

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) Merritt, Gilbert S.	2. Court or Organization U.S. Court of Appeals for the Sixth Circuit	3. Date of Report 05/12/2010
4. Title (Article III judges indicate active or senior status; magistrate judges indicate full- or part-time) Senior Circuit Judge	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 303 Customs House 701 Broadway Nashville, TN 37203	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. Partner	Southern Properties & Co. (real estate partnership)
2.	
3.	
4.	
5.	

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

☒ NONE (No reportable agreements.)

DATE

PARTIES AND TERMS

1.	
2.	
3.	

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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.)*

<u>DATE</u>	<u>SOURCE AND TYPE</u>	<u>INCOME</u> (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.)*

<u>DATE</u>	<u>SOURCE AND TYPE</u>
1.	
2.	
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.)*

<u>SOURCE</u>	<u>DATES</u>	<u>LOCATION</u>	<u>PURPOSE</u>	<u>ITEMS PAID OR PROVIDED</u>
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.)*

<u>SOURCE</u>	<u>DESCRIPTION</u>	<u>VALUE</u>
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.)*

<u>CREDITOR</u>	<u>DESCRIPTION</u>	<u>VALUE CODE</u>
1. Union Planters Bank, Nashville, TN	Mortgage on Cookeville Commons Shopping Center	P1
2.	(See § VII, line 7)	
3.		
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		C. Gross value at end of reporting period		D. Transactions during reporting period				
	(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)
1. Southern Properties & Co. (See below)									
2. (A) Westgate Shopping Center, Nashville, TN	G	Rent	P1	W					
3. (B) White Castle, Nashville, TN	E	Rent	N	W					
4. (C) 3 rental houses, Nashville, TN	E	Rent	N	W					
5. (D) Cash -- interest bearing, SunTrust, Nashville, TN	E	Interest	M	T					
6. Check & savings acct. SunTrust, Nashville, TN	A	Interest	L	T					
7. Cookeville Commons Shop. Ctr., Cookeville, TN	G	Rent	P1	W					
8. Art collection -- paintings		None	M	W					
9. Airplane		None	M	W					
10. SunTrust Bank Account	A	None	M	T					
11. Berkshire Hathaway	A	Dividend	M	T					
12. Heartland Express	A	Dividend	M	T					
13. Sigma Aldrich	A	Dividend	L	T					
14. Sysco Corp.	C	Dividend	M	T					
15. Tech Data Corp.	A	Dividend	M	T					
16. U.S. Treas. Bills or Notes (see attached explanation)									
17. Nashville Bank & Trust	E	Interest	K	T					

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

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	(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. Vanguard Bond Fund	D	Interest	M	T					Vanguard Fund
19.									
20.									
21.									
22.									
23.									
24.									

1. Income Gain Codes: (See Columns B1 and D4)	A = \$1,000 or less F = \$50,001 - \$100,000 J = \$15,000 or less N = \$250,001 - \$500,000 P3 = \$25,000,001 - \$50,000,000	B = \$1,001 - \$2,500 G = \$100,001 - \$1,000,000 K = \$15,001 - \$50,000 O = \$500,001 - \$1,000,000	C = \$2,501 - \$5,000 H1 = \$1,000,001 - \$5,000,000 L = \$50,001 - \$100,000 P1 = \$1,000,001 - \$5,000,000 P4 = More than \$50,000,000	D = \$5,001 - \$15,000 H2 = More than \$5,000,000 M = \$100,001 - \$250,000 P2 = \$5,000,001 - \$25,000,000	E = \$15,001 - \$50,000
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3. Value Method Codes (See Column C2)					

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VIII. ADDITIONAL INFORMATION OR EXPLANATIONS. *(Indicate part of Report.)*

VII. Investments and Trusts

Line 16, U.S. Treas. Bills or notes: Because I do not know how properly to put these 26 transactions in Section VII, I am attaching a list of them. Since this represents a complete disclosure of the dates, amounts and income from these transactions, I believe it complies with the law. Those amounts and transactions are handled by a fiduciary with whose accounting I do not interfere but simply report each year on my tax return. I would prefer not to have to hire an accountant to translate it into a different accounting system. If this is not satisfactory, please advise what part of the judicial disclosure law this method of reporting violates.

