

Form **990-PF****Return of Private Foundation**

or Section 4947(a)(1) Trust Treated as Private Foundation

OMB No 1545-0052

2017Department of the Treasury
Internal Revenue ServiceDo not enter social security numbers on this form as it may be made public.
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Open to Public Inspection

For calendar year 2017 or tax year beginning **JUL 1, 2017**, and ending **JUN 30, 2018**

Name of foundation THE MARKS FAMILY FOUNDATION		A Employer identification number 16-1385716
Number and street (or P.O. box number if mail is not delivered to street address) 108 LEXINGTON AVENUE	Room/suite	B Telephone number 716-877-1618
City or town, state or province, country, and ZIP or foreign postal code BUFFALO, NY 14222		C If exemption application is pending, check here ☐
G Check all that apply: ☐ Initial return ☐ Initial return of a former public charity ☐ Final return ☐ Amended return ☐ Address change ☐ Name change		D 1. Foreign organizations, check here ☐ 2. Foreign organizations meeting the 85% test, check here and attach computation ☐
H Check type of organization: ☒ Section 501(c)(3) exempt private foundation 04 ☐ Section 4947(a)(1) nonexempt charitable trust ☐ Other taxable private foundation		E If private foundation status was terminated under section 507(b)(1)(A), check here ☐
I Fair market value of all assets at end of year (from Part II, col. (c), line 16) \$ 2,424,906.	J Accounting method: ☒ Cash ☐ Accrual ☐ Other (specify) _____ (Part I, column (d) must be on cash basis.)	F If the foundation is in a 60-month termination under section 507(b)(1)(B), check here ☐

Part I Analysis of Revenue and Expenses (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 ☒ if the foundation is not required to attach Sch. B					
3 Interest on savings and temporary cash investments		90.	90.		STATEMENT 1
4 Dividends and interest from securities		44,063.	44,063.		STATEMENT 2
5a Gross rents					
b Net rental income or (loss)					
6a Net gain or (loss) from sale of assets not on line 10		51,030.			
b Gross sales price for all assets on line 6a		200,448.			
7 Capital gain net income (from Part IV, line 2)			51,030.		
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		100.	0.		STATEMENT 3
12 Total. Add lines 1 through 11		95,283.	95,183.		
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 4		2,601.	1,300.		1,301.
c Other professional fees STMT 5		28,611.	28,611.		0.
17 Interest					
18 Taxes STMT 6		613.	0.		250.
19 Depreciation and depletion					
20 Occupancy					
21 Travel, conferences, and meetings					
22 Printing and publications					
23 Other expenses STMT 7		5,083.	83.		5,000.
24 Total operating and administrative expenses. Add lines 13 through 23		36,908.	29,994.		6,551.
25 Contributions, gifts, grants paid		120,000.			120,000.
26 Total expenses and disbursements. Add lines 24 and 25		156,908.	29,994.		126,551.
27 Subtract line 26 from line 12:					
a Excess of revenue over expenses and disbursements		<61,625.>			
b Net investment income (if negative, enter -0-)			65,189.		
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	20,763.	29,645.	29,645.	
	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				
	b Investments - corporate stock				
	c Investments - corporate bonds				
	Assets	11 Investments - land, buildings, and equipment basis ▶			
Less: accumulated depreciation ▶					
12 Investments - mortgage loans					
13 Investments - other STMT 8		1,607,065.	1,536,558.	2,395,261.	
14 Land, buildings, and equipment: basis ▶ 6,000.					
Less: accumulated depreciation STMT 9 ▶ 6,000.					
15 Other assets (describe ▶)					
16 Total assets (to be completed by all filers - see the instructions. Also, see page 1, item I)		1,627,828.	1,566,203.	2,424,906.	
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 ▶ ☐				
	24 Unrestricted				
	25 Temporarily restricted				
	26 Permanently restricted				
	Foundations that do not follow SFAS 117, check here ▶ ☒				
	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	1,627,828.	1,566,203.		
	30 Total net assets or fund balances	1,627,828.	1,566,203.		
	31 Total liabilities and net assets/fund balances	1,627,828.	1,566,203.		

