

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) Fitzwater, Sidney A.	2. Court or Organization U.S. District Court, Northern District of Texas	3. Date of Report 03/26/2012
4. Title (Article III judges indicate active or senior status; magistrate judges indicate full- or part-time) Chief U.S. District Judge - Active	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 U.S. Courthouse 1100 Commerce St., Room 1528 Dallas, Texas 75242-1035		
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.)

<u>POSITION</u>	<u>NAME OF ORGANIZATION/ENTITY</u>
1. Co-Trustee	Trust #3 (See Part VIII).
2. Co-Executor	Estate #4 (See Part VIII).
3.	
4.	
5.	

II. AGREEMENTS. (Reporting individual only; see pp. 14-16 of filing 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 filing instructions.)***A. Filer's Non-Investment Income**NONE *(No reportable non-investment income.)*DATESOURCE AND TYPEINCOME
(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.)*DATESOURCE AND TYPE

1. 2011 _____ - salary

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.)*SOURCEDATESLOCATIONPURPOSEITEMS 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.)*SOURCEDESCRIPTIONVALUE

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.)*CREDITORDESCRIPTIONVALUE CODE

1.

2.

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. American Funds-Wash. Mut. Invs. Fund-A	A	Dividend	J	T					
2. UBS Bank USA Deposit Acct.	A	Interest	J	T					
3. 3M Corp. Common Stock	A	Dividend	J	T					
4. J.P. Morgan Chase & Co. Common Stock	A	Dividend	J	T					
5. Trust # 2 (Nos. 5-9) (See Part VIII)	C	Int./Div.	M	T					
6. -UBS Resource Mgmt. Acct (Money Market Portfolio)									
7. -Calamos Growth Fund									
8. -Lord Abbett Affiliated Fund									
9. -UBS Global Allocation Fund									
10. Calamos Growth and Income Fund	A	Dividend	J	T					
11. Lord Abbett Affiliated Fund	A	Dividend	J	T					
12. Lord Abbett Fundamental Equity (See Part VIII)	A	Dividend	J	T					
13. MFS Research Bond Fund	A	Dividend	J	T					
14. UBS Global Allocation Fund	A	Dividend	J	T					
15. Lincoln Nat'l Corp. Secure Line	C	Interest	N	T					
16. Trust # 3 (Nos. 16-62) (See Part VIII)	B	Int./Div.							
17. -Dominion Investor Servs., Inc. Prime Fund (Account)					Distributed	02/03/11	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	
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	

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18. -Aberdeen Asia-Pacific Prime Income Fund					Distributed	02/03/11	K		
19. -Ameren Corporation Common Stock					Distributed	02/03/11	J		
20. -Consolidated Edison, Inc. Common Stock					Distributed	02/03/11	K		
21. -Dominion Resources, Inc. Common Stock					Distributed	02/03/11	K		
22. -Dreyfus Strategic Municipals Inc. (Income Trust Fund)					Distributed	02/03/11	J		
23. -Duke Energy Corp. Common Stock					Distributed	02/03/11	J		
24. -Entergy Corp. Common Stock					Distributed	02/03/11	K		
25. -Exelon Corp. Common Stock					Distributed	02/03/11	K		
26. -ExxonMobil Corp. Common Stock					Distributed	02/03/11	N		
27. -Firstenergy Corp. Common Stock					Distributed	02/03/11	J		
28. -NextEra Energy, Inc. Common Stock					Distributed	02/03/11	K		
29. -Hawaiian Electric Industries Inc. Common Stock					Distributed	02/03/11	K		
30. -Integrus Energy Group Inc. Common					Distributed	02/03/11	J		
31. -Medco Health Solutions Inc. Common Stock					Distributed	02/03/11	J		
32. -Merck & Co. Inc. Common Stock					Distributed	02/03/11	J		
33. -Monsanto Co. New Common Stock					Distributed	02/03/11	J		
34. -Nuveen Dividend Advantage Municipal Fund					Distributed	02/03/11	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 \$5,000,000	M = \$100,001 - \$250,000 P2 = \$5,000,001 - \$25,000,000	
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☐ NONE (No reportable income, assets, or transactions.)

