

FINANCIAL DISCLOSURE REPORT FOR CALENDAR YEAR 2011

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 08/09/2012
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 01/01/2011 to 12/31/2011
7. Chambers or Office Address 303 Customs House 701 Broadway Nashville, TN 37203		
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. Insert signature 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. [redacted] 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.	

FINANCIAL DISCLOSURE REPORT

Page 2 of 12

Name of Person Reporting

Merritt, Gilbert S.

Date of Report

08/09/2012

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.

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.)*

SOURCE

DATES

LOCATION

PURPOSE

ITEMS PAID OR PROVIDED

1. American Inns of Court

April 1-2, 2011

Washington, D.C.

Non-FJC educational
program

Air fare of \$337

2.

3.

4.

5.

FINANCIAL DISCLOSURE REPORT

Page 3 of 12

Name of Person Reporting

Merritt, Gilbert S.

Date of Report

08/09/2012

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.			

FINANCIAL DISCLOSURE REPORT

Page 4 of 12

Name of Person Reporting

Merritt, Gilbert S.

Date of Report

08/09/2012

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	D	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.									
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	M	T					
14. Sysco Corp.	C	Dividend	M	T					
15. Tech Data Corp.	A	Dividend	L	T	Sold (part)	11/05/10	J	A	
16. U.S. Treas. Bills X	A	Interest	N	T					
17. Nashville Bank & Trust checking account	B	Interest	K	T					

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

FINANCIAL DISCLOSURE REPORT

Page 5 of 12

Name of Person Reporting

Merritt, Gilbert S.

Date of Report

08/09/2012

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)

18. Vanguard Fund	D	Interest	O	T					Vanguard Fund
19. Nashville Bank & Trust Stock	A	None	K	W					
20.									
21. USG Corp.X	E	Dividend	K	T					
22.									
23.									
24.									

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	

FINANCIAL DISCLOSURE REPORT

Page 6 of 12

Name of Person Reporting

Merritt, Gilbert S.

Date of Report

08/09/2012

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

VII. Investments and Trusts

Line 20. Sales and purchases by Shayne & Company for my account throughout the year for a profit of A.

Line 21. My broker bought this asset for my account at the end of 2007 (12/31/07) in the open market. It has a value code of K. He still retains it in my account. I do not know why I failed to earlier list it. Either the broker did not report the asset to me or I mistakenly did not see it and omitted it from the form.

TREASURY BILLS FROM SECTION VII, LINE 16:

Treasury Bill Buy 1/19/2011 Redeem 4/21/2011 A Interest N T
Treasury Bill Buy 11/10/2010 Redeem 4/21/2011 A Interest N T
Treasury Bill Buy 10/20/2010 Redeem 4/21/2011 A Interest N T
Treasury Bill Buy 2/10/2011 Redeem 6/23/2011 A Interest N T
Treasury Bill Buy 4/20/2011 Redeem 7/21/2011 A Interest N T
Treasury Bill Buy 7/20/2011 Redeem 8/24/2011 A Interest N T
Treasury Bill Buy 7/20/2011 Redeem 8/24/2011 A Interest N T
Treasury Bill Buy 7/20/2011 Redeem 9/7/2011 A Interest N T
Treasury Bill Buy 6/22/2011 Redeem 11/10/2011 A Interest N T
Treasury Bill Buy 11/09/2011 Redeem 12/14/2011 A Interest N T

FINANCIAL DISCLOSURE REPORT

Page 7 of 12

Name of Person Reporting

Merritt, Gilbert S.

Date of Report

08/09/2012

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

FINANCIAL DISCLOSURE REPORT

Page 8 of 12

Name of Person Reporting

Merritt, Gilbert S.

Date of Report

08/09/2012

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

FINANCIAL DISCLOSURE REPORT

Page 9 of 12

Name of Person Reporting

Merritt, Gilbert S.

Date of Report

08/09/2012

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

FINANCIAL DISCLOSURE REPORT

Page 10 of 12

Name of Person Reporting

Merritt, Gilbert S.

Date of Report

08/09/2012

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

FINANCIAL DISCLOSURE REPORT

Page 11 of 12

Name of Person Reporting

Merritt, Gilbert S.

Date of Report

08/09/2012

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

FINANCIAL DISCLOSURE REPORT

Page 12 of 12

Name of Person Reporting

Merritt, Gilbert S.

Date of Report

08/09/2012

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: s/ Gilbert S. Merritt

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)

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