Form 5500

Department of the Treasury
Internal Revenue Service

Department of Labor
Employee Benefits Security Administration

Pension Benefit Guaranty Corporation

Annual Return/Report of Employee Benefit Plan

This form is required to be filed for employee benefit plans under sections 104 and 4065 of the Employee Retirement Income Security Act of 1974 (ERISA) and sections 6047(e), and 6058(a) of the Internal Revenue Code (the Code).

▶ **Complete all entries in accordance with the instructions to the Form 5500.**

OMB Nos. 1210-0110
1210-0089

2009

This Form is Open to Public Inspection

Part I Annual Report Identification Information

For calendar plan year 2009 or fiscal plan year beginning 01/01/2009 and ending 12/31/2009

A This return/report is for:
- [ ] a multiemployer plan;
- [ ] a multiple-employer plan; or
- [X] a single-employer plan;
- [ ] a DFE (specify) ____

B This return/report is:
- [ ] the first return/report;
- [ ] the final return/report;
- [ ] an amended return/report;
- [ ] a short plan year return/report (less than 12 months).

C If the plan is a collectively-bargained plan, check here. . . . . ▶ [ ]

D Check box if filing under:
- [X] Form 5558;
- [ ] automatic extension;
- [ ] the DFVC program;
- [ ] special extension (enter description)

Part II Basic Plan Information—enter all requested information

1a Name of plan
F. GAVINA & SONS, INC. 401(K) PROFIT SHARING PLAN

1b Three-digit plan number (PN) ▶ 002

1c Effective date of plan 04/01/1985

2a Plan sponsor's name and address (employer, if for a single-employer plan) (Address should include room or suite no.)
F. GAVINA & SONS, INC.

2700 FRUITLAND AVE
VERNON, CA 90058

2b Employer Identification Number (EIN) 95-2922751

2c Sponsor's telephone number 323-582-0671

2d Business code (see instructions) 311900

Caution: A penalty for the late or incomplete filing of this return/report will be assessed unless reasonable cause is established.

Under penalties of perjury and other penalties set forth in the instructions, I declare that I have examined this return/report, including accompanying schedules, statements and attachments, as well as the electronic version of this return/report, and to the best of my knowledge and belief, it is true, correct, and complete.

SIGN HERE	Filed with authorized/valid electronic signature.	10/15/2010	JOSE GAVINA
	Signature of plan administrator	Date	Enter name of individual signing as plan administrator
SIGN HERE	Filed with authorized/valid electronic signature.	10/15/2010	JOSE GAVINA
	Signature of employer/plan sponsor	Date	Enter name of individual signing as employer or plan sponsor
SIGN HERE			
	Signature of DFE	Date	Enter name of individual signing as DFE

3a Plan administrator's name and address (if same as plan sponsor, enter "Same")
F. GAVINA & SONS, INC.

2700 FRUITLAND AVE
VERNON, CA 90058

3b Administrator's EIN
95-2922751

3c Administrator's telephone number
323-582-0671

4 If the name and/or EIN of the plan sponsor has changed since the last return/report filed for this plan, enter the name, EIN and the plan number from the last return/report:

a Sponsor's name

4b EIN

4c PN

5	Total number of participants at the beginning of the plan year	**5**	255
6	Number of participants as of the end of the plan year (welfare plans complete only lines **6a, 6b, 6c,** and **6d**).		
a	Active participants	**6a**	234
b	Retired or separated participants receiving benefits	**6b**	0
c	Other retired or separated participants entitled to future benefits	**6c**	19
d	Subtotal. Add lines **6a**, **6b**, and **6c**	**6d**	253
e	Deceased participants whose beneficiaries are receiving or are entitled to receive benefits	**6e**	0
f	Total. Add lines **6d** and **6e**	**6f**	253
g	Number of participants with account balances as of the end of the plan year (only defined contribution plans complete this item)	**6g**	253
h	Number of participants that terminated employment during the plan year with accrued benefits that were less than 100% vested	**6h**	2
7	Enter the total number of employers obligated to contribute to the plan (only multiemployer plans complete this item)	**7**	

8a If the plan provides pension benefits, enter the applicable pension feature codes from the List of Plan Characteristic Codes in the instructions:
2A 2E 2H 2J

b If the plan provides welfare benefits, enter the applicable welfare feature codes from the List of Plan Characteristic Codes in the instructions:

9a Plan funding arrangement (check all that apply)

(1)		Insurance
(2)		Code section 412(e)(3) insurance contracts
(3)	X	Trust
(4)		General assets of the sponsor

9b Plan benefit arrangement (check all that apply)

(1)		Insurance
(2)		Code section 412(e)(3) insurance contracts
(3)	X	Trust
(4)		General assets of the sponsor

10 Check all applicable boxes in 10a and 10b to indicate which schedules are attached, and, where indicated, enter the number attached. (See instructions)

a Pension Schedules

(1)	X	**R** (Retirement Plan Information)
(2)		**MB** (Multiemployer Defined Benefit Plan and Certain Money Purchase Plan Actuarial Information) - signed by the plan actuary
(3)		**SB** (Single-Employer Defined Benefit Plan Actuarial Information) - signed by the plan actuary

b General Schedules

(1)	X	**H** (Financial Information)
(2)		**I** (Financial Information – Small Plan)
(3)		**A** (Insurance Information)
(4)		**C** (Service Provider Information)
(5)		**D** (DFE/Participating Plan Information)
(6)		**G** (Financial Transaction Schedules)

SCHEDULE H (Form 5500)

Department of the Treasury
Internal Revenue Service

Department of Labor
Employee Benefits Security Administration

Pension Benefit Guaranty Corporation

Financial Information

This schedule is required to be filed under section 104 of the Employee Retirement Income Security Act of 1974 (ERISA), and section 6058(a) of the Internal Revenue Code (the Code).

▶ **File as an attachment to Form 5500.**

OMB No. 1210-0110

2009

This Form is Open to Public Inspection

For calendar plan year 2009 or fiscal plan year beginning 01/01/2009 and ending 12/31/2009

A Name of plan
F. GAVINA & SONS, INC. 401(K) PROFIT SHARING PLAN

B Three-digit plan number (PN) ▶ 002

C Plan sponsor's name as shown on line 2a of Form 5500
F. GAVINA & SONS, INC.

D Employer Identification Number (EIN)
95-2922751

Part I Asset and Liability Statement

1 Current value of plan assets and liabilities at the beginning and end of the plan year. Combine the value of plan assets held in more than one trust. Report the value of the plan's interest in a commingled fund containing the assets of more than one plan on a line-by-line basis unless the value is reportable on lines 1c(9) through 1c(14). Do not enter the value of that portion of an insurance contract which guarantees, during this plan year, to pay a specific dollar benefit at a future date. **Round off amounts to the nearest dollar.** MTIAs, CCTs, PSAs, and 103-12 IEs do not complete lines 1b(1), 1b(2), 1c(8), 1g, 1h, and 1i. CCTs, PSAs, and 103-12 IEs also do not complete lines 1d and 1e. See instructions.