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	1,627,828.
2 Enter amount from Part I, line 27a	2	<61,625.>
3 Other increases not included in line 2 (itemize) ▶	3	0.
4 Add lines 1, 2, and 3	4	1,566,203.
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	1,566,203.

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Part IV Capital Gains and Losses for Tax on Investment Income

(a) List and describe the kind(s) of property sold (for example, 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 PUBLICLY TRADED SECURITIES	P	VARIOUS	VARIOUS
b SECURITY LITIGATION - AMERICAN INTERNATIONAL GROUP		VARIOUS	07/25/17
d SECURITY LITIGATION - BANK OF AMERICA		VARIOUS	12/28/17
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 196,099.		149,418.	46,681.
b			
c 27.			27.
d 28.			28.
e 4,294.			4,294.
Complete only for assets showing gain in column (h) and owned by the foundation on 12/31/69.			
(i) FMV 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))
a			46,681.
b			
c			27.
d			28.
e			4,294.

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	51,030.
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 doesn't 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))
2016	155,172.	2,261,795.	.068606
2015	123,748.	2,210,061.	.055993
2014	112,211.	2,319,125.	.048385
2013	101,382.	2,209,427.	.045886
2012	100,411.	2,000,890.	.050183

2 Total of line 1, column (d)	2	.269053
3 Average distribution ratio for the 5-year base period - divide the total on line 2 by 5.0, or by the number of years the foundation has been in existence if less than 5 years	3	.053811
4 Enter the net value of noncharitable-use assets for 2017 from Part X, line 5	4	2,443,227.
5 Multiply line 4 by line 3	5	131,472.
6 Enter 1% of net investment income (1% of Part I, line 27b)	6	652.
7 Add lines 5 and 6	7	132,124.
8 Enter qualifying distributions from Part XII, line 4	8	126,551.

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 ☐ and enter "N/A" on line 1. Date of ruling or determination letter: _____ (attach copy of letter if necessary-see instructions)			
b Domestic foundations that meet the section 4940(e) requirements in Part V, check here ☐ and enter 1% of Part I, line 27b		1	1,304.
c All other domestic foundations enter 2% of line 27b. Exempt foreign organizations, enter 4% of Part I, line 12, col. (b).			
2 Tax under section 511 (domestic section 4947(a)(1) trusts and taxable foundations only; others, enter -0-)		2	0.
3 Add lines 1 and 2		3	1,304.
4 Subtitle A (income) tax (domestic section 4947(a)(1) trusts and taxable foundations only; others, enter -0-)		4	0.
5 Tax based on investment income Subtract line 4 from line 3. If zero or less, enter -0-		5	1,304.
6 Credits/Payments:			
a 2017 estimated tax payments and 2016 overpayment credited to 2017	6a	800.	
b Exempt foreign organizations - tax withheld at source	6b	0.	
c Tax paid with application for extension of time to file (Form 8868)	6c	0.	
d Backup withholding erroneously withheld	6d	0.	
7 Total credits and payments. Add lines 6a through 6d	7	800.	
8 Enter any penalty for underpayment of estimated tax. Check here ☐ if Form 2220 is attached	8	0.	
9 Tax due If the total of lines 5 and 8 is more than line 7, enter amount owed	9	504.	
10 Overpayment. If line 7 is more than the total of lines 5 and 8, enter the amount overpaid	10		
11 Enter the amount of line 10 to be Credited to 2018 estimated tax ☐ Refunded ☐	11		

