

FINANCIAL DISCLOSURE REPORT FOR CALENDAR YEAR 2005

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) SMITH, D. Brooks	2. Court or Organization Third Circuit Court of Appeals	3. Date of Report 05/09/2006
4. Title (Article III judges indicate active or senior status; magistrate judges indicate full- or part-time) Judge- Active	5a. Report Type (check appropriate type) ☐ Nomination, Date ☐ Initial ☒ Annual ☐ Final	6. Reporting Period 01/01/2005 to 12/31/2005
7. Chambers or Office Address US Court of Appeals, Ste 203 1798 Old Route 220 N Duncansville, PA 16635		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 instructions.)

☐ NONE (No reportable positions.)

<u>POSITION</u>	<u>NAME OF ORGANIZATION/ENTITY</u>
1. Trustee	Philadelphia University, Philadelphia, PA
2.	
3.	
4.	
5.	

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

☒ NONE (No reportable agreements.)

<u>DATE</u>	<u>PARTIES AND TERMS</u>
1.	
2.	
3.	

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III. NON-INVESTMENT INCOME. *(Reporting individual and spouse; see pp. 17-24 of 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. 2005	Reliance Bank - Vice President, Commercial Lending - Salary	
2.		
3.		
4.		
5.		

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.	
5.	

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

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

☐ NONE *(No reportable reimbursements.)*

<u>SOURCE</u>	<u>DESCRIPTION</u>
1. Cornell Law School	2/18-2/20 Ithaca, NY - moot court competition [travel, hotel & food]
2. USAID-East-West Mgmt Institute	3/4-3/10 Riga, Latvia - seminar & presentation [travel, hotel & food]
3. Dickinson School of Law	4/4-4/5 Carlisle, PA - presentation [hotel & food]
4. University of Cincinnati Law School	4/8-4/10 Cincinnati, Ohio - moot court competition [travel, hotel & food]
5. Academy of Trial Lawyers of Allegheny County	9/29-9/30 - Farmington, PA - meetings [travel, hotel & food]
6. Dickinson School of Law	10/8-10/9 - Carlisle, PA - award presentation [hotel]

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V. GIFTS. *(Includes those to spouse and dependent children. See pp. 28-31 of 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. 32-34 of instructions.)*☒ NONE *(No reportable liabilities.)*

<u>CREDITOR</u>	<u>DESCRIPTION</u>	<u>VALUE CODE</u>
1.		
2.		
3.		
4.		
5.		

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VII. INVESTMENTS and TRUSTS -- income, value, transactions (includes those of the spouse and dependent children. See pp. 34-37 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, merger, redemption)	If not exempt from disclosure			
						(2) Date Month - Day	(3) Value Code 2 (J-P)	(4) Gain Code 1 (A-H)	(5) Identity of buyer/seller (if private transaction)
1. Euro Pac Growth Fd	A	Dividend	J	T					
2. FNB Corp.(common)	A	Dividend	J	T					
3. FNB Corp.(common)	A	Dividend	J	T					
4. First Nat'l Bkshares FL(common)	A	Dividend	J	T	Merger	1/5	J	A	
5. First Nat'l BKshares FL (common)	A	Dividend	J	T	Merger	1/5	J	A	
6. Fifth Third Bancorp	A	Dividend	J	T	Merger	1/5	J	A	
7. Fifth Third Bancorp	A	Dividend	J	T	Merger	1/5	J	A	
8. Fidelity Mid Cap Fd	A	Dividend	J	T					
9. Fidelity Equity Growth	A	Dividend	J	T					
10. Franklin Small Cap Fd	A	Dividend	J	T					
11. Investment Co. of America	A	Dividend	J	T					
12. Master's Select Equity Fd	B	Dividend	J	T					
13. M&T Bank (common)	C	Dividend	M	T					
14. M&T Bank 401(K)	C	Dividend	M	T					
15. MTB Prime Money Mkt3	A	Interest	J	T	Rollover	8/2	J	A	
16. MTB Managed Aggressive Growth3	A	Dividend	K	T	Rollover	8/2	K	A	
17. Raymond James IRA4	A	Dividend	K	T	Rollover	8/3			

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	K=\$15,001 - \$50,000 O=\$500,001 - \$1,000,000	L=\$50,001 - \$100,000 P1=\$1,000,001 - \$5,000,000	M=\$100,001 - \$250,000 P2=\$5,000,001 - \$25,000,000	
3. Value Method Codes (See Column C2)	P3=\$25,000,001 - \$50,000,000 Q=Appraisal U=Book Value	R=Cost (Real Estate Only) V=Other	P4=More than \$50,000,000 S=Assessment W=Estimated	T=Cash Market	

