	08
Form 990-EZ	01	Form 4720	09
Form 990-PF	04	Form 5227	10
Form 990-T (sec. 401(a) or 408(a) trust)	05	Form 6069	11
Form 990-T (trust other than above)	06	Form 8870	12

HERBERT JACOBY, ESQ

- The books are in the care of ► **45 EAST 85TH STREET - NEW YORK, NY 10020**

Telephone No. ► **212-872-1500** FAX No. ►

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

1 I request an automatic 3-month (6 months for a corporation required to file Form 990-T) extension of time until **DECEMBER 15, 2012** to file the exempt organization return for the organization named above. The extension

is for the organization's return for:

► calendar year _____ or
► tax year beginning **MAY 1, 2011** , and ending **APR 30, 2012** .

2 If the tax year entered in line 1 is for less than 12 months, check reason: Initial return Final return
 Change in accounting period

3a If this application is for Form 990-BL, 990-PF, 990-T, 4720, or 6069, enter the tentative tax, less any nonrefundable credits. See instructions.	3a	\$ 2,218.
b If this application is for Form 990-PF, 990-T, 4720, or 6069, enter any refundable credits and estimated tax payments made. Include any prior year overpayment allowed as a credit.	3b	\$ 2,321.
c Balance due. Subtract line 3b from line 3a. Include your payment with this form, if required, by using EFTPS (Electronic Federal Tax Payment System). See instructions.	3c	\$ 0.

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

LHA For Privacy Act and Paperwork Reduction Act Notice, see Instructions.

Form 8868 (Rev. 1-2012)