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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)
35. -Nuveen Dividend Advantage Municipal Fund 2					Distributed	02/03/11	L		
36. -Nuveen Dividend Advantage Municipal Fund 3					Distributed	02/03/11	L		
37. -Nuveen Insured Premium Inc. Mun. Fund 2 Inc.					Distributed	02/03/11	J		
38. -Nuveen Municipal Advantage Fund Inc.					Distributed	02/03/11	J		
39. -Nuveen Municipal Value Fund Inc.					Distributed	02/03/11	L		
40. -Nuveen Premium Inc. Mun. Fund Inc.					Distributed	02/03/11	J		
41. -Nuveen Premium Inc. Mun. Fund 2 Inc.					Distributed	02/03/11	K		
42. -Nuveen Premier Insured Municipal Income Fund Inc.					Distributed	02/03/11	J		
43. -Nuveen Select Maturities Municipal Fund					Distributed	02/03/11	K		
44. -Pepco Holdings Inc. Common Stock					Distributed	02/03/11	K		
45. -Pepsico, Inc. Common Stock					Distributed	02/03/11	J		
46. -Pfizer Inc. Common Stock					Distributed	02/03/11	J		
47. -Spectra Energy Corp. Common Stock					Distributed	02/03/11	J		
48. -TECO Energy Inc. Common Stock					Distributed	02/03/11	J		
49. -Van Kampen Trust for Insured Municipals					Distributed	02/03/11	J		
50. -Westar Energy Inc. Common Stock					Distributed	02/03/11	J		
51. -Xcel Energy Inc. Common Stock					Distributed	02/03/11	K		

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
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52. -Insured Municipals Income Trust Series 22					Distributed	02/03/11	J		
53. -Insured Municipals Income Trust Series 228					Distributed	02/03/11	J		
54. -Insured Municipals Income Trust Series 314					Distributed	02/03/11	J		
55. -Insured Municipals Income Trust Series 79					Distributed	02/03/11	J		
56. -Nuveen Tax Exempt Nat'l Insured 251 (UIT)					Distributed	02/03/11	J		
57. -Nuveen Tax Exempt Nat'l Trad. 257 (UIT)					Distributed	02/03/11	J		
58. -Insured Municipals Inc. Trust Unit Ser. 290					Distributed	02/03/11	J		
59. -Nuveen Investment Quality Municipal Fund, Inc.					Distributed	02/03/11	L		
60. -International Bank of Commerce (Account)					Distributed	12/16/11	J		
61. -First Mark Credit Union (Account)					Distributed	01/03/11	L		
62. -USAA Tax Exempt Long-Term Bond Fund					Distributed	01/21/11	N		
63. Estate # 4 (Nos. 63-68) (See Part VIII) (X)	A	Int./Div.	L	T					
64. -Frost Bank (Account)									
65. -Real Property Bexar County Texas					Sold	07/22/11	N		See Part VIII
66. -Cemetery Plots Bexar County, Texas (See Part VIII)									
67. -International Bank of Commerce (Account)					Distributed	01/03/11	M		
68. -First Mark Credit Union (Account)					Distributed	01/03/11	L		

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69. IRA #1 (Nos. 69-78) (See Part VIII) (X)	D	Int./Div.	M	T					
70. -UBS Bank USA Deposit Account (See Part VIII)					Open	02/03/11	M		
71. -Principal Invs. Bond & Mtg. Secs. Fund Cl. A (See Pt. VIII)					Open	02/15/11	K		
72.					Closed	03/30/11	K		
73. -Royce Premier Fund					Buy	03/30/11	K		
74. -Blackrock Strategic Income A					Buy	03/30/11	K		
75. -(See Part VIII)					Distributed (part)	12/22/11	J		
76. -Blackrock Global Allocation Fund Inc. A					Buy	03/30/11	K		
77. -First Eagle Global Fund Class A					Buy	03/30/11	K		
78. -FT-Franklin Income A					Buy	03/30/11	K		
79. UBS Bank USA Deposit Acct (aggregate of two accts) (X)	A	Interest	L	T					
80. Aberdeen Asia-Pacific Income Fund (X) (See Pt. VIII)	A	Dividend	J	T					
81. Ameren Corporation Common Stock (X)	A	Dividend	J	T					
82. Consolidated Edison, Inc. Common Stock (X)	A	Dividend	K	T					
83. Dominion Resources, Inc. Common Stock (X)	A	Dividend	K	T					
84. Dreyfus Strategic Municipals Inc. (Closed-End Fund) (X)	A	Int./Div.	J	T					
85. Duke Energy Corp. Common Stock (X)	A	Dividend	J	T					

