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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.

2012

Open to public inspection

For calendar year 2012 or tax year beginning

, and ending

Name of foundation <b>HERBERT K. CUMMINGS CHARITABLE TRUST</b>		A Employer identification number <b>86-6148404</b>
Number and street (or P O box number if mail is not delivered to street address) <b>20225 NORTH SCOTTSDALE ROAD</b>	Room/suite	B Telephone number <b>480-515-5211</b>
City or town, state, and ZIP code <b>SCOTTSDALE, AZ 85255</b>		C If exemption application is pending, check here <input type="checkbox"/>
G Check all that apply: <input type="checkbox"/> Initial return <input type="checkbox"/> Final return <input type="checkbox"/> Address change <input type="checkbox"/> Initial return of a former public charity <input type="checkbox"/> Amended return <input type="checkbox"/> Name change		D 1 Foreign organizations, check here <input type="checkbox"/> 2 Foreign organizations meeting the 85% test, check here and attach computation <input type="checkbox"/>
H Check type of organization: <input checked="" type="checkbox"/> Section 501(c)(3) exempt private foundation <input type="checkbox"/> Section 4947(a)(1) nonexempt charitable trust <input type="checkbox"/> Other taxable private foundation		E If private foundation status was terminated under section 507(b)(1)(A), check here <input type="checkbox"/>
I Fair market value of all assets at end of year (from Part II, col. (c), line 16) \$ <b>1,820,223.</b>	J Accounting method: <input checked="" type="checkbox"/> Cash <input type="checkbox"/> Accrual <input type="checkbox"/> Other (specify) _____	F If the foundation is in a 60-month termination under section 507(b)(1)(B), check here <input type="checkbox"/>

Part I Analysis of Revenue and Expenses (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		101.	101.		STATEMENT 1
4 Dividends and interest from securities		50,379.	50,379.		STATEMENT 2
5a Gross rents					
b Net rental income or (loss)					
6a Net gain or (loss) from sale of assets not on line 10		55,533.			
b Gross sales price for all assets on line 6a 292,722.					
7 Capital gain net income (from Part IV, line 2)			55,533.		
8 Net short-term capital gain					
9 Income modifications					
10a Gross sales less returns and allowances					
b Less Cost of goods sold					
c Gross profit or (loss)					
11 Other income					
12 Total. Add lines 1 through 11		106,013.	106,013.		
13 Compensation of officers, directors, trustees, etc		0.	0.		0.
14 Other employee salaries and wages					
15 Pension plans, employee benefits					
16a Legal fees					
b Accounting fees STMT 3		8,059.	8,000.		59.
c Other professional fees					
17 Interest					
18 Taxes 827 STMT 4		5,232.	0.		0.
19 Depreciation and depletion					
20 Occupancy					
21 Travel, conferences, and meetings					
22 Printing and publications					
23 Other expenses					
24 Total operating and administrative expenses. Add lines 13 through 23		13,291.	8,000.		59.
25 Contributions, gifts, grants, etc.		50,000.			50,000.
26 Total expenses and disbursements. Add lines 24 and 25		63,291.	8,000.		50,059.
27 Subtract line 26 from line 12:					
a Excess of revenue over expenses and disbursements		42,722.			
b Net investment income (if negative, enter -0-)			98,013.		
c Adjusted net income (if negative, enter -0-)				N/A	

Part II Balance Sheets		Attached schedules and amounts in the description column should be for end-of-year amounts only		Beginning of year	End of year	
		(a) Book Value	(b) Book Value	(c) Fair Market Value		
Assets	1	Cash - non-interest-bearing		5,218.	2,695.	2,695.
	2	Savings and temporary cash investments		402,453.	303,044.	303,044.
	3	Accounts receivable ▶		13.		
		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 5		1,060.	866.	1,017.
	b	Investments - corporate stock STMT 6		650,124.	717,351.	1,026,760.
	c	Investments - corporate bonds STMT 7		0.	77,403.	79,560.
11	Investments - land, buildings, and equipment basis ▶					
	Less: accumulated depreciation ▶					
12	Investments - mortgage loans					
13	Investments - other STMT 8		286,007.	286,007.	407,147.	
14	Land, buildings, and equipment: basis ▶					
	Less: accumulated depreciation ▶					
15	Other assets (describe ▶)					
16	Total assets (to be completed by all filers)		1,344,875.	1,387,366.	1,820,223.	
Liabilities	17	Accounts payable and accrued expenses		231.		
	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)		231.	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		1,921,472.	1,921,472.	
	28	Paid-in or capital surplus, or land, bldg., and equipment fund		0.	0.	
29	Retained earnings, accumulated income, endowment, or other funds		<576,828.>	<534,106.>		
30	Total net assets or fund balances		1,344,644.	1,387,366.		
31	Total liabilities and net assets/fund balances		1,344,875.	1,387,366.		