Assets		(a) Beginning of Year	(b) End of Year
a Total noninterest-bearing cash	1a	6287	16318
b Receivables (less allowance for doubtful accounts):			
(1) Employer contributions	1b(1)	0	785085
(2) Participant contributions	1b(2)		
(3) Other	1b(3)		
c General investments:			
(1) Interest-bearing cash (include money market accounts & certificates of deposit)	1c(1)	4491085	4480454
(2) U.S. Government securities	1c(2)	30041	0
(3) Corporate debt instruments (other than employer securities):			
(A) Preferred	1c(3)(A)		
(B) All other	1c(3)(B)	1730909	1893464
(4) Corporate stocks (other than employer securities):			
(A) Preferred	1c(4)(A)	307958	447847
(B) Common	1c(4)(B)	1426315	1574702
(5) Partnership/joint venture interests	1c(5)		
(6) Real estate (other than employer real property)	1c(6)		
(7) Loans (other than to participants)	1c(7)	106766	77526
(8) Participant loans	1c(8)		
(9) Value of interest in common/collective trusts	1c(9)		
(10) Value of interest in pooled separate accounts	1c(10)		
(11) Value of interest in master trust investment accounts	1c(11)		
(12) Value of interest in 103-12 investment entities	1c(12)		
(13) Value of interest in registered investment companies (e.g., mutual funds)	1c(13)	1037499	1498177
(14) Value of funds held in insurance company general account (unallocated contracts)	1c(14)		
(15) Other	1c(15)		

			(a) Beginning of Year	(b) End of Year
1d	Employer-related investments:			
	(1) Employer securities	1d(1)		
	(2) Employer real property	1d(2)		
e	Buildings and other property used in plan operation	1e		
f	Total assets (add all amounts in lines 1a through 1e)	1f	9136860	10773573
	Liabilities			
g	Benefit claims payable	1g		
h	Operating payables	1h		
i	Acquisition indebtedness	1i		
j	Other liabilities	1j		
k	Total liabilities (add all amounts in lines 1g through1j)	1k	0	0
	Net Assets			
l	Net assets (subtract line 1k from line 1f)	1l	9136860	10773573

Part II Income and Expense Statement

2 Plan income, expenses, and changes in net assets for the year. Include all income and expenses of the plan, including any trust(s) or separately maintained fund(s) and any payments/receipts to/from insurance carriers. Round off amounts to the nearest dollar. MTIAs, CCTs, PSAs, and 103-12 IEs do not complete lines 2a, 2b(1)(E), 2e, 2f, and 2g.

	Income		(a) Amount	(b) Total
a	**Contributions:**			
	(1) Received or receivable in cash from: **(A)** Employers	2a(1)(A)	785085	
	(B) Participants	2a(1)(B)	267014	
	(C) Others (including rollovers)	2a(1)(C)	0	
	(2) Noncash contributions	2a(2)	0	
	(3) Total contributions. Add lines **2a(1)(A), (B), (C),** and line **2a(2)**	2a(3)		1052099
b	**Earnings on investments:**			
	(1) Interest:			
	(A) Interest-bearing cash (including money market accounts and certificates of deposit)	2b(1)(A)	62583	
	(B) U.S. Government securities	2b(1)(B)	0	
	(C) Corporate debt instruments	2b(1)(C)	152665	
	(D) Loans (other than to participants)	2b(1)(D)	6010	
	(E) Participant loans	2b(1)(E)	0	
	(F) Other	2b(1)(F)	0	
	(G) Total interest. Add lines **2b(1)(A)** through **(F)**	2b(1)(G)		221258
	(2) Dividends: **(A)** Preferred stock	2b(2)(A)		
	(B) Common stock	2b(2)(B)	142096	
	(C) Registered investment company shares (e.g. mutual funds)	2b(2)(C)		
	(D) Total dividends. Add lines **2b(2)(A)**, **(B)**, and **(C)**	2b(2)(D)		142096
	(3) Rents	2b(3)		
	(4) Net gain (loss) on sale of assets: **(A)** Aggregate proceeds	2b(4)(A)	1897184	
	(B) Aggregate carrying amount (see instructions)	2b(4)(B)	2073155	
	(C) Subtract line **2b(4)(B)** from line **2b(4)(A)** and enter result	2b(4)(C)		-175971

		(a) Amount	(b) Total
2b (5) Unrealized appreciation (depreciation) of assets: (A) Real estate	2b(5)(A)		
(B) Other	2b(5)(B)	907948	
(C) Total unrealized appreciation of assets. Add lines 2b(5)(A) and (B)	2b(5)(C)		907948
(6) Net investment gain (loss) from common/collective trusts	2b(6)		
(7) Net investment gain (loss) from pooled separate accounts	2b(7)		
(8) Net investment gain (loss) from master trust investment accounts	2b(8)		
(9) Net investment gain (loss) from 103-12 investment entities	2b(9)		
(10) Net investment gain (loss) from registered investment companies (e.g., mutual funds)	2b(10)		202758
c Other income	2c		
d Total income. Add all **income** amounts in column (b) and enter total	2d		2350188
Expenses			
e Benefit payment and payments to provide benefits:			
(1) Directly to participants or beneficiaries, including direct rollovers	2e(1)	696127	
(2) To insurance carriers for the provision of benefits	2e(2)		
(3) Other	2e(3)		
(4) Total benefit payments. Add lines 2e(1) through (3)	2e(4)		696127
f Corrective distributions (see instructions)	2f		
g Certain deemed distributions of participant loans (see instructions)	2g		0
h Interest expense	2h		
i Administrative expenses: (1) Professional fees	2i(1)		
(2) Contract administrator fees	2i(2)		
(3) Investment advisory and management fees	2i(3)	17348	
(4) Other	2i(4)		
(5) Total administrative expenses. Add lines 2i(1) through (4)	2i(5)		17348
j Total expenses. Add all **expense** amounts in column (b) and enter total	2j		713475
Net Income and Reconciliation			
k Net income (loss). Subtract line 2j from line 2d	2k		1636713
l Transfers of assets:			
(1) To this plan	2l(1)		
(2) From this plan	2l(2)		

Part III Accountant's Opinion

3 Complete lines 3a through 3c if the opinion of an independent qualified public accountant is attached to this Form 5500. Complete line 3d if an opinion is not attached.

a The attached opinion of an independent qualified public accountant for this plan is (see instructions):

(1) [X] Unqualified (2) [ ] Qualified (3) [ ] Disclaimer (4) [ ] Adverse

b Did the accountant perform a limited scope audit pursuant to 29 CFR 2520.103-8 and/or 103-12(d)? [ ] Yes [X] No

c Enter the name and EIN of the accountant (or accounting firm) below:

(1) Name: WHITE, NELSON & CO., CPA'S (2) EIN: 33-0686301

d The opinion of an independent qualified public accountant is **not attached** because:

(1) [ ] This form is filed for a CCT, PSA, or MTIA. (2) [ ] It will be attached to the next Form 5500 pursuant to 29 CFR 2520.104-50.