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 the instructions for the definition. If the answer is "Yes" to 1a or 1b, attach a detailed description of the activities and copies of any materials published or distributed by the foundation in connection with the activities.		X
1c Did the foundation file Form 1120-POL for this year?		X
d Enter the amount (if any) of tax on political expenditures (section 4955) imposed during the year: (1) On the foundation. ☐ \$ 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. ☐ NY		
b If the answer is "Yes" to line 7, has the foundation furnished a copy of Form 990-PF to the Attorney General (or designate) of each state as required by General Instruction G? If "No," attach explanation	X	
9 Is the foundation claiming status as a private operating foundation within the meaning of section 1912(j)(3) or 1912(j)(5) for calendar year 2017 or the tax year beginning in 2017? See the 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)

	Yes	No
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		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		X
13 Did the foundation comply with the public inspection requirements for its annual returns and exemption application? Website address MARKSFAMILYFOUNDATION.ORG	X	
14 The books are in care of ELIZABETH MARKS Telephone no 716-877-1618 Located at 108 LEXINGTON AVENUE, BUFFALO, NY ZIP+4 14222		
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 2017, 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 FinCEN Form 114. If "Yes," enter the name of the foreign country		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?	☐ Yes ☒ No	
(2) Borrow money from, lend money to, or otherwise extend credit to (or accept it from) a disqualified person?	☐ Yes ☒ No	
(3) Furnish goods, services, or facilities to (or accept them from) a disqualified person?	☐ Yes ☒ No	
(4) Pay compensation to, or pay or reimburse the expenses of, a disqualified person?	☒ Yes ☐ 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 ☒ 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 ☒ 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		X
c Did the foundation engage in a prior year in any of the acts described in 1a, other than excepted acts, that were not corrected before the first day of the tax year beginning in 2017?		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 2017, did the foundation have any undistributed income (lines 6d and 6e, Part XIII) for tax year(s) beginning before 2017? If "Yes," list the years	☐ Yes ☒ 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.)	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?	☐ Yes ☒ No	
b If "Yes," did it have excess business holdings in 2017 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 2017.)	N/A	
4a Did the foundation invest during the year any amount in a manner that would jeopardize its charitable purposes?		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 2017?		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 4945(d)(4)(A)? See instructions

☐ 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

Organizations relying on a current notice regarding disaster assistance, check here

☒

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

N/A

☐ Yes ☐ No

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

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

☐ Yes ☒ No

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

6b

X

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, and 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
SEE STATEMENT 10		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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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	2,452,919.
b	Average of monthly cash balances	1b	27,514.
c	Fair market value of all other assets	1c	
d	Total (add lines 1a, b, and c)	1d	2,480,433.
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	2,480,433.
4	Cash deemed held for charitable activities. Enter 1 1/2% of line 3 (for greater amount, see instructions)	4	37,206.
5	Net value of noncharitable-use assets. Subtract line 4 from line 3. Enter here and on Part V, line 4	5	2,443,227.
6	Minimum investment return. Enter 5% of line 5	6	122,161.

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	122,161.
2a	Tax on investment income for 2017 from Part VI, line 5	2a	1,304.
b	Income tax for 2017. (This does not include the tax from Part VI.)	2b	
c	Add lines 2a and 2b	2c	1,304.
3	Distributable amount before adjustments. Subtract line 2c from line 1	3	120,857.
4	Recoveries of amounts treated as qualifying distributions	4	0.
5	Add lines 3 and 4	5	120,857.
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	120,857.

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	126,551.
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	126,551.
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	126,551.