## 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	1,344,644.
2	Enter amount from Part I, line 27a	2	42,722.
3	Other increases not included in line 2 (itemize) ▶	3	0.
4	Add lines 1, 2, and 3	4	1,387,366.
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	1,387,366.

**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.)
<b>1a</b>			
<b>b</b> SEE ATTACHED STATEMENT			
<b>c</b>			
<b>d</b>			
<b>e</b>			

(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)
<b>a</b>			
<b>b</b>			
<b>c</b>			
<b>d</b>			
<b>e</b> 292,722.		237,189.	55,533.

Complete only for assets showing gain in column (h) and owned by the foundation on 12/31/69

(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	(l) Gains (Col. (h) gain minus col. (k), but not less than -0-) or Losses (from col. (h))
<b>a</b>			
<b>b</b>			
<b>c</b>			
<b>d</b>			
<b>e</b>			55,533.

<b>2</b> 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 }	<b>2</b>	55,533.
<b>3</b> 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 }	<b>3</b>	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 the instructions before making any entries.

(a) Base period years Calendar year (or tax year beginning in)	(b) Adjusted qualifying distributions	(c) Net value of noncharitable-use assets	(d) Distribution ratio (col. (b) divided by col. (c))
2011	75,634.	1,697,991.	.044543
2010	113,691.	1,629,058.	.069789
2009	78,014.	1,412,701.	.055223
2008	134,983.	1,981,762.	.068113
2007	95,018.	2,382,044.	.039889

<b>2</b> Total of line 1, column (d)	<b>2</b>	.277557
<b>3</b> 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	<b>3</b>	.055511
<b>4</b> Enter the net value of noncharitable-use assets for 2012 from Part X, line 5	<b>4</b>	1,752,229.
<b>5</b> Multiply line 4 by line 3	<b>5</b>	97,268.
<b>6</b> Enter 1% of net investment income (1% of Part I, line 27b)	<b>6</b>	980.
<b>7</b> Add lines 5 and 6	<b>7</b>	98,248.
<b>8</b> Enter qualifying distributions from Part XII, line 4	<b>8</b>	50,059.

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

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

1a Exempt operating foundations described in section 4940(d)(2), check here <input type="checkbox"/> and enter "N/A" on line 1. Date of ruling or determination letter: _____ (attach copy of letter if necessary-see instructions)		1	1,960.
b Domestic foundations that meet the section 4940(e) requirements in Part V, check here <input type="checkbox"/> and enter 1% of Part I, line 27b			
c All other domestic foundations enter 2% of line 27b. Exempt foreign organizations enter 4% of Part I, line 12, col. (b).		2	0.
2 Tax under section 511 (domestic section 4947(a)(1) trusts and taxable foundations only. Others enter -0-)		3	1,960.
3 Add lines 1 and 2		4	0.
4 Subtitle A (income) tax (domestic section 4947(a)(1) trusts and taxable foundations only. Others enter -0-)		5	1,960.
5 Tax based on investment income. Subtract line 4 from line 3. If zero or less, enter -0-			
6 Credits/Payments:			
a 2012 estimated tax payments and 2011 overpayment credited to 2012	6a 1,800.	7	1,800.
b Exempt foreign organizations - tax withheld at source	6b	8	
c Tax paid with application for extension of time to file (Form 8868)	6c	9	160.
d Backup withholding erroneously withheld	6d	10	
7 Total credits and payments. Add lines 6a through 6d		11	
8 Enter any penalty for underpayment of estimated tax. Check here <input type="checkbox"/> if Form 2220 is attached			
9 Tax due If the total of lines 5 and 8 is more than line 7, enter amount owed			
10 Overpayment If line 7 is more than the total of lines 5 and 8, enter the amount overpaid			
11 Enter the amount of line 10 to be: Credited to 2013 estimated tax <input type="checkbox"/> Refunded <input type="checkbox"/>			