Part IV Compliance Questions

4 CCTs and PSAs do not complete Part IV. MTIAs, 103-12 IEs, and GIAs do not complete 4a, 4e, 4f, 4g, 4h, 4k, 4m, 4n, or 5. 103-12 IEs also do not complete 4j and 4l. MTIAs also do not complete 4l.

During the plan year:

		Yes	No	Amount
a	Was there a failure to transmit to the plan any participant contributions within the time period described in 29 CFR 2510.3-102? Continue to answer "Yes" for any prior year failures until fully corrected. (See instructions and DOL's Voluntary Fiduciary Correction Program.)	4a		X	
b	Were any loans by the plan or fixed income obligations due the plan in default as of the close of the plan year or classified during the year as uncollectible? Disregard participant loans secured by participant's account balance. (Attach Schedule G (Form 5500) Part I if "Yes" is checked.)	4b		X	
c	Were any leases to which the plan was a party in default or classified during the year as uncollectible? (Attach Schedule G (Form 5500) Part II if "Yes" is checked.)	4c		X	
d	Were there any nonexempt transactions with any party-in-interest? (Do not include transactions reported on line 4a. Attach Schedule G (Form 5500) Part III if "Yes" is checked.)	4d		X	
e	Was this plan covered by a fidelity bond?	4e	X		1000000
f	Did the plan have a loss, whether or not reimbursed by the plan's fidelity bond, that was caused by fraud or dishonesty?	4f		X	
g	Did the plan hold any assets whose current value was neither readily determinable on an established market nor set by an independent third party appraiser?	4g		X	
h	Did the plan receive any noncash contributions whose value was neither readily determinable on an established market nor set by an independent third party appraiser?	4h		X	
i	Did the plan have assets held for investment? (Attach schedule(s) of assets if "Yes" is checked, and see instructions for format requirements.)	4i	X		
j	Were any plan transactions or series of transactions in excess of 5% of the current value of plan assets? (Attach schedule of transactions if "Yes" is checked, and see instructions for format requirements.)	4j		X	
k	Were all the plan assets either distributed to participants or beneficiaries, transferred to another plan, or brought under the control of the PBGC?	4k		X	
l	Has the plan failed to provide any benefit when due under the plan?	4l		X	
m	If this is an individual account plan, was there a blackout period? (See instructions and 29 CFR 2520.101-3.)	4m		X	
n	If 4m was answered "Yes," check the "Yes" box if you either provided the required notice or one of the exceptions to providing the notice applied under 29 CFR 2520.101-3.	4n			

5a Has a resolution to terminate the plan been adopted during the plan year or any prior plan year? If yes, enter the amount of any plan assets that reverted to the employer this year ☐ **Yes** ☒ **No** **Amount:**

5b If, during this plan year, any assets or liabilities were transferred from this plan to another plan(s), identify the plan(s) to which assets or liabilities were transferred. (See instructions.)

5b(1) Name of plan(s)	**5b(2)** EIN(s)	**5b(3)** PN(s)

SCHEDULE R (Form 5500)

Department of the Treasury
Internal Revenue Service

Department of Labor
Employee Benefits Security Administration

Pension Benefit Guaranty Corporation

Retirement Plan Information

This schedule is required to be filed under section 104 and 4065 of the Employee Retirement Income Security Act of 1974 (ERISA) and section 6058(a) of the Internal Revenue Code (the Code).

▶ **File as an attachment to Form 5500.**

OMB No. 1210-0110

2009

This Form is Open to Public Inspection.

For calendar plan year 2009 or fiscal plan year beginning 01/01/2009 and ending 12/31/2009

A Name of plan
F. GAVINA & SONS, INC. 401(K) PROFIT SHARING PLAN

B Three-digit plan number (PN) ▶ 002

C Plan sponsor's name as shown on line 2a of Form 5500
F. GAVINA & SONS, INC.

D Employer Identification Number (EIN)
95-2922751

Part I Distributions

All references to distributions relate only to payments of benefits during the plan year.

1 Total value of distributions paid in property other than in cash or the forms of property specified in the instructions **1** 0

2 Enter the EIN(s) of payor(s) who paid benefits on behalf of the plan to participants or beneficiaries during the year (if more than two, enter EINs of the two payors who paid the greatest dollar amounts of benefits):

EIN(s): _____ _____

Profit-sharing plans, ESOPs, and stock bonus plans, skip line 3.

3 Number of participants (living or deceased) whose benefits were distributed in a single sum, during the plan year. **3** 17

Part II Funding Information (If the plan is not subject to the minimum funding requirements of section of 412 of the Internal Revenue Code or ERISA section 302, skip this Part)

4 Is the plan administrator making an election under Code section 412(d)(2) or ERISA section 302(d)(2)? ..... ☐ **Yes** ☒ **No** ☐ **N/A**

If the plan is a defined benefit plan, go to line 8.

5 If a waiver of the minimum funding standard for a prior year is being amortized in this plan year, see instructions and enter the date of the ruling letter granting the waiver. **Date:** Month _____ Day _____ Year _____

If you completed line 5, complete lines 3, 9, and 10 of Schedule MB and do not complete the remainder of this schedule.

6 **a** Enter the minimum required contribution for this plan year **6a**

b Enter the amount contributed by the employer to the plan for this plan year **6b**

c Subtract the amount in line 6b from the amount in line 6a. Enter the result (enter a minus sign to the left of a negative amount) **6c**

If you completed line 6c, skip lines 8 and 9.

7 Will the minimum funding amount reported on line 6c be met by the funding deadline? ..... ☐ **Yes** ☐ **No** ☒ **N/A**

8 If a change in actuarial cost method was made for this plan year pursuant to a revenue procedure providing automatic approval for the change or a class ruling letter, does the plan sponsor or plan administrator agree with the change? ..... ☐ **Yes** ☐ **No** ☒ **N/A**

Part III Amendments

9 If this is a defined benefit pension plan, were any amendments adopted during this plan year that increased or decreased the value of benefits? If yes, check the appropriate box(es). If no, check the "No" box. ..... ☐ **Increase** ☐ **Decrease** ☐ **Both** ☒ **No**

Part IV ESOPs (see instructions). If this is not a plan described under Section 409(a) or 4975(e)(7) of the Internal Revenue Code, skip this Part.