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 2016	(c) 2016	(d) 2017
1 Distributable amount for 2017 from Part XI, line 7				120,857.
2 Undistributed income, if any, as of the end of 2017				
a Enter amount for 2016 only			51,890.	
b Total for prior years:		0.		
3 Excess distributions carryover, if any, to 2017:				
a From 2012				
b From 2013				
c From 2014				
d From 2015				
e From 2016				
f Total of lines 3a through e	0.			
4 Qualifying distributions for 2017 from Part XII, line 4: ▶ \$ 126,551.				
a Applied to 2016, but not more than line 2a			51,890.	
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 2017 distributable amount				74,661.
e Remaining amount distributed out of corpus	0.			
5 Excess distributions carryover applied to 2017 (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:	0.			
a Corpus. Add lines 3f, 4c, and 4e. Subtract line 5				
b Prior years' undistributed income. Subtract line 4b from line 2b		0.		
c Enter the amount of prior years' undistributed income for which a notice of deficiency has been issued, or on which the section 4942(a) tax has been previously assessed		0.		
d Subtract line 6c from line 6b. Taxable amount - see instructions		0.		
e Undistributed income for 2016. Subtract line 4a from line 2a. Taxable amount - see instr.			0.	
f Undistributed income for 2017. Subtract lines 4d and 5 from line 1. This amount must be distributed in 2018				46,196.
7 Amounts treated as distributions out of corpus to satisfy requirements imposed by section 170(b)(1)(F) or 4942(g)(3) (Election may be required - see instructions)	0.			
8 Excess distributions carryover from 2012 not applied on line 5 or line 7	0.			
9 Excess distributions carryover to 2018. Subtract lines 7 and 8 from line 6a	0.			
10 Analysis of line 9:				
a Excess from 2013				
b Excess from 2014				
c Excess from 2015				
d Excess from 2016				
e Excess from 2017				

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
a Paid during the year				
ADIRONADACK MOUNTAIN CLUB 814 GOGGINS RD LAKE GEORGE, NY 12845	N/A	PC	CHARITABLE	150.
ALBRIGHT-KNOX ART GALLERY 1285 ELMWOOD AVE BUFFALO, NY 14222	N/A	PC	CHARITABLE	500.
AMERICAN MUSEUM OF NATURAL HISTORY CENTRAL PARK WEST & 79TH ST NEW YORK, NY 10024	N/A	PC	CHARITABLE	150.
BIG BROTHERS BIG SISTERS OF ERIE COUNTY 85 RIVER ROCK DR, #107 BUFFALO, NY 14207	N/A	PC	BE A FRIEND PROGRAM	7,500.
BISON SCHOLARSHIP FUND 320 PORTER AVENUE BUFFALO, NY 14201	N/A	PC	SCHOLARSHIP SUPPORT INITIATIVE	100.
Total	SEE CONTINUATION SHEET(S)			120,000.
b Approved for future payment				
NONE				
Total				0.

Part XVI 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) (other than section 501(c)(3) organizations) or in section 527, relating to political organizations? | | Yes |
|---|--------------|-----|
| a Transfers from the reporting foundation to a noncharitable exempt organization of: | | |
| (1) Cash | 1a(1) | |
| (2) Other assets | 1a(2) | |
| b Other transactions: | | |
| (1) Sales of assets to a noncharitable exempt organization | 1b(1) | |
| (2) Purchases of assets from a noncharitable exempt organization | 1b(2) | |
| (3) Rental of facilities, equipment, or other assets | 1b(3) | |
| (4) Reimbursement arrangements | 1b(4) | |
| (5) Loans or loan guarantees | 1b(5) | |
| (6) Performance of services or membership or fundraising solicitations | 1b(6) | |
| c Sharing of facilities, equipment, mailing lists, other assets, or paid employees | 1c | |
| 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. | | |

	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

[illegible]

- 2a** Is the foundation directly or indirectly affiliated with, or related to, one or more tax-exempt organizations described in section 501(c) (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.

Signature of officer or trustee

11-13-18
Date

Executive Director

May the IRS discuss this return with the preparer shown below? See instr

☒ Yes ☐ No

**Paid
Preparer
Use Only**

Print/Type preparer's name

BRIAN J. KERN, CPA

Preparer's signature

B-K, CPA

Date

10-1-18

Check ☐ self-employed

PTIN

P01421331

Firm's name ► **LUMSDEN & MCCORMICK, LLP**

Firm's EIN ► 16-0765486

Firm's address ► 369 FRANKLIN STREET
BUFFALO, NY 14202

Phone no. (716) 856-3300

THE MARKS FAMILY FOUNDATION

16-1385716

Part XV Supplementary Information**3 Grants and Contributions Paid During the Year (Continuation)**