**Part VII-A Statements Regarding Activities**

	Yes	No
1a During the tax year, did the foundation attempt to influence any national, state, or local legislation or did it participate or intervene in any political campaign?		X
1b Did it spend more than \$100 during the year (either directly or indirectly) for political purposes (see instructions for definition)? If the answer is "Yes" to 1a or 1b, attach a detailed description of the activities and copies of any materials published or distributed by the foundation in connection with the activities		X
c Did the foundation file Form 1120-POL for this year?		X
d Enter the amount (if any) of tax on political expenditures (section 4955) imposed during the year: (1) On the foundation. \$ 0. (2) On foundation managers. \$ 0.		
e 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? If "Yes," attach a detailed description of the activities		X
3 Has the foundation made any changes, not previously reported to the IRS, in its governing instrument, articles of incorporation, or bylaws, or other similar instruments? If "Yes," attach a conformed copy of the changes		X
4a Did the foundation have unrelated business gross income of \$1,000 or more during the year?		X
b If "Yes," has it filed a tax return on Form 990-T for this year?		
5 Was there a liquidation, termination, dissolution, or substantial contraction during the year? If "Yes," attach the statement required by General Instruction T.		X
6 Are the requirements of section 508(e) (relating to sections 4941 through 4945) satisfied either: • By language in the governing instrument, or • By state legislation that effectively amends the governing instrument so that no mandatory directions that conflict with the state law remain in the governing instrument?	X	
7 Did the foundation have at least \$5,000 in assets at any time during the year? If "Yes," complete Part II, col (c), and Part XV.	X	
8a Enter the states to which the foundation reports or with which it is registered (see instructions) <u>AZ</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? If "No," attach explanation	X	
9 Is the foundation claiming status as a private operating foundation within the meaning of section 4942(j)(3) or 4942(j)(5) for calendar year 2012 or the taxable year beginning in 2012 (see instructions for Part XIV)? If "Yes," complete Part XIV		X
10 Did any persons become substantial contributors during the tax year? If "Yes," attach a schedule listing their names and addresses		X

N/A

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

11	At any time during the year, did the foundation, directly or indirectly, own a controlled entity within the meaning of section 512(b)(13)? If "Yes," attach schedule (see instructions)	11		X
12	Did the foundation 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 ► <u>NA</u>	13	X	
14	The books are in care of ► <u>HENRY &amp; HORNE, LLP</u> Telephone no. ► <u>480-483-1170</u> Located at ► <u>7098 E. COCHISE ROAD, SUITE 100, SCOTTSDALE, AZ</u> ZIP+4 ► <u>85253</u>			
15	Section 4947(a)(1) nonexempt charitable trusts filing Form 990-PF in lieu of Form 1041 - Check here and enter the amount of tax-exempt interest received or accrued during the year	15	N/A	
16	At any time during calendar year 2012, 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	No X

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

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

		Yes	No
1a	During the year did the foundation (either directly or indirectly):		
(1)	Engage in the sale or exchange, or leasing of property with a disqualified person? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No		
(2)	Borrow money from, lend money to, or otherwise extend credit to (or accept it from) a disqualified person? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No		
(3)	Furnish goods, services, or facilities to (or accept them from) a disqualified person? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No		
(4)	Pay compensation to, or pay or reimburse the expenses of, a disqualified person? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No		
(5)	Transfer any income or assets to a disqualified person (or make any of either available for the benefit or use of a disqualified person)? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No		
(6)	Agree to pay money or property to a government official? (Exception Check "No" if the foundation agreed to make a grant to or to employ the official for a period after termination of government service, if terminating within 90 days.) <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No		
b	If any answer is "Yes" to 1a(1)-(6), did any of the acts fail to qualify under the exceptions described in Regulations section 53.4941(d)-3 or in a current notice regarding disaster assistance (see instructions)? Organizations relying on a current notice regarding disaster assistance check here	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 2012?	1c	X
2	Taxes on failure to distribute income (section 4942) (does not apply for years the foundation was a private operating foundation defined in section 4942(j)(3) or 4942(j)(5)):		
a	At the end of tax year 2012, did the foundation have any undistributed income (lines 6d and 6e, Part XIII) for tax year(s) beginning before 2012? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No If "Yes," list the years ►		
b	Are there any years listed in 2a for which the foundation is not applying the provisions of section 4942(a)(2) (relating to incorrect valuation of assets) to the year's undistributed income? (If applying section 4942(a)(2) to all years listed, answer "No" and attach statement - see instructions.)	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. ►		
3a	Did the foundation hold more than a 2% direct or indirect interest in any business enterprise at any time during the year? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No		
b	If "Yes," did it have excess business holdings in 2012 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 2012.)	N/A	
4a	Did the foundation invest during the year any amount in a manner that would jeopardize its charitable purposes?	4a	X
b	Did the foundation make any investment in a prior year (but after December 31, 1969) that could jeopardize its charitable purpose that had not been removed from jeopardy before the first day of the tax year beginning in 2012?	4b	X

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

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

(1) Carry on propaganda, or otherwise attempt to influence legislation (section 4945(e))?

☐ Yes ☒ No

(2) Influence the outcome of any specific public election (see section 4955); or to carry on, directly or indirectly, any voter registration drive?

☐ Yes ☒ No

(3) Provide a grant to an individual for travel, study, or other similar purposes?

☐ Yes ☒ No

(4) Provide a grant to an organization other than a charitable, etc., organization described in section 509(a)(1), (2), or (3), or section 4940(d)(2)?

☐ Yes ☒ No

(5) Provide for any purpose other than religious, charitable, scientific, literary, or educational purposes, or for the prevention of cruelty to children or animals?

