AO 10
Rev 1/2010

FINANCIAL DISCLOSURE REPORT
FOR CALENDAR YEAR 2009

Report Required by the Ethics in Government Act of 1978 (5 U.S.C. app §§ 101-111)

1. Person Reporting (last name, first, middle initial) Whitney, Frank D.	**2. Court or Organization** District Court - WDNC	**3. Date of Report** 5/10/2010
4. Title (Article III judges indicate active or senior status, magistrate judges indicate full- or part-time) District Judge - Active	**5a. Report Type** (check appropriate type) ☐ Nomination, Date ☐ Initial ☑ Annual ☐ Final **5b.** ☐ Amended Report	**6. Reporting Period** 01/01/2009 to 12/31/2009
7. Chambers or Office Address Charles R. Jonas Federal Bldg 401 W. Trade St, Room 195 Charlotte, NC 28202	**8. On the basis of the information contained in this Report and any modifications pertaining thereto, it is, in my opinion, in compliance with applicable laws and regulations.** **Reviewing Officer**________ **Date**______	

IMPORTANT NOTES: ***The instructions accompanying this form must be followed. Complete all parts, checking the NONE box for each part where you have no reportable information. Sign on last page.***

I. POSITIONS. *(Reporting individual only; see pp. 9-13 of filing instructions.)*

☐ NONE *(No reportable positions.)*

	POSITION	NAME OF ORGANIZATION/ENTITY
1	Member	Whitney Properties LLC
2	Power of Attorney	[redacted]
3	Trustee	Trust #1
4	Administrator	Estate #1
5	Director	Festival in the Park, Inc (IRC § 501(c)(3))

II. AGREEMENTS. *(Reporting individual only; see pp. 14-16 of filing instructions.)*

☑ NONE *(No reportable agreements.)*

	DATE	PARTIES AND TERMS
1		
2		
3		

Name of Person Reporting	Date of Report
Whitney, Frank D.	5/10/2010

III. NON-INVESTMENT INCOME. *(Reporting individual and spouse; see pp. 17-24 of filing instructions.)*

A. Filer's Non-Investment Income

☑ NONE *(No reportable non-investment income.)*

	DATE	SOURCE AND TYPE	INCOME (yours, not spouse's)
1.			
2			
3			
4			

B. Spouse's Non-Investment Income - *If you were married during any portion of the reporting year, complete this section.*

(Dollar amount not required except for honoraria.)

☐ NONE *(No reportable non-investment income.)*

	DATE	SOURCE AND TYPE
1	2009	Self-employed kitchen designer
2	2009	South End Kitchens LLC - salary
3.		
4		

IV. REIMBURSEMENTS – *transportation, lodging, food, entertainment.*

(Includes those to spouse and dependent children, see pp. 25-27 of filing instructions.)

☑ NONE *(No reportable reimbursements.)*

	SOURCE	DATES	LOCATION	PURPOSE	ITEMS PAID OR PROVIDED
1					
2					
3					
4					
5					

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V. GIFTS. *(Includes those to spouse and dependent children; see pp. 28-31 of filing instructions.)*

☑ NONE *(No reportable gifts.)*

	SOURCE	DESCRIPTION	VALUE
1			
2			
3			
4			
5			

VI. LIABILITIES. *(Includes those of spouse and dependent children; see pp. 32-33 of filing instructions.)*

☐ NONE *(No reportable liabilities.)*

	CREDITOR	DESCRIPTION	VALUE CODE
1	Bank of America	Loan on Rental Property #1, Davidson, NC (Part VII, Line 1)	M
2	Bank of America	Loan on Rental Property #1, Sunset Beach, NC (Part VII, Line 3)	N
3	Heirs of Joe B Spivey and Leola F. Spivey	Loan on Rental Property #2 & #3, Sunset Beach, NC (Part VII, Lines 4 & 5))	None
4			
5			

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VII. INVESTMENTS and TRUSTS – *income, value, transactions (Includes those of spouse and dependent children; see pp. 34-60 of filing instructions.)*

☐ NONE *(No reportable income, assets, or transactions.)*

	A Description of Assets (including trust assets) Place "(X)" after each asset exempt from prior disclosure	B Income during reporting period (1) Amount Code 1 (A-H)	 (2) Type (e.g., div., rent, or int.)	C Gross value at end of reporting period (1) Value Code 2 (J-P)	 (2) Value Method Code 3 (Q-W)	D Transactions during reporting period (1) Type (e.g., buy, sell, redemption)	 (2) Date mm/dd/yy	 (3) Value Code 2 (J-P)	 (4) Gain Code 1 (A-H)	 (5) Identity of buyer/seller (if private transaction)
1	Rental Property #1, Davidson, NC	D	Rent	N	W					
2	Whitney Properties, LLC·		None	O	W					
3	- Rental Property #1, Sunset Beach, NC	E	Rent	P1	W					
4	- Rental Propety #2, Sunset Beach, NC	E	Rent	O	W					
5	- Rental Property #3, Sunset Beach, NC	E	Rent	O	W					
6	- Bank of America business accounts (Whitney Prop LLC)	A	Interest	K	T					
7	Carolina Panthers Permanent Seat License		None	J	W					
8	Co-author book, Lexis-Nexis, Newark, NJ (no inc since2002)		None	J	W					
9.	Banc of Amerca Investment Security Money Manager Account	A	Interest	J	T					
10	Bank of America savings/checking accts -inc [redacted]	A	Interest			Closed	03/27/09	J		
11	Belk Corp Common Stock, Charlotte, NC	A	Dividend	J	T					
12	BB&T Equty Index Fund	B	Dividend	K	T					
13	BB&T Prime Fund	A	Interest	J	T					
14.	United Parcel Service Class B	A	Dividend	J	T					
15.	Fidelity Dividend Growth	A	Dividend	K	T					
16	Standard & Poors DEP RCPTS (SPY)	D	Dividend	M	T					
17	US Payroll Savings Bonds		None	J	T					