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
BOSTON UNIVERSITY CREW ONE SILBER WAY BOSTON, MA 02215	N/A	PC	EDUCATIONAL	500.
BRONX RIVER ALLIANCE 1 BRONX RIVER PKWY BRONX, NY 10462	N/A	PC	CHARITABLE	50.
BROOKLYN BOTANICAL GARDENS 990 WASHINGTON AVE BROOKLYN, NY 11225	N/A	PC	CHARITABLE	500.
BUFFALO PREP UNIVERSITY AT BUFFALO, 18 ACHESON ANNEX BUFFALO, NY 14214	N/A	PC	HIGH SCHOOL PREP, PREP FOR TOMORROW	200.
BUFFALO ZOO 300 PARKSIDE AVE BUFFALO, NY 14214	N/A	PC	CHARITABLE	250.
CEPA GALLERY 617 MAIN ST, #201 BUFFALO, NY 14203	N/A	PC	CHARITABLE	2,100.
CITY HARVEST 6 E. 32ND ST NEW YORK, NY 10016	N/A	PC	CHARITABLE	100.
DOE FUND FREDERICK DOUGLAS BLVD NEW YORK, NY 10039	N/A	PC	CHARITABLE	100.
GALLOPNYC 540 PRESIDENT ST, 3RD FLOOR BROOKLYN, NY 11218	N/A	PC	CHARITABLE	350.
HABITAT FOR HUMANITY 1675 SOUTH PARK AVE BUFFALO, NY 14220	N/A	PC	CHARITABLE	150.
Total from continuation sheets				111,600.

THE MARKS FAMILY FOUNDATION

16-1385716

Part XV Supplementary Information**3 Grants and Contributions Paid During the Year (Continuation)**

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
HALLWALLS OF BUFFALO 341 DELAWARE AVE BUFFALO, NY 14202	N/A	PC	CHARITABLE	200.
HEALTH SCIENCES CHARTER SCHOOL 1140 ELLICOTT ST BUFFALO, NY 14209	N/A	PC	EDUCATIONAL	7,500.
HOSPICE FOUNDATION OF WNY 225 COMO PARK BLVD CHEEKTOWAGA, NY 14227	N/A	PC	CHARITABLE	200.
MEALS ON WHEELS 100 JAMES E. CASEY DR BUFFALO, NY 14206	N/A	PC	CHARITABLE	500.
MOUNTS BOTANICAL 531 N. MILITARY TRL WEST PALM BEACH, FL 33415	N/A	PC	CHARITABLE	250.
NEW YORK PUBLIC LIBRARY 5TH AVE AT 42ND ST NEW YORK, NY 10018	N/A	PC	CHARITABLE	100.
NICHOLS SCHOOL 1250 AMHERST ST BUFFALO, NY 14216	N/A	PC	EDUCATIONAL	500.
PARSONS THE NEW SCHOOL FOR DESIGN 66 5TH AVENUE NEW YORK, NY 10011	N/A	PC	EDUCATIONAL	250.
PLANNED PARENTHOOD 2697 MAIN ST BUFFALO, NY 14214	N/A	PC	CHARITABLE	200.
PROSPECT PARK ALLIANCE 95 PROSPECT PARK WEST NEW YORK, NY 11215	N/A	PC	CHARITABLE	35.
Total from continuation sheets				

THE MARKS FAMILY FOUNDATION

16-1385716

Part XV Supplementary Information**3 Grants and Contributions Paid During the Year (Continuation)**