☐ Yes ☒ No

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

N/A

5b

Organizations relying on a current notice regarding disaster assistance check here

☒

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

N/A

☐ Yes ☐ No

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

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

☐ Yes ☒ No

6b

X

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

7b

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

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

(a) Name and address	(b) Title, and average hours per week devoted to position	(c) Compensation (If not paid, enter -0-)	(d) Contributions to employee benefit plans and deferred compensation	(e) Expense account, other allowances
DIANE M. HALLE 20225 NORTH SCOTTSDALE ROAD SCOTTSDALE, AZ 85255	TRUSTEE 10.00	0.	0.	0.
JAMES J. CUMMINGS 20225 NORTH SCOTTSDALE ROAD SCOTTSDALE, AZ 85255	TRUSTEE 1.00	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

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**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."**

[illegible]

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

C

Total number of others receiving over \$50,000 for professional services	
<b>Part IX-A</b>	<b>Summary of Direct Charitable Activities</b>

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

## Expenses

1	N/A	
2		
3		
4		

<b>Part IX-B</b>	<b>Summary of Program-Related Investments</b>
------------------	---

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

Amount

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

**Total. Add lines 1 through 3**

0.

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

1 Fair market value of assets not used (or held for use) directly in carrying out charitable, etc., purposes:			
a	Average monthly fair market value of securities	1a	1,389,379.
b	Average of monthly cash balances	1b	389,534.
c	Fair market value of all other assets	1c	
d	Total (add lines 1a, b, and c)	1d	1,778,913.
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	1,778,913.
4	Cash deemed held for charitable activities. Enter 1 1/2% of line 3 (for greater amount, see instructions)	4	26,684.
5	Net value of noncharitable-use assets. Subtract line 4 from line 3. Enter here and on Part V, line 4	5	1,752,229.
6	Minimum investment return. Enter 5% of line 5	6	87,611.

**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	87,611.
2a	Tax on investment income for 2012 from Part VI, line 5	2a	1,960.
b	Income tax for 2012. (This does not include the tax from Part VI.)	2b	
c	Add lines 2a and 2b	2c	1,960.
3	Distributable amount before adjustments. Subtract line 2c from line 1	3	85,651.
4	Recoveries of amounts treated as qualifying distributions	4	0.
5	Add lines 3 and 4	5	85,651.
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	85,651.

**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	50,059.
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	50,059.
5	Foundations that qualify under section 4940(e) for the reduced rate of tax on net investment income. Enter 1% of Part I, line 27b	5	0.
6	Adjusted qualifying distributions. Subtract line 5 from line 4	6	50,059.

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

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**Part XIII Undistributed Income** (see instructions)

	(a) Corpus	(b) Years prior to 2011	(c) 2011	(d) 2012
1 Distributable amount for 2012 from Part XI, line 7				85,651.
2 Undistributed income, if any, as of the end of 2012				
a Enter amount for 2011 only			0.	
b Total for prior years:		0.		
3 Excess distributions carryover, if any, to 2012:				
a From 2007				
b From 2008	14,433.			
c From 2009	8,131.			
d From 2010	34,002.			
e From 2011				
f Total of lines 3a through e	56,566.			
4 Qualifying distributions for 2012 from Part XII, line 4: ▶ \$ 50,059.				
a Applied to 2011, but not more than line 2a			0.	
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 2012 distributable amount				50,059.
e Remaining amount distributed out of corpus	0.			
5 Excess distributions carryover applied to 2012 (If an amount appears in column (d), the same amount must be shown in column (a))	35,592.			35,592.
6 Enter the net total of each column as indicated below:				
a Corpus Add lines 3f, 4c, and 4e Subtract line 5	20,974.			
b Prior years' undistributed income. Subtract line 4b from line 2b		0.		
c Enter the amount of prior years' undistributed income for which a notice of deficiency has been issued, or on which the section 4942(a) tax has been previously assessed		0.		
d Subtract line 6c from line 6b. Taxable amount - see instructions		0.		
e Undistributed income for 2011. Subtract line 4a from line 2a. Taxable amount - see instr.			0.	
f Undistributed income for 2012. Subtract lines 4d and 5 from line 1. This amount must be distributed in 2013				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 2007 not applied on line 5 or line 7	0.			
9 Excess distributions carryover to 2013. Subtract lines 7 and 8 from line 6a	20,974.			
10 Analysis of line 9:				
a Excess from 2008				
b Excess from 2009				
c Excess from 2010	20,974.			
d Excess from 2011				
e Excess from 2012				



**Part XV** Supplementary Information (continued)**3** Grants and Contributions Paid During the Year or Approved for Future Payment

Recipient Name and address (home or business)	If recipient is an individual, show any relationship to any foundation manager or substantial contributor	Foundation status of recipient	Purpose of grant or contribution	Amount
<b>a</b> Paid during the year				
TGEN FOUNDATION ONE AZ CENTER, 400 E VAN BUREN ST #850 PHOENIX, AZ 85004	NONE	PUBLIC CHARITY	GENERAL FUNDS	50,000.
<b>Total</b>			<b>3a</b>	50,000.
<b>b</b> Approved for future payment				
NONE				.
<b>Total</b>			<b>3b</b>	0.