10 Were unallocated employer securities or proceeds from the sale of unallocated securities used to repay any exempt loan? ..... ☐ **Yes** ☐ **No**

11 **a** Does the ESOP hold any preferred stock? ..... ☐ **Yes** ☐ **No**

b If the ESOP has an outstanding exempt loan with the employer as lender, is such loan part of a "back-to-back" loan? (See instructions for definition of "back-to-back" loan.) ..... ☐ **Yes** ☐ **No**

12 Does the ESOP hold any stock that is not readily tradable on an established securities market? ..... ☐ **Yes** ☐ **No**

Part V Additional Information for Multiemployer Defined Benefit Pension Plans

13 Enter the following information for each employer that contributed more than 5% of total contributions to the plan during the plan year (measured in dollars). See instructions. *Complete as many entries as needed to report all applicable employers.*

a Name of contributing employer

b EIN **c** Dollar amount contributed by employer

d Date collective bargaining agreement expires *(If employer contributes under more than one collective bargaining agreement, check box ☐ and see instructions regarding required attachment. Otherwise, enter the applicable date.)* Month _____ Day _____ Year _____

e Contribution rate information *(If more than one rate applies, check this box ☐ and see instructions regarding required attachment. Otherwise, complete items 13e(1) and 13e(2).)*
(1) Contribution rate (in dollars and cents) _____
(2) Base unit measure: ☐ Hourly ☐ Weekly ☐ Unit of production ☐ Other (specify):

---

a Name of contributing employer

b EIN **c** Dollar amount contributed by employer

d Date collective bargaining agreement expires *(If employer contributes under more than one collective bargaining agreement, check box ☐ and see instructions regarding required attachment. Otherwise, enter the applicable date.)* Month _____ Day _____ Year _____

e Contribution rate information *(If more than one rate applies, check this box ☐ and see instructions regarding required attachment. Otherwise, complete items 13e(1) and 13e(2).)*
(1) Contribution rate (in dollars and cents) _____
(2) Base unit measure: ☐ Hourly ☐ Weekly ☐ Unit of production ☐ Other (specify):

---

a Name of contributing employer

b EIN **c** Dollar amount contributed by employer

d Date collective bargaining agreement expires *(If employer contributes under more than one collective bargaining agreement, check box ☐ and see instructions regarding required attachment. Otherwise, enter the applicable date.)* Month _____ Day _____ Year _____

e Contribution rate information *(If more than one rate applies, check this box ☐ and see instructions regarding required attachment. Otherwise, complete items 13e(1) and 13e(2).)*
(1) Contribution rate (in dollars and cents) _____
(2) Base unit measure: ☐ Hourly ☐ Weekly ☐ Unit of production ☐ Other (specify):

---

a Name of contributing employer

b EIN **c** Dollar amount contributed by employer

d Date collective bargaining agreement expires *(If employer contributes under more than one collective bargaining agreement, check box ☐ and see instructions regarding required attachment. Otherwise, enter the applicable date.)* Month _____ Day _____ Year _____

e Contribution rate information *(If more than one rate applies, check this box ☐ and see instructions regarding required attachment. Otherwise, complete items 13e(1) and 13e(2).)*
(1) Contribution rate (in dollars and cents) _____
(2) Base unit measure: ☐ Hourly ☐ Weekly ☐ Unit of production ☐ Other (specify):

---

a Name of contributing employer

b EIN **c** Dollar amount contributed by employer

d Date collective bargaining agreement expires *(If employer contributes under more than one collective bargaining agreement, check box ☐ and see instructions regarding required attachment. Otherwise, enter the applicable date.)* Month _____ Day _____ Year _____

e Contribution rate information *(If more than one rate applies, check this box ☐ and see instructions regarding required attachment. Otherwise, complete items 13e(1) and 13e(2).)*
(1) Contribution rate (in dollars and cents) _____
(2) Base unit measure: ☐ Hourly ☐ Weekly ☐ Unit of production ☐ Other (specify):

---

a Name of contributing employer

b EIN **c** Dollar amount contributed by employer

d Date collective bargaining agreement expires *(If employer contributes under more than one collective bargaining agreement, check box ☐ and see instructions regarding required attachment. Otherwise, enter the applicable date.)* Month _____ Day _____ Year _____

e Contribution rate information *(If more than one rate applies, check this box ☐ and see instructions regarding required attachment. Otherwise, complete items 13e(1) and 13e(2).)*
(1) Contribution rate (in dollars and cents) _____
(2) Base unit measure: ☐ Hourly ☐ Weekly ☐ Unit of production ☐ Other (specify):

---

a Name of contributing employer

b EIN **c** Dollar amount contributed by employer

d Date collective bargaining agreement expires *(If employer contributes under more than one collective bargaining agreement, check box ☐ and see instructions regarding required attachment. Otherwise, enter the applicable date.)* Month _____ Day _____ Year _____

e Contribution rate information *(If more than one rate applies, check this box ☐ and see instructions regarding required attachment. Otherwise, complete items 13e(1) and 13e(2).)*
(1) Contribution rate (in dollars and cents) _____
(2) Base unit measure: ☐ Hourly ☐ Weekly ☐ Unit of production ☐ Other (specify):

14 Enter the number of participants on whose behalf no contributions were made by an employer as an employer of the participant for:

a The current year	**14a**	
b The plan year immediately preceding the current plan year	**14b**	
c The second preceding plan year	**14c**	

15 Enter the ratio of the number of participants under the plan on whose behalf no employer had an obligation to make an employer contribution during the current plan year to:

a The corresponding number for the plan year immediately preceding the current plan year	**15a**	
b The corresponding number for the second preceding plan year	**15b**	

16 Information with respect to any employers who withdrew from the plan during the preceding plan year:

a Enter the number of employers who withdrew during the preceding plan year	**16a**	
b If item 16a is greater than 0, enter the aggregate amount of withdrawal liability assessed or estimated to be assessed against such withdrawn employers	**16b**	

17 If assets and liabilities from another plan have been transferred to or merged with this plan during the plan year, check box and see instructions regarding supplemental information to be included as an attachment. ☐

Part VI Additional Information for Single-Employer and Multiemployer Defined Benefit Pension Plans

18 If any liabilities to participants or their beneficiaries under the plan as of the end of the plan year consist (in whole or in part) of liabilities to such participants and beneficiaries under two or more pension plans as of immediately before such plan year, check box and see instructions regarding supplemental information to be included as an attachment ☐

19 If the total number of participants is 1,000 or more, complete items (a) through (c)

a Enter the percentage of plan assets held as:
Stock: _____% Investment-Grade Debt: _____% High-Yield Debt: _____% Real Estate: _____% Other: _____%

b Provide the average duration of the combined investment-grade and high-yield debt:
☐ 0-3 years ☐ 3-6 years ☐ 6-9 years ☐ 9-12 years ☐ 12-15 years ☐ 15-18 years ☐ 18-21 years ☐ 21 years or more

c What duration measure was used to calculate item 19(b)?
☐ Effective duration ☐ Macaulay duration ☐ Modified duration ☐ Other (specify):

WHITE, NELSON & CO. LLP
Certified Public Accountants & Consultants

INDEPENDENT AUDITORS' REPORT

To the Trustee and Plan Administrator of
F. Gaviña & Sons, Inc. 401(k) Profit Sharing Plan

We have audited the accompanying statements of net assets available for benefits of F. Gaviña & Sons, Inc. 401(k) Profit Sharing Plan as of December 31, 2009 and 2008, and the related statement of changes in net assets available for benefits for the year ended December 31, 2009. These financial statements are the responsibility of the Plan's management. Our responsibility is to express an opinion on these financial statements based on our audits.