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
PS172 BEACON SCHOOL OF EXCELLENCE 825 4TH AVE BROOKLYN, NY 11232	N/A	PC	EDUCATIONAL	250.
RONALD MCDONALD HOUSE OF NY 405 E 73RD ST NEW YORK, NY 10021	N/A	PC	CHARITABLE	100.
SALVATION ARMY 960 MAIN ST BUFFALO, NY 14202	N/A	PC	2018 SUMMER DAY CAMP	5,000.
SKIDMORE COLLEGE ANNUAL FUND 815 N BROADWAY SARATOGA SPRINGS, NY 12866	N/A	PC	EDUCATIONAL	100.
SUPREME COUNCIL BENEVOLENT FOUNDATION 33 MARRETT ROAD LEXINGTON, MA 02420	N/A	PC	CHARITABLE	1,000.
SYRACUSE UNIVERSITY ROWING WOMEN'S HEAD COACHES FUND 820 COMSTOCK AVENUE SYRACUSE, NY 13244	N/A	PC	CHARITABLE	500.
TANG MUSEUM OF SKIDMORE COLLEGE 815 N BROADWAY SARATOGA SPRINGS, NY 12866	N/A	PC	CHARITABLE	100.
UNITED WAY OF BUFFALO AND ERIE COUNTY 742 DELAWARE AVE BUFFALO, NY 14209	N/A	PC	UWBEC/SIFS HOUSING CASE MANANGEMENT (YEAR 3 OF 3)	15,000.
UNIVERSITY OF TEXAS AT AUSTIN MAIN BUILDING, 110 INNER CAMPUS DRIVE AUSTIN, TX 78705	N/A	PC	EDUCATIONAL	100.
UNIVERSITY OF VERMONT THE UNIVERSITY OF VERMONT BURLINGTON, VT 05405	N/A	PC	EDUCATIONAL	250.
Total from continuation sheets				

THE MARKS FAMILY FOUNDATION

16-1385716

Part XV Supplementary Information**3 Grants and Contributions Paid During the Year (Continuation)**

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
VERMONT WOMEN'S FUND 3 COURT STREET MIDDLEBURY, VT 05753	N/A	PC	CHARITABLE	250.
VSA VERMONT, INC 21 CARMICHAEL STREET #206 ESSEX JUNCTION, VT 05452	N/A	PC	START WITH THE ARTS	5,000.
WALNUT HILL SCHOOL 12 HIGHLAND STREET NATICK, MA 01760	N/A	PC	EDUCATIONAL	500.
WILDLIFE CONSERVANCY 2300 SOUTHERN BOULEVARD BRONX, NY 10460	N/A	PC	CHARITABLE	85.
WNY WOMEN'S FOUNDATION 724 DELAWARE AVENUE BUFFALO, NY 14209	N/A	PC	CHARITABLE	515.
SENECA STREET CDC 1218 SENECA STREET BUFFALO, NY 14210	N/A	PC	YOUTH PROGRAMS	5,000.
RICHARDSON CENTER CORPORATION 444 FOREST AVENUE BUFFALO, NY 14213	N/A	PC	LISEY CHALLENGE GRANT	5,000.
ARTS SERVICES INITIATIVE OF WNY 95 PERRY STREET #402 BUFFALO, NY 14203	N/A	PC	CHARITABLE	10,000.
FAMILY PROMISE OF WNY 75 HICKORY STREET BUFFALO, NY 14204	N/A	PC	CAPITAL REPAIRS	5,000.
BALLET ARTISTS OF WNY 2495 MAIN STREET #600 BUFFALO, NY 14214	N/A	PC	CITY DANCE	2,500.
Total from continuation sheets				

Part XV Supplementary Information**3 Grants and Contributions Paid During the Year (Continuation)**