HERBERT K. CUMMINGS CHARITABLE TRUST

86-6148404

PAGE 1 OF 1

**Part IV** Capital Gains and Losses for Tax on Investment Income

(a) List and describe the kind(s) of property sold, e.g., real estate, 2-story brick warehouse; or common stock, 200 shs. MLC Co.		(b) How acquired P - Purchase D - Donation	(c) Date acquired (mo., day, yr.)	(d) Date sold (mo., day, yr.)
1a	650SH ADOBE SYSTEMS INC	P	01/23/08	02/28/12
b	345SH JOHNSON & JOHNSON	P	09/03/03	02/28/12
c	410SH PROCTER & GAMBLE	P	08/24/07	02/28/12
d	1100SH REPUBLIC SVCS INC	P	09/15/10	02/28/12
e	425SH ULTRA PETROLEUM CORP	P	01/27/09	02/28/12
f	300SH MEDCO HEALTH SOLUTION	P	02/22/08	04/03/12
g	460SH APACHE CORP COM	P	02/09/01	08/20/12
h	380SH HONEYWELL INTL	P	10/11/05	08/20/12
i	525SH RAYTHEON CO	P	07/06/04	08/20/12
j	1300SH EATON VANCE CORP	P	11/18/11	12/06/12
k	400SH ENTERGY CORP NEW	P	09/20/11	12/06/12
l				
m				
n				
o				

(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 21,119.		22,110.	<991.>
b 22,085.		20,214.	1,871.
c 27,150.		26,884.	266.
d 31,900.		32,621.	<721.>
e 10,025.		15,150.	<5,125.>
f 22,367.		15,659.	6,708.
g 40,456.		12,505.	27,951.
h 22,237.		13,792.	8,445.
i 29,193.		19,811.	9,382.
j 41,082.		31,234.	9,848.
k 25,108.		27,209.	<2,101.>
l			
m			
n			
o			

Complete only for assets showing gain in column (h) and owned by the foundation on 12/31/69

(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	(l) Losses (from col. (h)) Gains (excess of col. (h) gain over col. (k), but not less than "-0-")
a			<991.>
b			1,871.
c			266.
d			<721.>
e			<5,125.>
f			6,708.
g			27,951.
h			8,445.
i			9,382.
j			9,848.
k			<2,101.>
l			
m			
n			
o			

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	55,533.
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

DIANE CUMMINGS HALLE,  
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A CUMMINGS TTEE'S, HKC  
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DECEMBER 1 - DECEMBER 31, 2012  
ACCOUNT NUMBER: 7010-1413

### Additional information

Return of principal

THIS PERIOD	THIS YEAR	Gross proceeds	THIS PERIOD	THIS YEAR
5.80	193.72		66,189.84	278,996.37

### Portfolio detail

#### Cash and Sweep Balances

Bank Deposit Sweep - Consists of monies held at Wells Fargo Bank, N.A. and (if amounts exceed \$250,000) at one or more other Wells Fargo affiliated banks. These assets are not covered by SIPC, but are instead eligible for FDIC insurance of up to \$250,000 per depositor, per institution, in accordance with FDIC rules. For additional information on the Bank Deposit Sweep for your account, please contact Your Financial Advisor.

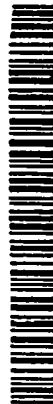
DESCRIPTION	% OF ACCOUNT	ANNUAL PERCENTAGE YIELD EARNED*	CURRENT MARKET VALUE	ESTIMATED ANNUAL INCOME
Cash	0.02	0.00	351.50	0.00
BANK DEPOSIT SWEEP	16.65	0.01	302,692.20	30.26
Interest Period 12/01/12 - 12/31/12				
Total Cash and Sweep Balances	16.67		\$303,043.70	\$30.26

\* APYE measures the total amount of the interest paid on an account based on the interest rate and the frequency of the compounding during the interest period. The annual percentage yield earned is expressed as an annualized rate, based on a 365 day year.