We conducted our audits in accordance with auditing standards generally accepted in the United States of America. Those standards require that we plan and perform the audit to obtain reasonable assurance about whether the financial statements are free of material misstatement. An audit includes consideration of internal control over financial reporting as a basis for designing audit procedures that are appropriate in the circumstances, but not for the purpose of expressing an opinion on the effectiveness of the Company's internal control over financial reporting. Accordingly, we express no such opinion. An audit also includes examining, on a test basis, evidence supporting the amounts and disclosures in the financial statements, assessing the accounting principles used and significant estimates made by management, as well as evaluating the overall financial statement presentation. We believe that our audits provide a reasonable basis for our opinion.

In our opinion, the financial statements referred to above present fairly, in all material respects, the net assets available for benefits of F. Gaviña & Sons, Inc. 401(k) Profit Sharing Plan as of December 31, 2009 and 2008, and the changes in its net assets available for benefits for the year ended December 31, 2009, in conformity with accounting principles generally accepted in the United States of America.

Our audits were conducted for the purpose of forming an opinion on the basic financial statements taken as a whole. The supplemental schedule of assets held at end of year referred to as "Supplemental Information," is presented for the purpose of additional analysis and is not a required part of the basic financial statements but is supplementary information required by the Department of Labor's Rules and Regulations for Reporting and Disclosure under the Employee Retirement Income Security Act of 1974. This supplemental information is the responsibility of the Plan's management. The supplemental information has been subjected to the auditing procedures applied in the audits of the basic financial statements and, in our opinion, is fairly stated in all material respects in relation to the basic financial statements taken as a whole.

White, Nelson & Co. LLP
Irvine, California
October 13, 2010

2875 Michelle Drive, Suite 300, Irvine, CA 92606 • Tel: 714.978.1300 • Fax: 714.978.7893

F. GAVIÑA & SONS, INC.
401(k) PROFIT SHARING PLAN
SCHEDULE H, LINE 4i - SCHEDULE OF ASSETS HELD AT END OF YEAR
DECEMBER 31, 2009

FEIN: 95-2922751 PLAN# 002

(a)	(b) Identity Of Issue, Borrower, Lessor, Or Similar Party	(c) Description Of Investment	(d) Cost	(e) Current Value
	Corporate Bonds:			
	Accrued Interest		$ -	$ 17,265
	American Genl Fin	200,000 shares	200,000	150,938
	American Genl Fin	200,000 shares	200,000	136,524
	BAC CAP Tr	350 shares	350	7,788
	Bank of America	175,000 shares	175,000	176,503
	Capital One	300 shares	300	7,266
	Chesapeake Energy	10,000 shares	10,000	9,600
	Chesapeake Energy	8,000 shares	8,000	7,840
	Cincy Bell	20,000 shares	20,000	20,350
	CIT Group	10,738 shares	N/A	10,013
	CIT Group	16,107 shares	N/A	14,959
	CIT Group	16,107 shares	N/A	14,416
	CIT Group	26,845 shares	N/A	23,624
	CIT Group	37,582 shares	N/A	32,602
	Citigroup Capital	500 shares	500	9,290
	Citigroup Capital	400 shares	400	8,160
	Del Monte Corp	6,000 shares	6,000	6,120
	Dole Foods	7,000 shares	7,000	7,053
	El Paso	15,000 shares	15,000	14,820
	Fifth Third Capital	500 shares	500	10,195
	Ford Motor	20,000 shares	20,000	19,312
	Ford Motor	30,000 shares	30,000	28,732
	Ford Motor	15,000 shares	15,000	14,189
	Gannett Co	20,000 shares	20,000	20,050
	General Electric	20,0000 shares	200,000	206,478
	General Electric	500 shares	20,000	12,090
	General Motors	15,000 shares	15,000	14,937
	General Motors	15,000 shares	15,000	12,716
	General Motors	20,000 shares	20,000	17,167
	General Motors	400 shares	400	7,568
	GT Atlantic Pac Tea	1,000 shares	1,000	23,700
	Home Depot	100,000 shares	98,273	102,371
	Household	20,000 shares	20,000	20,019
	HSBC Finl	50,000 shares	50,000	51,106
	HSBC Finl	150,000 shares	150,000	153,665
	JP Morgan Chase	500 shares	500	12,400
	JP Morgan Chase	400 shares	400	10,100
	Natl City Cap	500 shares	500	11,161
	Natl City Cap	400 shares	400	8,700
	Nat'l Rural	60,000 shares	60,000	61,993
	Principal Life	200,000 shares	200,000	193,258

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(a)	(b) Identity Of Issue, Borrower, Lessor, Or Similar Party	(c) Description Of Investment	(d) Cost	(e) Current Value
	Protective Life	100,000 shares	$ 100,000	$ 92,061
	Saturns-JCP	600 shares	600	11,664
	SLM Corp	35,000 shares	35,000	32,198
	Terex Corp	25,000 shares	25,000	25,281
	Terex Corp	15,000 shares	15,000	14,438
	USB Capital	500 shares	500	11,440
	USB Capital	400 shares	400	9,672
	William Lyons Homes	15,000 shares	15,000	9,675
	Total Corporate Bonds		1,771,023	1,893,464
	Corporate Stocks:			
	3M Company	100 Shares	$ 7,484	$ 8,267
	Abbott Labs	500 Shares	23,044	26,995
	Adobe Systems	88 Shares	2,690	3,237
	Advance Auto	103 Shares	3,765	4,169
	AECO Tech Corp	21 Shares	613	578
	Agnico Eagle Mines	300 Shares	17,738	16,200
	Agrium, Inc.	108 Shares	3,891	6,642
	Alcoa	900 Shares	21,992	14,508
	Altria Group	500 Shares	10,801	9,815
	Amazon Com	10 Shares	1,221	1,345
*	Americas United Bank	25,000 Shares	250,000	125,000
	Ameriprise Finl	155 Shares	4,479	6,017
	Amgen, Inc.	55 Shares	2,829	3,111
	Amgen, Inc.	40 Shares	2,098	2,263
	Anadarko Pete	73 Shares	2,846	4,557
	Anadarko Petroleum	400 Shares	31,465	24,968
	Anheuser- Busch	45 Shares	1,843	2,341
	Anheuser-Busch	55 Shares	2,056	2,862
	Annaly Cap	192 Shares	2,715	3,331
	Apple Computer	11 Shares	1,383	2,318
	Applied Materials	500 Shares	9,545	6,970
	AT&T	296 Shares	7,980	8,297
	Athena Health	12 Shares	323	543
	Atmos Energy	500 Shares	14,265	14,700
	BAE Sys PLC	94 Shares	2,848	2,179
	Banco Bilbao Vizcaya	278 Shares	4,968	5,015
	Barclays PLC	165 Shares	1,858	2,904
	Barrick Gold Corp	61 Shares	2,333	2,402
	Bershire Hathaway	2 Shares	8,850	6,572
	Best Buy	400 Shares	18,912	15,784