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VII. INVESTMENTS and TRUSTS – income, value, transactions (includes those of the spouse and dependent children. See pp. 34-57 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, merger, redemption)	If not exempt from disclosure			
						(2) Date Month - Day	(3) Value Code 2 (J-P)	(4) Gain Code 1 (A-H)	(5) Identity of buyer/seller (if private transaction)
18. Reliance Bank-Account [REDACTED]	A	Interest	J	T					
19. Reliance Bank-Account [REDACTED]	A	Interest	J	T					
20. Reliance Bank 401(K) [REDACTED]	A	Dividend	K	T					
21. Northwestern Mutual Life Ins. (Universal Life policies)	B	Dividend	M	T					
22. AKzo Nobel NV ADR5	A	Dividend	J	T	Buy	8/17	J		
23. Albertsons Inc.5	A	Dividend			Buy	8/12	J		
24.					Sell	9/13	J	A	
25. Ameren Corp.5	A	Dividend	J	T	Buy	8/12	J		
26. Amsouth Corp. 5	A	Dividend	J	T	Buy	8/12	J		
27. BAA PLC ADR 5	A	Dividend	J	T	Buy	8/12	J		
28. BCE Inc. 5	A	Dividend	J	T	Buy	8/12	J		
29. Boots Group PLC 5	A	Dividend	J	T	Buy	8/12	J		
30. Consolidated Edison 5	A	Dividend	J	T	Buy	9/21	J		
31. First Horizon National Corp. 5	A	Dividend	J	T	Buy	8/12	J		
32. H J Heinz Co. 5	A	Dividend	J	T	Buy	9/28	J		
33. Keycorp 5	A	Dividend		T	Buy	9/21	J		
34. Loew's Corp. Carolina 5	A	Dividend	J	T	Buy	8/12	J		

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

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						(2) Date Month - Day	(3) Value Code 2 (J-P)	(4) Gain Code 1 (A-H)	(5) Identity of buyer/seller (if private transaction)
35. Marathon Oil Corp. 5	A	Dividend	J	T	Buy	8/12	J		
36. National City Corp. 5	A	Dividend	J	T	Buy	12/9	J		
37. New York Cmnty Bancorp 5	A	Dividend	J	T	Buy	8/12	J		
38.					Sell	9/28	J	A	
39. Nicor Inc. 5	A	Dividend	J	T	Buy	8/12	J		
40. Nisource Inc. 5	A	Dividend	J	T	Buy	8/12	J		
41. PNC Financial Svcs. Group 5	A	Dividend	J	T	Buy	8/12	J		
42. Packaging Corp. America 5	A	Dividend	J	T	Buy	8/12	J		
43. Peoples Energy Corp. 5	A	Dividend	J	T	Buy	8/12	J		
44. Pinnacle West Capital Corp. 5	A	Dividend	J	T	Buy	8/12	J		
45. Progress Energy Inc. 5	A	Dividend	J	T	Buy	8/12	J		
46. Reynolds American Inc. 5	A	Dividend	J	T	bUY	8/12	J		
47. Scottish Pwr PLC 5	A	Dividend	J	T	Buy	8/12	J		
48.					Sell	9/21	J	A	
49. Telecom Corp NZ Ltd 5	A	Dividend	J	T	Buy	9/22	J		
50. UST Inc. 5	A	Dividend	J	T	Buy	8/12	J		
51. United Utilities PLC 5	A	Dividend	J	T	Buy	8/12	J		

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52. UPM Kymmene Corp. 5	A	Dividend	J	T	Buy	8/12	J		
53. Conagra Foods 5	A	Dividend	J	T	Buy	8/12	J		
54.					Sell	9/13	J	A	
55. Dominion Res. Inc.	A	Dividend	J	T	Buy	8/12	J		
56.					Sell	9/19	J	A	
57. American Electric Power 5	A	Dividend	J	T	Buy	8/12	J		
58.					Sell	9/21	J	A	
59. Scana Corp. 5	A	Dividend	J	T	Buy	8/12	J		
60.					Sell	9/23	J	A	
61. Equity Residential REIT 5	A	Dividend	J	T	Buy	8/12	J		
62.					Sell	12/12	J	A	
63. Equity Office Properties REIT 5	A	Dividend	J	T	Buy	8/12	J		
64.					Sell	12/16	J	A	
65. Carramerica Rlty Corp. 5	A	Dividend	J	T	Buy	8/12	J		
66. Duke Realty 5	A	Dividend	J	T	Buy	12/15	J		
67. First Industrial Rlty Tr. 5	A	Dividend	J	T	Buy	8/12	J		
68. HRPT Property Trust 5	A	Dividend	J	T	Buy	8/12	J		

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						(2) Date Month - Day	(3) Value Code 2 (J-P)	(4) Gain Code 1 (A-H)	(5) Identity of buyer/seller (if private transaction)
69. Health Care Property Invs. 5	A	Dividend	J	T	Buy	8/12	J		
70. Health Care Rlty Tr. 5	A	Dividend	J	T	Buy	8/12	J		
71. Hospitality Properties Tr. 5	A	Dividend	J	T	Buy	9/13	J		
72. Liberty Property Tr. 5	A	Dividend	J	T	Buy	8/12	J		
73. Mack Cali Rlty Corp. 5	A	Dividend	J	T	Buy	8/12	J		
74. Nationwide Health Properties 5	A	Dividend	J	T	Buy	8/12	J		
75. Senior Housing Properties Tr. 5	A	Dividend	J	T	Buy	8/12	J		

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

- 1 Held in [REDACTED] self-directed IRA with Ferris, Baker, Watts
- 2 Merger of First National Bancshares FL into Fifth Third Bancorp effective 1/5.
- 3 Self-directed IRA with M&T Bank rolled over to IRA managed by Federated Investment Counselling.
- 4 Self-directed IRA with Raymond James rolled over to IRA managed by Federated Investment Counselling.
- 5 Held in self-directed IRA managed by Federated Investment Counselling.
- 6 Numbers 14, 16, 17 & 20 should indicate Dividend/Interest.

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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

Date

May 9, 2006

NOTE: ANY INDIVIDUAL WHO KNOWINGLY AND WILLFULLY 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