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
OLMSTEAD CENTER FOR SIGHT 1170 MAIN STREET BUFFALO, NY 14209	N/A	PC	CHARITABLE	5,000.
LET THERE BE LIGHT INTERNATIONAL 640 ELLICOTT STREET BUFFALO, NY 14203	N/A	PC	SOLAR HEALTH UGANDA	3,750.
JERICO ROAD COMMUNITY HEALTH CENTER 184 BARTON STREET BUFFALO, NY 14213	N/A	PC	LEGAL ASSISTANCE	10,000.
REACH OUT AND READ 89 SOUTH STREET, SUITE 201 BOSTON, MA 02111	N/A	PC	EARLY LITERACY	10,000.
THE TEACHER'S DESK, INC. 22 NORTHAMPTON STREET BUFFALO, NY 14209	N/A	PC	EDUCATIONAL	5,000.
SQUEAKY WHEEL 617 MAIN STREET BUFFALO, NY 14203	N/A	PC	WEST SIDE STUDIOS	5,125.
SOS CHILDREN'S VILLAGES FLORIDA 3681 NORTHWEST 59TH PLACE COCONUT CREEK, FL 33073	N/A	PC	CHARITABLE	250.
DELAWARE RIVER KEEPER 925 CANAL STREET, SUITE 3701 BRISTOL, PA 19007	N/A	PC	CHARITABLE	100.
DOCTORS WITHOUT BORDERS 40 RECTOR STREET, 16TH FLOOR NEW YORK, NY 10006	N/A	PC	CHARITABLE	100.
ABC NO RIO 156 RIVINGTON STREET NEW YORK, NY 10002	N/A	PC	CHARITABLE	450.
Total from continuation sheets				

THE MARKS FAMILY FOUNDATION

16-1385716

Part XV Supplementary Information**3 Grants and Contributions Paid During the Year (Continuation)**

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
WHITE LOTUS BUDDHIST CENTER 815 PARK AVENUE ROCHESTER, NY 14607	N/A	PC	CHARITABLE	100.
PUSH BUFFALO 271 GRANT STREET BUFFALO, NY 14213	N/A	PC	CHARITABLE	160.
BUFFALO CHAMBER PLAYERS 511 POTOMAC AVENUE BUFFALO, NY 14222	N/A	PC	CHARITABLE	250.
BUFFALO OLMSTED PARKS CONSERVANCY 84 PARKSIDE AVENUE BUFFALO, NY 14214	N/A	PC	CHARITABLE	50.
PAUL SMITH'S COLLEGE 7777 NY-30 PAUL SMITHS, NY 12970	N/A	PC	EDUCATIONAL	100.
CLARINA HOWARD NICHOLS CENTER PO BOX 517 MORRISVILLE, VT 05661	N/A	PC	CHARITABLE	250.
ST. JOHN'S IN THE MOUNTAINS EPISCOPAL CHURCH 1994 MOUNTAIN ROAD STOWE, VT 05672	N/A	PC	CHARITABLE	250.
VERMONT COMMONS SCHOOL 75 GREEN MOUNTAIN DRIVE SOUTH BURLINGTON, VT 05403	N/A	PC	EDUCATIONAL	250.
BROOKLYN CHILDREN'S MUSEUM 145 BROOKLYN AVENUE BROOKLYN, NY 11213	N/A	PC	CHARITABLE	130.
Total from continuation sheets				

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

SOURCE	(A) REVENUE PER BOOKS	(B) NET INVESTMENT INCOME	(C) ADJUSTED NET INCOME
BNY MELLON	90.	90.	
TOTAL TO PART I, LINE 3	90.	90.	

FORM 990-PF DIVIDENDS AND INTEREST FROM SECURITIES STATEMENT 2

SOURCE	GROSS AMOUNT	CAPITAL GAINS DIVIDENDS	(A) REVENUE PER BOOKS	(B) NET INVEST- MENT INCOME	(C) ADJUSTED NET INCOME
BNY MELLON	48,357.	4,294.	44,063.	44,063.	
TO PART I, LINE 4	48,357.	4,294.	44,063.	44,063.	

FORM 990-PF OTHER INCOME STATEMENT 3

DESCRIPTION	(A) REVENUE PER BOOKS	(B) NET INVEST- MENT INCOME	(C) ADJUSTED NET INCOME
REFUND OF PRIOR YEAR CONTRIBUTIONS	100.	0.	
TOTAL TO FORM 990-PF, PART I, LINE 11	100.	0.	

FORM 990-PF ACCOUNTING FEES STATEMENT 4

DESCRIPTION	(A) EXPENSES PER BOOKS	(B) NET INVEST- MENT INCOME	(C) ADJUSTED NET INCOME	(D) CHARITABLE PURPOSES
ACCOUNTING FEES	2,601.	1,300.		1,301.
TO FORM 990-PF, PG 1, LN 16B	2,601.	1,300.		1,301.

