

# FINANCIAL DISCLOSURE REPORT FOR CALENDAR YEAR 2011

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

|                                                                                                                                                                                                                                  |                                                                                                                                                                                                                                                                                          |                                                                  |
|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------------------------------------|
| <b>1. Person Reporting (last name, first, middle initial)</b><br><br>Whitney, Frank D.                                                                                                                                           | <b>2. Court or Organization</b><br><br>District Court - WDNC                                                                                                                                                                                                                             | <b>3. Date of Report</b><br><br>07/09/2012                       |
| <b>4. Title (Article III judges indicate active or senior status; magistrate judges indicate full- or part-time)</b><br><br>District Judge - Active                                                                              | <b>5a. Report Type (check appropriate type)</b><br><input type="checkbox"/> Nomination <input type="checkbox"/> Date<br><input type="checkbox"/> Initial <input checked="" type="checkbox"/> Annual <input type="checkbox"/> Final<br><b>5b.</b> <input type="checkbox"/> Amended Report | <b>6. Reporting Period</b><br><br>01/01/2011<br>to<br>12/31/2011 |
| <b>7. Chambers or Office Address</b><br><br>Charles R. Jonas Federal Bldg<br>401 W. Trade St., Room 195<br>Charlotte, NC 28202                                                                                                   |                                                                                                                                                                                                                                                                                          |                                                                  |
| <p><b>IMPORTANT NOTES:</b> The instructions accompanying this form must be followed. Complete all parts, checking the <b>NONE</b> box for each part where you have no reportable information. Insert signature on last page.</p> |                                                                                                                                                                                                                                                                                          |                                                                  |

## 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. Member                           | Whitney Properties LLC                                                     |
| 2. Power of Attorney                | Member #1                                                                  |
| 3. Trustee                          | Trust #1                                                                   |
| 4. Director                         | Festival in the Park, Inc. (IRC § 501(c)(3))                               |
| 5. Advisory Member                  | North Carolina State Bar Ethics Committee                                  |
| 6. Judicial Representative to Board | Legal Services of South Piedmont, Inc. (IRC § 501(c)(3))                   |
| 7. Council Member & Treasurer       | Government and Public Sector Section of the North Carolina Bar Association |
| 8. Committee Member                 | Student Affairs Committee, UNC School of Law                               |
| 9. Board Member                     | May 20th Society (IRC § 501(c)(3))                                         |

## 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.          |                          |

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| Name of Person Reporting | Date of Report |
|--------------------------|----------------|
| Whitney, Frank D.        | 07/09/2012     |

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><br>(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. 2011     | Self-employed kitchen designer  |
| 2. 2011     | 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.)*

| <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. | 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. |                 |                                                                 |                   |
| 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.<br>Description of Assets<br>(including trust assets)<br><br>Place "(X)" after each asset<br>exempt from prior disclosure | B.<br>Income during<br>reporting period |                                               | C.<br>Gross value at end<br>of reporting period |                                           | D.<br>Transactions during reporting period      |                         |                                 |                                |                                                                   |
|-----------------------------------------------------------------------------------------------------------------------------|-----------------------------------------|-----------------------------------------------|-------------------------------------------------|-------------------------------------------|-------------------------------------------------|-------------------------|---------------------------------|--------------------------------|-------------------------------------------------------------------|
|                                                                                                                             | (1)<br>Amount<br>Code 1<br>(A-H)        | (2)<br>Type (e.g.,<br>div., rent,<br>or int.) | (1)<br>Value<br>Code 2<br>(J-P)                 | (2)<br>Value<br>Method<br>Code 3<br>(Q-W) | (1)<br>Type (e.g.,<br>buy, sell,<br>redemption) | (2)<br>Date<br>mm/dd/yy | (3)<br>Value<br>Code 2<br>(J-P) | (4)<br>Gain<br>Code 1<br>(A-H) | (5)<br>Identity of<br>buyer/seller<br>(if private<br>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 Property #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<br>(Whitney Prop LLC)      | A | Interest | K  | T |  |  |  |  |  |
| 7. Carolina Panthers Permanent Seat License                       |   | None     | J  | W |  |  |  |  |  |
| 8. Co-author book, Lexis-Nexis, Newark, NJ<br>(no inc since 2002) |   | None     | J  | W |  |  |  |  |  |
| 9. Bank of America savings and checking<br>accounts inc           | A | Interest | J  | T |  |  |  |  |  |
| 10. Belk Corp Common Stock, Charlotte, NC                         | A | Dividend | J  | T |  |  |  |  |  |
| 11. BB&T (Sterling Capital) Equity Index Fund                     | A | Dividend | K  | T |  |  |  |  |  |
| 12. BB&T Prime Fund                                               | A | Interest | J  | T |  |  |  |  |  |
| 13. United Parcel Service Class B                                 | A | Dividend | J  | T |  |  |  |  |  |
| 14. Fidelity Dividend Growth                                      | A | Dividend | K  | T |  |  |  |  |  |
| 15. Standard & Poors DEP RCPTS (SPY)                              | D | Dividend | M  | T |  |  |  |  |  |
| 16. US Payroll Savings Bonds                                      |   | None     | J  | T |  |  |  |  |  |
| 17. Trust #1:                                                     |   |          |    |   |  |  |  |  |  |

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

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| A.<br>Description of Assets<br>(including trust assets)<br><br>Place "(X)" after each asset<br>exempt from prior disclosure | B.<br>Income during<br>reporting period |                                               | C.<br>Gross value at end<br>of reporting period |                                           | D.<br>Transactions during reporting period      |                         |                                 |                                |                                                                   |
|-----------------------------------------------------------------------------------------------------------------------------|-----------------------------------------|-----------------------------------------------|-------------------------------------------------|-------------------------------------------|-------------------------------------------------|-------------------------|---------------------------------|--------------------------------|-------------------------------------------------------------------|
|                                                                                                                             | (1)<br>Amount<br>Code 1<br>(A-H)        | (2)<br>Type (e.g.,<br>div., rent,<br>or int.) | (1)<br>Value<br>Code 2<br>(J-P)                 | (2)<br>Value<br>Method<br>Code 3<br>(Q-W) | (1)<br>Type (e.g.,<br>buy, sell,<br>redemption) | (2)<br>Date<br>mm/dd/yy | (3)<br>Value<br>Code 2<br>(J-P) | (4)<br>Gain<br>Code 1<br>(A-H) | (5)<br>Identity of<br>buyer/seller<br>(if private<br>transaction) |

|                                         |   |          |   |   |     |          |   |  |  |
|-----------------------------------------|---|----------|---|---|-----|----------|---|--|--|
| 18. - Standard & Poors (DEP RCPTS (SPY) | A | Dividend | L | T |     |          |   |  |  |
| 19. Bank of America Common Stock        | A | Dividend | J | T | Buy | 8/16/201 | J |  |  |

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

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

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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/ **Frank D. Whitney**

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  
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Washington, D.C. 20544