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(a)	(b) Identity Of Issue, Borrower, Lessor, Or Similar Party	(c) Description Of Investment	(d) Cost	(e) Current Value
	BG Group	26 Shares	$ 2,925	$ 2,353
	BHP Billiton	56 Shares	3,120	4,288
	BHP Billiton	28 Shares	1,155	1,788
	BNP Paribas	63 Shares	1,220	2,530
	Bombadier Inc.	1,000 Shares	6,911	4,557
	BP PLC	200 Shares	12,309	11,594
	BP PLC	46 Shares	3,001	2,667
	Bristol Myers Squibb	1,100 Shares	56,702	27,775
	British Amern Tobaco	45 Shares	2,699	2,910
	Canon	93 Shares	3,967	3,936
	Capital One	94 Shares	3,278	3,604
	CBS Corp	164 Shares	1,910	2,304
	Celegen Corp	37 Shares	1,798	2,060
	Chevron Texaco	185 Shares	14,316	14,243
	Chipotle Mexican Grill	8 Shares	652	705
	Cisco	157 Shares	3,766	3,759
	Cisco Sytems	140 Shares	3,371	3,352
	CIT Group Inc	924 Shares	N/A	25,512
	Citrix Systems	82 Shares	2,628	3,412
	City National Corp	59 Shares	2,344	2,690
	Clorox	200 Shares	11,820	12,200
	Comcast	342 Shares	6,758	5,475
	Conoco Phillips	71 Shares	4,127	3,626
	Conoco Phillips	200 Shares	9,763	10,214
	Cons Edison	500 Shares	21,157	22,715
	Credit Suisse	78 Shares	2,913	3,834
	CRH	97 Shares	2,601	2,651
	Crown Castle Intl Corp	145 Shares	3,129	5,661
	CSX Corp	83 Shares	4,071	4,025
	Cummins, Inc.	65 Shares	3,006	2,981
	CVB Fincl	68 Shares	469	588
	Deere Co.	130 Shares	6,731	7,032
	Devon Energy	83 Shares	5,898	6,101
	Disney	149 Shares	3,800	4,805
	Disney	240 Shares	5,978	7,740
	Dreamworks	87 Shares	3,310	3,476
	Duke Energy	1,000 Shares	18,858	17,210
	Eaton Corp	13 Shares	852	827
	EMC Corp	310 Shares	5,098	5,416
	EMC Corp.	180 Shares	2,599	3,145
	Emcor Group	1,000 Shares	23,292	26,900
	Emerson Elec	157 Shares	5,953	6,688

F. GAVIÑA & SONS, INC.
401(k) PROFIT SHARING PLAN
SCHEDULE H, LINE 4i - SCHEDULE OF ASSETS HELD AT END OF YEAR
DECEMBER 31, 2009

FEIN: 95-2922751 PLAN# 002

(a)	(b) Identity Of Issue, Borrower, Lessor, Or Similar Party	(c) Description Of Investment	(d) Cost	(e) Current Value
	Enterprise Products	1,930 Shares	$ 51,760	$ 60,621
	EOG Resources	19 Shares	1,160	1,849
	Espirit Holdings	266 Shares	3,496	3,551
	Exxon Mobil	61 Shares	2,657	4,160
	Exxon Mobil	221 Shares	16,204	15,070
	Fanuc Ltd	78 Shares	3,195	3,666
	Farmer Bros	500 Shares	13,875	9,865
	Fidelity Natl	160 Shares	2,922	3,750
	First Horizon	79 Shares	1,089	1,059
	First Niagra	121 Shares	1,495	1,683
	FMC Corp	81 Shares	4,279	4,517
	Ford Motor	138 Shares	931	1,380
	Ford Motor	460 Shares	3,545	4,600
	Freeport McMran	39 Shares	1,900	3,131
	Gafisa	70 Shares	2,195	2,265
	General Electric	682 Shares	11,423	10,319
	General Electric	700 Shares	19,580	10,591
	Gilead	57 Shares	2,667	2,466
	Goldman Sachs	13 Shares	1,725	2,195
	Goldman Sachs	59 Shares	6,971	9,962
	Google	5 Shares	1,490	3,100
	Google	4 Shares	1,378	2,480
	GSI Commerce	21 Shares	524	533
	Halliburton	144 Shares	4,371	4,333
	Hess Corp	74 Shares	5,133	4,477
	Hewlett Packard	90 Shares	2,520	4,636
	Hewlett Packard	173 Shares	6,901	8,911
	Honeywell	67 Shares	2,948	2,626
	Hospira	52 Shares	1,614	2,652
	Hoya Corp	128 Shares	3,395	3,405
	HSBC Holding	75 Shares	3,244	4,282
	IBM	68 Shares	5,654	8,901
	Imperial TOB Grp	36 Shares	2,715	2,282
	Intel	273 Shares	6,509	5,569
	Intel	260 Shares	5,063	5,304
	Intl Business Machine	13 Shares	1,678	1,702
	Intl Paper	145 Shares	3,378	3,883
	Intuitive Surgical	15 Shares	3,447	4,551
	Itau Unibanco	50 Shares	823	1,142
	ITT Corp	94 Shares	4,953	4,676
	J Crew Group	12 Shares	550	537
	JC Penney	214 Shares	6,810	5,695

F. GAVIÑA & SONS, INC.
401(k) PROFIT SHARING PLAN
SCHEDULE H, LINE 4i - SCHEDULE OF ASSETS HELD AT END OF YEAR
DECEMBER 31, 2009

