

EXTENDED TO NOVEMBER 15, 2018

Form 990-T

Exempt Organization Business Income Tax Return
(and proxy tax under section 6033(e))

OMB No 1545-0687

2017Open to Public Inspection for
501(c)(3) Organizations OnlyDepartment of the Treasury
Internal Revenue Service

For calendar year 2017 or other tax year beginning _____, and ending _____

Go to www.irs.gov/Form990T for instructions and the latest information.

Do not enter SSN numbers on this form as it may be made public if your organization is a 501(c)(3).

A ☐ Check box if
address changedName of organization (☐ Check box if name changed and see instructions.)D Employer identification number
(Employees' trust, see
instructions)B Exempt under section
☒ 501(c)(3) ☐ 501(c)(29)
☐ 408(e) ☐ 220(e)
☐ 408A ☐ 530(a)
☐ 529(a)Print
or
Type

IN-N-OUT BURGERS FOUNDATION

33-0654550

Number, street, and room or suite no. If a P.O. box, see instructions.

C/O R KOTCH, 4199 CAMPUS DR, 9TH FL

E Unrelated business activity codes
(See instructions)

City or town, state or province; country, and ZIP or foreign postal code

IRVINE, CA 92612

900099

C Book value of all assets
at end of year
32,540,212.

F Group exemption number (See instructions.)

G Check organization type ☐ 501(c) corporation ☒ 501(c) trust ☐ 401(a) trust ☐ Other trustH Describe the organization's primary unrelated business activity. **INVESTMENT IN PARTNERSHIP**

I During the tax year, was the corporation a subsidiary in an affiliated group or a parent-subsidiary controlled group?

☐ Yes ☒ No

If "Yes," enter the name and identifying number of the parent corporation

J The books are in care of **ROGER KOTCH**Telephone number **949-509-6200****Part I Unrelated Trade or Business Income**

(A) Income

(B) Expenses

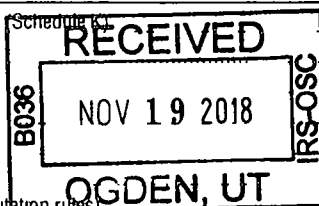
(C) Net

1a	Gross receipts or sales		1c		
b	Less returns and allowances		2		
2	Cost of goods sold (Schedule A, line 7)		3		
3	Gross profit. Subtract line 2 from line 1c		4a		
4a	Capital gain net income (attach Schedule D)		4b		
b	Net gain (loss) (Form 4797, Part II, line 17) (attach Form 4797)		4c		
c	Capital loss deduction for trusts		5	-6,781.	
5	Income (loss) from partnerships and S corporations (attach statement)		6		
6	Rent income (Schedule C)		7		
7	Unrelated debt-financed income (Schedule E)		8		
8	Interest, annuities, royalties, and rents from controlled organizations (Sch. F)		9		
9	Investment income of a section 501(c)(7), (9), or (17) organization (Schedule G)		10		
10	Exploited exempt activity income (Schedule I)		11		
11	Advertising income (Schedule J)		12		
12	Other income (See instructions; attach schedule)		13	-6,781.	-6,781.
13	Total. Combine lines 3 through 12				

Part II Deductions Not Taken Elsewhere (See instructions for limitations on deductions)

(Except for contributions, deductions must be directly connected with the unrelated business income)

14	Compensation of officers, directors, and trustees (Schedule K)	14	
15	Salaries and wages	15	
16	Repairs and maintenance	16	
17	Bad debts	17	
18	Interest (attach schedule)	18	
19	Taxes and licenses	19	
20	Charitable contributions (See instructions for limitation rules)	20	
21	Depreciation (attach Form 4562)	21	
22	Less depreciation claimed on Schedule A and elsewhere on return	22a	
23	Depletion	23	
24	Contributions to deferred compensation plans	24	
25	Employee benefit programs	25	
26	Excess exempt expenses (Schedule I)	26	
27	Excess readership costs (Schedule J)	27	
28	Other deductions (attach schedule)	28	
29	Total deductions. Add lines 14 through 28	29	0.
30	Unrelated business taxable income before net operating loss deduction. Subtract line 29 from line 13	30	-6,781.
31	Net operating loss deduction (limited to the amount on line 30)	31	
32	Unrelated business taxable income before specific deduction. Subtract line 31 from line 30	32	-6,781.
33	Specific deduction (Generally \$1,000, but see line 33 instructions for exceptions)	33	1,000.
34	Unrelated business taxable income Subtract line 33 from line 32. If line 33 is greater than line 32, enter the smaller of zero or line 32	34	-6,781.