FORM 990-PF OTHER PROFESSIONAL FEES STATEMENT 5

DESCRIPTION	(A) EXPENSES PER BOOKS	(B) NET INVEST- MENT INCOME	(C) ADJUSTED NET INCOME	(D) CHARITABLE PURPOSES
INVESTMENT FEES	28,611.	28,611.		0.
TO FORM 990-PF, PG 1, LN 16C	28,611.	28,611.		0.

FORM 990-PF TAXES STATEMENT 6

DESCRIPTION	(A) EXPENSES PER BOOKS	(B) NET INVEST- MENT INCOME	(C) ADJUSTED NET INCOME	(D) CHARITABLE PURPOSES
NYS FILING FEE	250.	0.		250.
FEDERAL TAX EXPENSE	363.	0.		0.
TO FORM 990-PF, PG 1, LN 18	613.	0.		250.

FORM 990-PF OTHER EXPENSES STATEMENT 7

DESCRIPTION	(A) EXPENSES PER BOOKS	(B) NET INVEST- MENT INCOME	(C) ADJUSTED NET INCOME	(D) CHARITABLE PURPOSES
CONSULTING	5,000.	0.		5,000.
BANK CHARGES	83.	83.		0.
TO FORM 990-PF, PG 1, LN 23	5,083.	83.		5,000.

FORM 990-PF OTHER INVESTMENTS STATEMENT 8

DESCRIPTION	VALUATION METHOD	BOOK VALUE	FAIR MARKET VALUE
BNY MELLON #3AR0 - SEE ATTACHMENT	COST	1,536,558.	2,395,261.
TOTAL TO FORM 990-PF, PART II, LINE 13		1,536,558.	2,395,261.

FORM 990-PF DEPRECIATION OF ASSETS NOT HELD FOR INVESTMENT STATEMENT 9

DESCRIPTION	COST OR OTHER BASIS	ACCUMULATED DEPRECIATION	BOOK VALUE
WEBSITE DEVELOPMENT	6,000.	6,000.	0.
TOTAL TO FM 990-PF, PART II, LN 14	6,000.	6,000.	0.

FORM 990-PF PART VIII - LIST OF OFFICERS, DIRECTORS
TRUSTEES AND FOUNDATION MANAGERS STATEMENT 10

NAME AND ADDRESS	TITLE AND AVRG HRS/WK	COMPEN- SATION	EMPLOYEE BEN PLAN CONTRIB	EXPENSE ACCOUNT
THEODORE E. MARKS 108 LEXINGTON AVE BUFFALO, NY 14222	TRUSTEE 0.50	0.	0.	0.
JOSHUA R. MARKS 679 DEGRAW STREET, APT. #1 BROOKLYN, NY 11217	TRUSTEE 0.50	0.	0.	0.
SALLY MARKS 6 LACOSTA WAY PALM BEACH, FL 33480	TRUSTEE 0.50	0.	0.	0.
WENDELYN W. DUQUETTE RR#1, 1890 GREG HILL RD WATERBURY, VT 05677	TRUSTEE 0.50	0.	0.	0.
HEATHER A. MARKS 107 GOLDBROCK CIRCLE STOWE, VT 05672	TRUSTEE 0.50	0.	0.	0.
TOTALS INCLUDED ON 990-PF, PAGE 6, PART VIII		0.	0.	0.

FORM 990-PF

PART XV - LINE 1A
LIST OF FOUNDATION MANAGERS

STATEMENT 11

NAME OF MANAGER

THEODORE E. MARKS
JOSHUA R. MARKS
WENDELYN W. DUQUETTE
HEATHER A. MARKS

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FORM 990-PF PAGE 1

728111 04-01-17

* ITC, Salvage, Bonus, Commercial Revitalization Deduction, GO Zone