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(a)	(b) Identity Of Issue, Borrower, Lessor, Or Similar Party	(c) Description Of Investment	(d) Cost	(e) Current Value
	Jefferies Group	177 Shares	$ 3,627	$ 4,200
	Johnson & Johnson	73 Shares	3,661	4,702
	Johnson & Johnson	41 Shares	2,459	2,641
	Johnson & Johnson	600 Shares	38,918	38,646
	JP Morgan	118 Shares	3,449	4,917
	JP Morgan Chase	98 Shares	1,977	4,084
	JP Morgan Chase	340 Shares	13,886	14,168
	Kinder Morgan Energy	400 Shares	23,283	24,392
	Life Tech Corp	29 Shares	821	1,514
	Lloyds Banking	869 Shares	4,946	2,842
	Lowes	500 Shares	11,684	11,695
	Lowes Companies	205 Shares	4,642	4,795
	LVMH Moet	196 Shares	3,144	4,400
	Marathon Oil	300 Shares	15,427	9,366
	Mastercard	18 Shares	3,268	4,608
	Mastercard	19 Shares	4,615	4,864
	Merck & Co.	119 Shares	3,988	4,348
	Merck KGAA	69 Shares	1,687	2,127
	Metlife	184 Shares	6,836	6,504
	Microsoft	207 Shares	5,830	6,309
	Microsoft	600 Shares	17,713	18,288
	Mitsubishi	15 Shares	1,993	2,401
	Molson Brew	119 Shares	4,857	5,374
*	Morgan Stanley	275 Shares	6,633	8,140
	Mosaic Co	51 Shares	2,605	3,046
	MS Emergin Mkts	2,500 Shares	50,000	34,200
	Mylan	87 Shares	986	1,603
	National-Oilwell	46 Shares	1,812	2,028
	Nestle Spon	250 Shares	12,460	12,088
	Nomura Hldgs	339 Shares	2,680	2,509
	Novo Nordisk	42 Shares	1,948	2,682
	Occidental Petroleum	143 Shares	9,940	11,633
	Oracle	144 Shares	874	3,532
	Oracle	230 Shares	4,691	5,642
	Parker Drilling	1,500 Shares	11,286	7,425
	Penske Auto	48 Shares	884	729
	Petrleo Bras	49 Shares	1,832	2,336
	Petrohawk Energy	186 Shares	4,700	4,462
	Pfizer	297 Shares	4,850	5,402
	Pfizer	795 Shares	12,715	14,461
	PG&E Corp	60 Shares	2,174	2,679
	PNC Fincl	66 Shares	2,746	3,484

F. GAVIÑA & SONS, INC.
401(k) PROFIT SHARING PLAN
SCHEDULE H, LINE 4i - SCHEDULE OF ASSETS HELD AT END OF YEAR
DECEMBER 31, 2009

FEIN: 95-2922751 PLAN# 002

(a)	(b) Identity Of Issue, Borrower, Lessor, Or Similar Party	(c) Description Of Investment	(d) Cost	(e) Current Value
	Polo Ralph Lauren	40 Shares	$ 2,620	$ 3,239
	Popular Inc	38,500 Shares	128,407	87,011
	Praxair	30 Shares	2,229	2,409
	Precision Castparts	26 Shares	1,719	2,869
	Pride Intl	25 Shares	602	798
	Principle Financial	184 Shares	4,398	4,423
	Procter & Gamble	64 Shares	3,989	3,880
	Prudential	177 Shares	1,512	3,609
	Qualcomm	23 Shares	860	1,064
	Qualcomm	200 Shares	6,868	9,252
	Range Resources	21 Shares	1,048	1,047
	Republic Services	99 Shares	2,414	2,803
	Research in Motion	50 Shares	3,880	3,377
	Research in Motion	200 Shares	13,393	13,508
	Reynolds American	130 Shares	6,467	6,886
	Roche Hldg	60 Shares	2,767	2,532
	Royal Caribbean	160 Shares	3,425	4,045
	Sanofi Aventis	100 Shares	3,084	3,927
	Sanofi Aventis	300 Shares	13,323	11,781
	SAP AG	50 Shares	2,486	2,341
	Schlumberger, Ltd	200 Shares	8,389	13,018
	Singapore Telecom	103 Shares	2,204	2,261
	Societe General	345 Shares	5,220	4,847
	Southern Company	143 Shares	5,042	4,765
	Spectra Energy	500 Shares	13,555	10,255
	Standard Pacific	6,000 Shares	26,223	22,440
	Starbucks	500 Shares	9,185	11,530
	Starbucks Corp	59 Shares	711	1,361
	State Street Bank	52 Shares	2,007	2,264
	Sumitomo Mitsu	877 Shares	4,881	2,499
	Sun HG	178 Shares	2,219	2,643
	Suntrust Bks	143 Shares	2,999	2,901
	Sysco Corp	500 Shares	14,123	13,970
	Target	69 Shares	3,476	3,338
	Tauban Centers	14 Shares	414	503
	TD Ameritrade	133 Shares	1,534	2,578
	Tesco PLC	112 Shares	2,141	2,304
	Teva Pharma	200 Shares	10,524	11,236
	Total Fina	200 Shares	11,689	12,808
	Total S.A.	40 Shares	1,716	2,562
	Transocean	58 Shares	6,387	4,802
	Trinity Ind	500 Shares	8,048	8,720

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(a)	(b) Identity Of Issue, Borrower, Lessor, Or Similar Party	(c) Description Of Investment	(d) Cost	(e) Current Value
	Tullow PLC	118 Shares	$ 1,239	$ 1,274
	UBS AG	223 Shares	4,058	3,459
	Under Armour	28 Shares	656	764
	Unilever PLC	85 Shares	2,380	2,712
	United Parcel Service	58 Shares	3,177	3,327
	United States Steel	70 Shares	3,261	3,858
	United Techs	83 Shares	4,132	5,761
	United Techs Corp	59 Shares	2,938	4,095
	UnitedHealth Group	156 Shares	4,645	4,755
	US Bancorp	164 Shares	2,991	3,692
	Vail Resorts	62 Shares	3,018	2,344
	Verizon Comm	195 Shares	6,417	6,460
	Visa, Inc.	35 Shares	2,574	3,061
	Vodafone	109 Shares	2,461	2,517
	Wal Mart Stores	500 Shares	26,107	26,725
	Walgreen Co	99 Shares	2,952	3,635
	Wal-mart	82 Shares	4,100	4,383
	Wells Fargo	91 Shares	2,357	2,456
	Wells Fargo	189 Shares	4,765	5,101
	Wells Fargo	256 Shares	7,124	6,909
	Whirlpool	25 Shares	1,679	2,017
	WM Morrison	108 Shares	2,541	2,401
	Wynn Resorts	14 Shares	1,100	815
	Zurich Financial	167 Shares	2,710	3,631
	Subtotal		1,741,338	1,601,436
	Short Call Options:			
	3M Company	1 Options	$ (110)	$ (310)
	Abbott Laboratories	5 Options	(1,059)	(1,000)
	Agnico Eagle Mines at 50	2 Options	(2,204)	(900)
	Alcoa Inc	9 Options	(2,067)	(2,484)
	Altria Group Inc	5 Options	(268)	(355)
	Anadarko Petroleum	4 Options	(761)	(1,080)
	Applied Materials	5 Options	(214)	(25)
	Best Buy Co	4 Options	(993)	(220)
	BP PLC ADS	2 Options	(426)	(850)
	Bristol Myers Squibb	11 Options	(2,084)	(2,002)
	Conocophillips	2 Options	(274)	(302)
	Emcor Group Inc	10 Options	(1,874)	(1,950)
	Enterprise Prob PRTNRS	10 Options	(1,466)	(1,850)
	Fina ELF	2 Options	(658)	(760)