SEE STATEMENT 2

Part III Tax Computation**35 Organizations Taxable as Corporations.** See instructions for tax computation.Controlled group members (sections 1561 and 1563) check here ☐ See instructions and:**a** Enter your share of the \$50,000, \$25,000, and \$9,925,000 taxable income brackets (in that order):

(1) \$ (2) \$ (3) \$

b Enter organization's share of: (1) Additional 5% tax (not more than \$11,750)

(2) Additional 3% tax (not more than \$100,000)

c Income tax on the amount on line 34**36 Trusts Taxable at Trust Rates.** See instructions for tax computation. Income tax on the amount on line 34 from:☒ Tax rate schedule or ☐ Schedule D (Form 1041)**37 Proxy tax.** See instructions**38 Alternative minimum tax****39 Tax on Non-Compliant Facility Income** See instructions**40 Total.** Add lines 37, 38 and 39 to line 35c or 36, whichever applies**Part IV Tax and Payments****41a** Foreign tax credit (corporations attach Form 1118, trusts attach Form 1116)**b** Other credits (see instructions)**c** General business credit. Attach Form 3800**d** Credit for prior year minimum tax (attach Form 8801 or 8827)**e** Total credits. Add lines 41a through 41d**42** Subtract line 41e from line 40**43** Other taxes. Check if from: ☐ Form 4255 ☐ Form 8611 ☐ Form 8697 ☐ Form 8866 ☐ Other (attach schedule)**44** Total tax. Add lines 42 and 43**45a** Payments A 2016 overpayment credited to 2017**b** 2017 estimated tax payments**c** Tax deposited with Form 8868**d** Foreign organizations' Tax paid or withheld at source (see instructions)**e** Backup withholding (see instructions)**f** Credit for small employer health insurance premiums (Attach Form 8941)**g** Other credits and payments:☐ Form 2439 ☐ Form 4136 ☐ Other

Total

46 Total payments. Add lines 45a through 45g**47** Estimated tax penalty (see instructions). Check if Form 2220 is attached ☐**48** Tax due. If line 46 is less than the total of lines 44 and 47, enter amount owed**49** Overpayment. If line 46 is larger than the total of lines 44 and 47, enter amount overpaid**50** Enter the amount of line 49 you want: Credited to 2018 estimated tax

Refunded

Part V Statements Regarding Certain Activities and Other Information (see instructions)**51** At any time during the 2017 calendar year, did the organization have an interest in or a signature or other authority over a financial account (bank, securities, or other) in a foreign country? If YES, the organization may have to file FinCEN Form 114, Report of Foreign Bank and Financial Accounts. If YES, enter the name of the foreign country here

Yes No

52 During the tax year, did the organization receive a distribution from, or was it the grantor of, or transferor to, a foreign trust? If YES, see instructions for other forms the organization may have to file.**53** Enter the amount of tax-exempt interest received or accrued during the tax year \$

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

Date

Title

May the IRS discuss this return with the preparer shown below (see instructions)? ☒ Yes ☐ No

Paid Preparer Use Only

Print/Type preparer's name

Preparer's signature

Date

Check ☐ if self-employed

PTIN

JOAN S. MCMAHON

Joan McMahon

11/8/18

P00966494

Firm's name DELOITTE TAX LLP

Firm's EIN 86-1065772

555 MISSION STREET

Firm's address SAN FRANCISCO, CA 94105

Phone no. (415) 783-4000

Form 990-T (2017)

FOOTNOTES

STATEMENT 1

ELECTION TO WAIVE THE NET OPERATING LOSS CARRYBACK PERIOD

THE TAXPAYER HEREBY ELECTS, PURSUANT TO SEC. 172(B)(3) OF THE INTERNAL REVENUE CODE, TO RELINQUISH THE ENTIRE CARRYBACK PERIOD WITH RESPECT TO THE NET OPERATING LOSS INCURRED FOR THE CURRENT TAX YEAR, AND WILL HAVE SUCH LOSS AVAILABLE FOR CARRYFORWARD ONLY

FORM 990-T

NET OPERATING LOSS DEDUCTION

STATEMENT 2

TAX YEAR	LOSS SUSTAINED	LOSS PREVIOUSLY APPLIED	LOSS REMAINING	AVAILABLE THIS YEAR
12/31/16	2,386.	0.	2,386.	2,386.
NOL CARRYOVER AVAILABLE THIS YEAR			2,386.	2,386.

FORM 990-T	INCOME (LOSS) FROM PARTNERSHIPS		STATEMENT 3
PARTNERSHIP NAME	GROSS INCOME	DEDUCTIONS	NET INCOME OR (LOSS)
MONTAUK TRIGUARD FUND VII LP	-6,781.	0.	-6,781.
TOTAL TO FORM 990-T, PAGE 1, LINE 5	-6,781.	0.	-6,781.