#### Stocks, options & ETFs

##### Stocks and ETFs

DESCRIPTION	% OF ACCOUNT	QUANTITY	ADJ PRICE/ ORIG PRICE	ADJ COST/ ORIG COST	CURRENT PRICE	CURRENT MARKET VALUE	UNREALIZED GAIN/LOSS	ESTIMATED ANNUAL INCOME	ANNUAL YIELD (%)
ABBOTT LABORATORIES									
ABT									
Acquired 08/12/06 L nc		140	42.78	5,989.27		9,170.00	3,180.73		
Acquired 09/31/08 L nc		160	48.80	7,775.57		10,480.00	2,704.43		
Acquired 01/24/08 L nc		100	56.94	5,824.50		6,550.00	725.50		
Acquired 12/08/12 S		100	64.58	6,602.79		6,550.00	-52.79		
Total	1.80	500		\$26,192.13	65.5000	\$32,750.00	\$6,557.87	\$260.00	0.85
APPLE INC									
AAPL									
Acquired 09/30/08 L nc		150	111.34	16,892.61		79,825.93	62,933.32		
Acquired 12/06/12 S		25	543.87	13,768.93		13,304.32	-464.61		
Total	5.12	175		\$30,661.54	532.1729	\$93,130.25	\$62,468.71	\$1,855.00	1.99





**Stocks, options & ETFs**

001 A323 A3GK

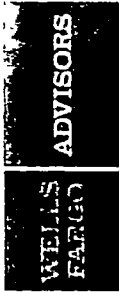
DIANE CUMMINGS HALLE,  
JAMES K CUMMINGS, RICHARD  
A CUMMINGS TTEE'S, HKC  
CHART TR DTD 10/3/84  
DECEMBER 1 - DECEMBER 31, 2012  
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## Stocks, options & ETFs

### Stocks and ETFs continued

DESCRIPTION	% OF ACCOUNT	QUANTITY	ADJ PRICE/ ORIG PRICE	ADJ COST/ ORIG COST	CURRENT PRICE	CURRENT MARKET VALUE	UNREALIZED GAIN/LOSS	ESTIMATED	
								ANNUAL INCOME	ANNUAL YIELD (%)
GOOGLE INC CL A									
GOOG									
Acquired 09/30/08 L nc		50	410.87	20,652.25		35,369.00	14,716.75		
Acquired 05/28/10 L nc		50	484.90	24,375.00		35,369.00	10,994.00		
Total	3.89	100		\$45,027.25	707.3800	\$70,738.00	\$25,710.75	N/A	N/A
GRAINGER W W INC									
GWV									
Acquired 01/23/08 L nc		150	76.30	11,636.61		30,355.50	18,718.89		
Acquired 01/23/08 L nc		125	76.31	9,695.01		25,296.25	15,601.24		
Acquired 12/08/12 S		50	190.22	9,697.71		10,118.50	420.79		
Total	3.62	325		\$31,029.33	202.3700	\$65,770.25	\$34,740.92	\$1,040.00	1.58
ITC HOLDINGS CORP									
ITC									
Acquired 10/19/09 L nc		425	45.68	19,773.51		32,686.75	12,913.24		
Acquired 12/08/12 S		125	78.55	10,019.07		9,613.75	-405.32		
Total	2.33	550		\$29,792.58	76.9100	\$42,300.50	\$12,507.92	\$830.50	1.98
JPMORGAN CHASE & CO									
JPM									
Acquired 05/11/12 S	2.42	1,000	37.21	37,779.05	43.9891	43,969.10	6,190.05	1,200.00	2.72
KANSAS CITY SOUTHERN NEW									
KSU									
Acquired 10/24/12 S		350	79.10	28,022.93		29,218.00	1,195.07		
Acquired 10/24/12 S		200	79.09	16,010.88		16,698.00	685.12		
Acquired 10/24/12 S		100	79.09	8,010.13		8,348.00	337.87		
Total	2.99	650		\$52,043.94	83.4800	\$54,262.00	\$2,218.06	\$507.00	0.93
KRAFT FOODS GROUP									
KRFT									
Acquired 03/15/10 L nc		221,66667	31.05	7,010.00		10,079.18	3,069.18		
Acquired 09/15/10 L nc		133,33333	33.16	4,517.52		6,062.67	1,545.15		
Total	0.89	355		\$11,527.52	45.4700	\$16,141.85	\$4,614.33	\$710.00	4.40
MCDONALDS CORP									
MCD									
Acquired 07/31/09 L nc		185	55.00	10,354.48		16,318.85	5,964.37		
Acquired 07/31/09 L nc		200	54.99	11,188.01		17,642.00	6,453.99		