1 Income Gain Codes (See Columns B1 and D4)	A =$1,000 or less F =$50,001 - $100,000	B =$1,001 - $2,500 G =$100,001 - $1,000,000	C =$2,501 - $5,000 H1 =$1,000,001 - $5,000,000	D =$5,001 - $15,000 H2 =More than $5,000,000	E =$15,001 - $50,000
2 Value Codes (See Columns C1 and D3)	J =$15,000 or less N =$250,001 - $500,000 P3 =$25,000,001 - $50,000,000	K =$15,001 - $50,000 O =$500,001 - $1,000,000	L =$50,001 - $100,000 P1 =$1,000,001 - $5,000,000 P4 =More than $50,000,000	M =$100,001 - $250,000 P2 =$5,000,001 - $25,000,000	
3 Value Method Codes (See Column C2)	Q =Appraisal U =Book Value	R =Cost (Real Estate Only) V =Other	S =Assessment W =Estimated	T =Cash Market	

Name of Person Reporting	Date of Report
Whitney, Frank D.	5/10/2010

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☐ NONE *(No reportable income, assets, or transactions.)*

A. Description of Assets (including trust assets)	B. Income during reporting period		C. Gross value at end of reporting period		D. Transactions during reporting period				
Place "(X)" after each asset exempt from prior disclosure	(1) Amount Code 1 (A-H)	(2) Type (e.g., div., rent, or int.)	(1) Value Code 2 (J-P)	(2) Value Method Code 3 (Q-W)	(1) Type (e.g., buy, sell, redemption)	(2) Date mm/dd/yy	(3) Value Code 2 (J-P)	(4) Gain Code 1 (A-H)	(5) Identity of buyer/seller (if private transaction)
18. Promissory Note Payable from Paul Citron		None			Closed	12/31/09	J		

1. Income Gain Codes (See Columns B1 and D4)	A =$1,000 or less F =$50,001 - $100,000	B =$1,001 - $2,500 G =$100,001 - $1,000,000	C =$2,501 - $5,000 H1 =$1,000,001 - $5,000,000	D =$5,001 - $15,000 H2 =More than $5,000,000	E =$15,001 - $50,000
2. Value Codes (See Columns C1 and D3)	J =$15,000 or less N =$250,001 - $500,000 P3 =$25,000,001 - $50,000,000	K =$15,001 - $50,000 O =$500,001 - $1,000,000	L =$50,001 - $100,000 P1 =$1,000,001 - $5,000,000 P4 =More than $50,000,000	M =$100,001 - $250,000 P2 =$5,000,001 - $25,000,000	
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VIII. ADDITIONAL INFORMATION OR EXPLANATIONS. *(Indicate part of Report.)*

I.

6. Judicial Representative to Board — Legal Services of Southern Piedmont, Inc (IRC § 501(c)(3))
7. Council Member & Treasurer — Government and Public Sector Section of the North Carolina Bar Association
8. Advisory Member — North Carolina State Bar Ethics Committee
9. Committee Member — Student Affairs Committee, UNC School of Law
10. Board Member — May 20th Society (IRC § 501(c)(3))

VII. Investments and Trusts Continued

	A	B1	B2	C1	C2	D1	D2	D3	D4
19	Trust #1.								
20	- Standard & Poors DEP RCPTS (SPY)	A	Dividend	L	T				
21	Bank of America Power of Attorney Fiduciary Checking Account [redacted] Pension	A	None	J	T	Closed	7/20/09	J	
22	Estate #1	([redacted] passed away 03/09; became administrator 3/23/09)							
23	- Bank of America Estate Checking Acc	A	None	D	T				

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IX. CERTIFICATION.

I certify that all information given above (including information pertaining to my spouse and minor or dependent children, if any) is accurate, true, and complete to the best of my knowledge and belief, and that any information not reported was withheld because it met applicable statutory provisions permitting non-disclosure.

I further certify that earned income from outside employment and honoraria and the acceptance of gifts which have been reported are in compliance with the provisions of 5 U.S.C. app. § 501 et. seq., 5 U.S.C. § 7353, and Judicial Conference regulations.

Signature [redacted]

NOTE: ANY INDIVIDUAL WHO KNOWINGLY AND WILFULLY FALSIFIES OR FAILS TO FILE THIS REPORT MAY BE SUBJECT TO CIVIL AND CRIMINAL SANCTIONS (5 U.S.C. app. § 104)

FILING INSTRUCTIONS

Mail signed original and 3 additional copies to:

Committee on Financial Disclosure
Administrative Office of the United States Courts
Suite 2-301
One Columbus Circle, N E.
Washington, D.C. 20544