Shayne & Co., LLC
INCOME AND EXPENSES**Gilbert S. Merritt***From 01-01-09 Through 12-31-09*

Security		
Ex-Date	Pay-Date	Amount
Cash/Money Mkt Fund		
Schwab U.S. Treasury Money Fund / Cash		
01-15-09	01-15-09	1.44
08-17-09	08-17-09	0.03
		<u>1.47</u>
Treasury Notes		
U.S. Treasury Note 4.625% Due 07-31-09		
01-31-09	02-02-09	6,613.75
06-25-09	06-26-09	596.91
07-31-09	07-31-09	5,873.75
		<u>13,084.41</u>
ETFs and Mutual Funds		
Vanguard Total Stock Market ETF		
03-31-09	04-01-09	3,741.88
06-30-09	06-30-09	3,001.58
09-30-09	09-30-09	3,338.08
12-29-09	12-29-09	4,818.68
		<u>14,900.22</u>

Shayne & Co., LLC
PURCHASE AND SALE

Gilbert S. Merritt

From 01-01-09 To 12-31-09

Trade Date	Settle Date	Quantity	Security	Unit Price	Amount
PURCHASES					
02-25-09	03-02-09	8.00	Berkshire Hathaway Inc. Class B	2,519.12	20,152.95
01-07-09	01-08-09	409,000	U.S. Treasury Bill 0.000% Due 07-09-09	99.87	408,451.21
10-07-09	10-08-09	366,000	U.S. Treasury Bill 0.000% Due 12-24-09	99.99	365,949.12
12-23-09	12-24-09	366,000	U.S. Treasury Bill 0.000% Due 04-22-10	99.98	365,909.26
07-30-09	07-31-09	362,000	U.S. Treasury Bill 0.000% Due 10-08-09	99.98	361,914.06
03-02-09	03-05-09	457,000	Vanguard Total Stock Market ETF	36.11	16,503.63
03-12-09	03-17-09	9,059,000	Vanguard Total Stock Market ETF	36.51	330,756.66
					1,869,636.89
SALES					
02-25-09	02-26-09	13,000	U.S. Treasury Bill 0.000% Due 07-09-09	99.86	12,981.75
03-02-09	03-03-09	17,000	U.S. Treasury Bill 0.000% Due 07-09-09	99.88	16,979.15
03-12-09	03-13-09	331,000	U.S. Treasury Bill 0.000% Due 07-09-09	99.91	330,703.76
06-25-09	06-26-09	48,000	U.S. Treasury Bill 0.000% Due 07-09-09	100.00	47,999.73
12-15-09	12-16-09	1,000	U.S. Treasury Bill 0.000% Due 12-24-09	100.00	999.98
12-24-09	12-24-09	365,000	U.S. Treasury Bill 0.000% Due 12-24-09	100.00	365,000.00
01-08-09	01-08-09	350,000	U.S. Treasury Bill 0.000% Due 01-08-09	100.00	350,000.00
10-08-09	10-08-09	362,000	U.S. Treasury Bill 0.000% Due 10-08-09	100.00	362,000.00
06-25-09	06-26-09	32,000	U.S. Treasury Note 4.625% Due 07-31-09	100.42	32,133.75

Shayne & Co., LLC
PURCHASE AND SALE
Gilbert S. Merritt

From 01-01-09 To 12-31-09

Trade Date	Settle Date	Quantity	Security	Unit Price	Amount
07-31-09	07-31-09	254,000	U.S. Treasury Note 4.625% Due 07-31-09	100.00	254,000.00
					1,772,798.12

Assets are held at an independent custodian. The SEC urges you to compare to custodian's statement Appraisal prices, if shown, may be estimated in certain cases.
Cost, if shown, is adjusted tax basis, which may differ from purchase price. Please check against your own records when filing a tax return.

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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

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