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## Stocks, options & ETFs

### Stocks and ETFs continued

DESCRIPTION	% OF ACCOUNT	QUANTITY	ADJ PRICE/ ORIG PRICE	ADJ COST/ ORIG COST	CURRENT PRICE	CURRENT MARKET VALUE	UNREALIZED GAIN/LOSS	ESTIMATED	
								ANNUAL INCOME	ANNUAL YIELD (%)
Acquired 12/06/12 S		115	88.24	10,352.14		10,144.15	-207.99		
<b>Total</b>	<b>2.43</b>	<b>500</b>		<b>\$31,894.63</b>	<b>88.2100</b>	<b>\$44,105.00</b>	<b>\$12,210.37</b>	<b>\$1,540.00</b>	<b>3.49</b>
MCKESSON CORPORATION									
MCK									
Acquired 10/24/12 S	2.93	550	89.94	50,074.22	96.9600	53,328.00	3,253.78	440.00	0.82
MICROSOFT CORP									
MSFT									
Acquired 12/08/10 L nc	1.47	1,000	27.20	27,702.64	26.7097	26,709.70	-992.94	920.00	3.44
MONDELEZ INTL INC									
MDLZ									
Acquired 03/15/10 L nc		665	19.14	12,967.24		16,926.37	3,959.13		
Acquired 09/15/10 L nc		400	20.45	8,356.60		10,181.28	1,824.68		
<b>Total</b>	<b>1.49</b>	<b>1,065</b>		<b>\$21,323.84</b>	<b>25.4532</b>	<b>\$27,107.65</b>	<b>\$5,783.81</b>	<b>\$553.80</b>	<b>2.04</b>
NORTHWESTERN CORP									
NWE									
Acquired 02/09/10 L nc	1.82	950	24.04	23,280.03	34.7300	32,993.50	9,713.47	1,406.00	4.26
O'REILLY AUTOMOTIVE INC									
ORLY									
Acquired 12/16/09 L nc		476	37.74	18,272.24		42,563.92	24,291.68		
Acquired 12/16/09 L nc		234	37.75	8,988.53		20,924.28	11,935.75		
<b>Total</b>	<b>3.49</b>	<b>710</b>		<b>\$27,260.77</b>	<b>89.4200</b>	<b>\$63,488.20</b>	<b>\$36,227.43</b>	<b>N/A</b>	<b>N/A</b>
REALTY INCOME CORP									
REIT									
O									
Acquired 12/06/12 S	2.21	1,000	40.55	41,147.81	40.2100	40,210.00	-937.81	1,821.00	4.52
<b>Total Stocks and ETFs</b>	<b>56.49</b>			<b>\$717,351.03</b>		<b>\$1,026,759.50</b>	<b>\$309,408.47</b>	<b>\$19,083.90</b>	<b>1.86</b>
<b>Total Stocks, options &amp; ETFs</b>	<b>56.49</b>			<b>\$717,351.03</b>		<b>\$1,026,759.50</b>	<b>\$309,408.47</b>	<b>\$19,083.90</b>	<b>1.86</b>

nc Cost information for this tax lot is not covered by IRS reporting requirements. Unless indicated, cost for all other lots will be reported to the IRS.

DIANE CUMMINGS HALLE,  
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A CUMMINGS TTEES, HKC  
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## Fixed Income Securities

Corporate and municipal bonds and other fixed income securities are priced by a computerized pricing service or, for less actively traded issues, by utilizing a yield-based matrix system to arrive at an estimated market value.

### Government Asset Backed/CMO Securities

DESCRIPTION	% OF ACCOUNT	QUANTITY	ADJ PRICE/ ORIG PRICE	ADJ COST/ ORIG COST	CURRENT PRICE	CURRENT MARKET VALUE	UNREALIZED GAIN/LOSS	ACCRUED INTEREST	ESTIMATED	
									ANNUAL INCOME	ANNUAL YIELD (%)
GNMA PASS THRU POOL 412492 DTD 09/01/95 CPN 7.500% DUE 09/15/25 DTD 09/01/95 FC 10/15/95 REMAIN BAL 873.67 DEC FACTOR 0.00847288 CUSIP 36206JF80 Acquired 12/31/07 L nc	0.06	103,114	N/A##	N/A	116.3510	1,016.52	N/A	5.46	65.52	6.44
Total Government Asset Backed/CMO Securities	0.06			\$0.00		\$1,016.52	\$0.00	\$5.46	\$65.52	6.45
Total Remaining Balance on all Government Asset Backed/CMO Securities: \$873.67				\$0.00		\$1,016.52	\$0.00	\$5.46	\$65.52	6.45

## Cost information for one or more securities is not available. If you have cost information and would like to see it on future statements, contact Your Financial Advisor.  
nc Cost information for this tax lot is not covered by IRS reporting requirements. Unless indicated, cost for all other lots will be reported to the IRS.

## Mutual Funds

### Open End Mutual Funds

Open End Mutual Fund shares are priced at net asset value. Estimated Annual Income and Yield refer to Dividends and Interest Income only, and typically do not reflect Total return.