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86. Entergy Corp. Common Stock (X)	A	Dividend	J	T					
87. Exelon Corp. Common Stock (X)	B	Dividend	K	T					
88. ExxonMobil Corp. Common Stock (X)	C	Dividend	M	T					
89. Firstenergy Corp. Common Stock (X)	A	Dividend	J	T					
90. NextEra Energy, Inc. Common Stock (X)	A	Dividend	K	T					
91. Hawaiian Electric Industries Inc. Common Stock (X)	A	Dividend	K	T					
92. Integrys Energy Group Inc. Common (X)	A	Dividend	J	T					
93. Medco Health Solutions Inc. Common Stock (X)		None	J	T					
94. Merck & Co. Inc. Common Stock (X)	A	Dividend	J	T					
95. Monsanto Co. New Common Stock (X)	A	Dividend	J	T					
96. Nuveen Dividend Advantage Municipal Fund (X) (See Part VIII)	A	Int./Div.	J	T					
97. Nuveen Dividend Advantage Munic. Fd 2 (X) (See Part VIII)	A	Int./Div.	K	T					
98. Nuveen Dividend Advantage Municipal Fd 3 (X) (See Part VIII)	A	Int./Div.	K	T					
99. Nuveen Opportunity Prem. Inc. Fund (X)	A	Interest	J	T					
100. Nuveen Municipal Advantage Fund Inc.(X) (See Part VIII)	A	Int./Div.	J	T					
101. Nuveen Municipal Value Fund Inc. (X) (See Part VIII)	B	Int./Div.	K	T					
102. Nuveen Premium Inc. Mun. Fund Inc. (X)	A	Interest	J	T					

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103. Nuveen Premium Inc. Mun. Fund 2 Inc. (X)	A	Int./Div.	K	T					
104. Nuveen Premier Municipal Opportunity Fund Inc. (X)	A	Interest	J	T					
105. Nuveen Select Maturities Municipal Fund (X)	A	Interest	K	T					
106. Pepco Holdings Inc. Common Stock (X)	B	Dividend	K	T					
107. Pepsico, Inc. Common Stock (X)	A	Dividend	J	T					
108. Pfizer Inc. Common Stock (X)	A	Dividend	J	T					
109. Spectra Energy Corp. Common Stock (X)	A	Dividend	J	T					
110. TECO Energy Inc. Common Stock (X)	A	Dividend	J	T					
111. Invesco Van Kampen Trust for Insured Municipals (X)	A	Interest	J	T					
112. Westar Energy Inc. Common Stock (X)	A	Dividend	J	T					
113. Xcel Energy Inc. Common Stock (X)	A	Dividend	K	T					
114. Nuveen Series 519 Tax Exempt Unit Trust (X)	A	Interest	J	T					
115. Insured Municipals Inc. Trust Unit Ser. 290 (X)	A	Interest	J	T					
116. Nuveen Investment Quality Municipal Fund, Inc. (X)	A	Int./Div.	K	T					
117. John Hancock Venture Vantage (X) (Annuity) (See Part VIII)		None	L	T	Distributed (part)	01/26/11	K		
118. TIAA-CREF Savings and Investment Plan (Annuity) (X)		None	M	T					
119. TIAA-CREF (Inherited IRA) (X)		None			Redeemed	04/04/11	L		

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	

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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)
120. TIAA-CREF (Inherited IRA) Managed Allocation Fund II R		None	L	T	Buy	04/04/11	L		
121. USAA Tax Exempt Long-Term Bond Fund (X)	D	Interest	M	T					
122. Blackrock Strategic Income A (See Part VIII)	A	Dividend	J	T	Open	12/22/11	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	
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	

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

Part I (Trust # 3)

All assets of Trust # 3 were distributed, and the Trust was terminated, in 2011.

I was ethically permitted to serve as Co-Trustee of Trust # 3 because I did so under the will of a family member who died in 2007, and such service did not interfere with the proper performance of my judicial duties.

The Trust is designated as Trust # 3 to differentiate it from Trust # 1 and Trust # 2, which have been referred to in this and/or prior reports.

See below for additional explanations concerning the reporting of assets for Trust # 3.

Part I (Estate # 4)

I am ethically permitted to serve as Co-Executor of Estate #4 because I am doing so under the will of a family member who died in 2010, and such service does not interfere with the proper performance of my judicial duties.

The Estate is designated as Estate #4 to differentiate it from estates referred to in prior reports.

See below for additional explanations concerning the reporting of assets for Estate #4.

Part VII, Item Nos. 5-9 (Trust # 2)

The type of income disclosed for Trust # 2 is "Int./Div." The Trust income also includes a capital gain distribution. In accordance with the filing instructions (page 45), capital gains associated with distributions are treated and reported as dividends in column B.