DESCRIPTION	% OF ACCOUNT	QUANTITY	ADJ PRICE/ ORIG PRICE	ADJ COST/ ORIG COST	CURRENT PRICE	CURRENT MARKET VALUE	UNREALIZED GAIN/LOSS	ESTIMATED	
								ANNUAL INCOME	ANNUAL YIELD (%)
AMERICAN HIGH INCOME TRUST CLASS A AHITX On Reinvestment Acquired 01/27/09 L nc Acquired 01/27/09 L nc Acquired 01/27/09 L nc Acquired 01/27/09 L nc Acquired 01/27/09 L nc		7,619.53000 7,488.12200 7,431.95400 6,658.37000 6,642.44000	7.98 7.98 7.98 7.98 7.98	60,803.85 59,755.21 59,306.99 53,133.79 53,006.67		86,557.78 85,085.07 84,427.00 75,639.08 75,456.19	25,753.93 25,309.86 25,120.01 22,505.29 22,451.52		



## Mutual Funds

## Open End Mutual Funds continued

Cost information for this tax lot is not covered by IRS reporting requirements. Unless indicated, cost for all other lots will be reported to the IRS.

## Preferred/Fixed Rate Cap Securities

## Bank Deposit Sweep Allocation

Monies on deposit at each bank are eligible for FDIC insurance of up to \$250,000 per depositor, per bank in accordance with FDIC rules. In those instances where deposit balances exceed the maximum FDIC insurance limits, those deposits will be uninsured. Deposits at each bank are not held in your securities brokerage account and therefore not covered by SIPC. Settlement timing differences will cause balances displayed in this section to vary from those indicated in the Portfolio detail section due to activity that occurs after 2pm ET on the last business day of the month. For more information please refer to the "Cash Sweep Program Disclosure Statement" or contact Your Financial Advisor.

CKSP7LDICE CQZ951 F.A.P.R.I.N.NNN NNN C01 Q30737 10-68529 1 2

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

SOURCE	AMOUNT
WELLS FARGO SECURITIES	101.
TOTAL TO FORM 990-PF, PART I, LINE 3, COLUMN A	101.

## FORM 990-PF DIVIDENDS AND INTEREST FROM SECURITIES STATEMENT 2

SOURCE	GROSS AMOUNT	CAPITAL GAINS DIVIDENDS	COLUMN (A) AMOUNT
WELLS FARGO SECURITIES	50,379.	0.	50,379.
TOTAL TO FM 990-PF, PART I, LN 4	50,379.	0.	50,379.

## FORM 990-PF ACCOUNTING FEES STATEMENT 3

DESCRIPTION	(A) EXPENSES PER BOOKS	(B) NET INVEST- MENT INCOME	(C) ADJUSTED NET INCOME	(D) CHARITABLE PURPOSES
ACCOUNTING FEES	8,059.	8,000.		59.
TO FORM 990-PF, PG 1, LN 16B	8,059.	8,000.		59.

## FORM 990-PF TAXES STATEMENT 4

DESCRIPTION	(A) EXPENSES PER BOOKS	(B) NET INVEST- MENT INCOME	(C) ADJUSTED NET INCOME	(D) CHARITABLE PURPOSES
FEDERAL TAXES	5,232.	0.		0.
TO FORM 990-PF, PG 1, LN 18	5,232.	0.		0.

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FORM 990-PF	U.S. AND STATE/CITY GOVERNMENT OBLIGATIONS	STATEMENT	5
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DESCRIPTION	U.S. GOV'T	OTHER GOV'T	BOOK VALUE	FAIR MARKET VALUE
GNMA BOND	X		866.	1,017.
TOTAL U.S. GOVERNMENT OBLIGATIONS			866.	1,017.
TOTAL STATE AND MUNICIPAL GOVERNMENT OBLIGATIONS				
TOTAL TO FORM 990-PF, PART II, LINE 10A			866.	1,017.

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FORM 990-PF	CORPORATE STOCK	STATEMENT	6
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DESCRIPTION	BOOK VALUE	FAIR MARKET VALUE
STOCKS (SEE ATTACHED LISTING)	717,351.	1,026,760.
TOTAL TO FORM 990-PF, PART II, LINE 10B	717,351.	1,026,760.

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FORM 990-PF	CORPORATE BONDS	STATEMENT	7
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DESCRIPTION	BOOK VALUE	FAIR MARKET VALUE
CORPORATE BOND	77,403.	79,560.
TOTAL TO FORM 990-PF, PART II, LINE 10C	77,403.	79,560.

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FORM 990-PF	OTHER INVESTMENTS	STATEMENT	8
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DESCRIPTION	VALUATION METHOD	BOOK VALUE	FAIR MARKET VALUE
AMERICAN HIGH INCOME TRUST (MUTUAL FUND)	COST	286,007.	407,147.
TOTAL TO FORM 990-PF, PART II, LINE 13		286,007.	407,147.