Part VII, Item No. 12

The type of income disclosed for this asset is "Dividend." The income this asset received was in the form of a capital gain distribution. In accordance with the filing instructions (page 45), capital gains associated with distributions are treated and reported as dividends in column B.

Part VII, Item Nos. 16-62 (Trust #3)

All assets of Trust # 3 were distributed in 2011 to the Trust beneficiaries, and the Trust was terminated. No gain codes are shown in Column D(4) because the transactions were distributions to Trust beneficiaries, and the transactions did not result in gains.

Part VII, Item Nos. 63-68 (Estate #4)

The assets of Estate # 4 are new in this report. As disclosed in Part VIII of my 2010 Financial Disclosure Report, although the family member died in December 2010, the person's will was not admitted to probate and letters testamentary were not issued until January 2011, at which time I began exercising legal authority and responsibility to control the purchase, sale, or other disposition of the assets in the Estate.

All reportable assets and transactions of Estate #4 are disclosed in Part VII. Certain assets of the deceased family member were part of the Estate but are not reportable (e.g., a personal automobile, clothing, and other property not held in a trade or business, or for investment or for the production of income). Other assets of the deceased family member are not reportable as Estate assets because they were transferred outside the person's Estate by operation of law (e.g., assets established as Transfer on Death to named beneficiaries and individual retirement accounts).

The term "Distributed" is used to indicate that an asset was distributed from the Estate to the beneficiaries under the family member's will.

Part VII, Item No. 65

The purchasers are Benjamin J. and Maria R. Martinez. No Gain Code is disclosed in column D(4) because the sale price of the property did not exceed the taxable basis, and the property was sold below the appraised value that the Estate obtained from a Texas-licensed real estate appraiser.

Part VII, Item No. 66

The value method code reported for the Estate in line 63, column C(2) is "T." Part of the gross value code in column C(1) of line 63 includes the cemetery plots reported in line 66. The value method for the cemetery plots is "V." The value was determined by obtaining from a cemetery representative the current listed sales price for the plots. This value was used in probating the Estate.

Part VII, Item Nos. 69-78

The assets of IRA #1 are new in this report. Initial funding for this IRA consists of funds received in 2011 from inherited IRAs through exempt transactions (inheritance).

Part VII, Item No. 70

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

This account was opened with funds from an inherited IRA through an exempt transaction (inheritance). In turn, all inherited funds were used to buy the assets identified in Item Nos. 73, 74, 76, 77, and 78. The gross value of the account at the end of the reporting period is included in line 69, column C(1).

Part VII, Item Nos. 71 and 72

This asset was acquired through an exempt transaction (inheritance). It was rolled over on 03/30/11 into other assets disclosed as part of IRA #1. Consequently, no gain code is shown on line 72 because the transaction did not result in a gain.

Part VIII, Item No. 75

The distribution disclosed on line 75 was a required minimum distribution (RMD) from an inherited IRA. No gain code is disclosed in column D(4) because this asset was transferred from IRA #1 to one of my non-IRA brokerage accounts and did not result in a gain. The asset that was transferred is disclosed as Item No. 122.

Part VII, Item Nos. 79-119 and 121

These assets are designated with the letter (X) because they were acquired in 2011 through exempt transactions (inheritance) from Trust #3 and Estate #4.

Although portions of all Trust #3 assets identified in item Nos. 16-62 were distributed to me through inheritance as a Trust beneficiary, not all distributed Trust assets have corresponding listings in this part of the report. This is because my inherited portion of some Trust assets fell below the reporting threshold (i.e., my portion did not have a fair market value in excess of \$1,000 at the end of the year, or from which I received income in excess of \$200 during 2011, or that involved any purchase, sale, or exchange during the reporting period that exceeded \$1,000).

Part VII, Item Nos. 80, 96, 97, 98, 100, and 101

The type of income disclosed for these items is "Dividend" or "Int./Div." In addition to interest or a dividend, each asset had income in the form of a capital gain distribution. In accordance with the filing instructions (page 45), capital gains associated with distributions are treated and reported as dividends in column B.

Part VII, Item No. 117

The distribution disclosed on line 117 was a required minimum distribution (RMD) from an inherited annuity. No gain code is disclosed in column D(4) because the distribution did not result in a gain.

Part VII, Item No. 122

This transaction corresponds to Item No. 75 and represents the proceeds of a required minimum distribution (RMD) from IRA #1. See Part VII, Item No. 75. Although the type of transaction is disclosed as "Open," this represents the distribution of this asset from IRA #1 to one of my existing non-IRA brokerage accounts rather than the opening of a new account.

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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: **s/ Sidney A. Fitzwater**

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)

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