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(a)	(b) Identity Of Issue, Borrower, Lessor, Or Similar Party	(c) Description Of Investment	(d) Cost	(e) Current Value
	Johnson & Johnson	3 Options	$ (502)	$ (483)
	Lowe's Companies	5 Options	(347)	(350)
	Marathon Oil Corp	3 Options	(314)	(240)
	Microsoft Corp	6 Options	(1,769)	(3,990)
	Qualcomm Inc	2 Options	(1,014)	(690)
	Research In Motion at 70	1 Options	(468)	(680)
	Research In Motion at 75	1 Options	(261)	(218)
	Sanofi Synthelabo Sa	3 Options	(617)	(1,410)
	Schlumberger LTD	2 Options	(800)	(620)
	Standard Pacific CP	60 Options	(886)	(900)
	Starbucks Corp	5 Options	(1,684)	(2,600)
	Trinity Ind Del	5 Options	(180)	(25)
	Walmart Stores Inc	5 Options	(384)	(440)
	Subtotal		(23,684)	(26,734)
	Total Corporate Stocks		1,717,653	1,574,702
	Preferred Stock:			
	Aegon	600 Shares	$ 15,000	$ 11,874
	American Intl Group	6,000 Shares	150,000	92,820
	Barclays Bank	300 Shares	7,500	6,627
	Development Div Rlty Cum	400 Shares	25,000	8,000
	Development Div Rlty Prf	1,000 Shares	10,000	18,610
	HSBC Holdings	400 Shares	10,000	8,556
	ING Group NV	4,000 Shares	100,000	78,760
	ING Group NV	400 Shares	10,000	6,792
	Lehman Bros Hdgs, Inc.	8,000 Shares	200,000	640
*	ML PFD Capital Trust III	4,000 Shares	100,000	87,080
	Public Storage 7.0% Pfd	1,000 Shares	25,000	24,320
	Public Storage 7.25% Pfd	400 Shares	10,000	10,200
	Royal Bank of Scotland	600 Shares	15,000	6,528
	Royal Bank Scotland Grp	8,000 Shares	200,000	87,040
	Total Preferred Stocks		877,500	447,847
	Mortgages Receivable:			
	Aida Behr - Property As Collateral	Mortgage	$ 35,639	$ 35,639
	Felix Birba - Property As Collateral	Mortgage	41,887	41,887
	Total Mortgages Receivable		77,526	77,526

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(a)	(b) Identity Of Issue, Borrower, Lessor, Or Similar Party	(c) Description Of Investment	(d) Cost	(e) Current Value
	Money Market Accounts:			
*	Merrill Lynch	CMA Money Fund	$ 2,851	$ 2,851
*	Merrill Lynch	CMA Money Fund	12,535	12,535
*	Merrill Lynch	CMA Money Fund	36,925	36,925
*	Merrill Lynch	CMA Money Fund	187,828	187,828
*	Merrill Lynch	CMA Money Fund	1,397,609	1,397,609
*	Americas United Bank	Business Money Market	495,591	495,591
*	Banco Popular	Business Money Market	11,811	11,811
	Total Money Market Accounts		2,145,150	2,145,150
	Certificates Of Deposit:			
	American Express Bank	4.8% MAT 12/10/13	$ 250,000	$ 252,929
	HSBC Bank USA	Variable 2/26/15	225,005	250,470
*	Banco Popular	1.883% 12 Month, Renewable	175,000	175,000
*	Banco Popular	1.883% 12 Month, Renewable	250,000	250,000
*	Banco Popular	1.883% 12 Month, Renewable	250,000	250;000
*	Banco Popular	1.883% 12 Month, Renewable	250,000	250,000
*	Banco Popular	1.883% 12 Month, Renewable	250,000	250,000
*	Banco Popular	1.883% 12 Month, Renewable	250,000	250,000
	BMW Bank Of North America	3.85% MAT 6/18/10	200,000	202,366
	Discover Bank	4.1% MAT 6/20/11	200,000	204,540
	Total Certificates Of Deposit		2,300,005	2,335,305
	Mutual Funds (Non-Participant Directed):			
	Allianz NACM Pacific Rim	2,927 Shares	$ 40,066	$ 33,514
	Eaton Vance Tax Mgd	6,100 Shares	99,918	75,213
	Franklin Mutual European	4,138 Shares	99,988	84,374
	Fractional Shares	-	N/A	48
	Total Mutual Funds (Non-Participant Directed)		239,972	193,149
	401(k) Mutual Funds (Participant Directed):			
*	American Funds	AMCAP Fund	$ **	$ 22,488
*	American Funds	American Balanced Fund	**	20,549
*	American Funds	American High Income Trust	**	6,172
*	American Funds	Capital World Growth And Income Fund	**	58,076
*	American Funds	Europacific Growth Fund	**	120,597
*	American Funds	SMALL CAP World Fund	**	76,222
*	American Funds	The Bond Fund Of America	**	304,704
*	American Funds	American Funds Money Market Fund	**	104,610

F. GAVIÑA & SONS, INC.
401(k) PROFIT SHARING PLAN
SCHEDULE H, LINE 4i - SCHEDULE OF ASSETS HELD AT END OF YEAR
DECEMBER 31, 2009

FEIN: 95-2922751 PLAN# 002

(a)	(b) Identity Of Issue, Borrower, Lessor, Or Similar Party	(c) Description Of Investment	(d) Cost	(e) Current Value
*	American Funds	The Growth Fund Of America	$ **	$ 272,498
*	American Funds	The Investment Company Of America	**	57,558
*	American Funds	U.S. Government Securities Fund	**	75,014
*	American Funds	Washington Mutual Investors Fund	**	186,539
	Total 401(k) Mutual Funds (Participant Directed)			1,305,028
	Total Net Assets Held For Investment			$ 9,972,170

* Party-In Interest
** Cost information not available as permitted for participant directed accounts

F. GAVIÑA & SONS, INC.
401(k) PROFIT SHARING PLAN

FINANCIAL STATEMENTS AND SUPPLEMENTAL INFORMATION

YEAR ENDED DECEMBER 31, 2009

WITH INDEPENDENT AUDITORS' REPORT

F. GAVIÑA & SONS, INC.
401(k) PROFIT SHARING PLAN
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WHITE, NELSON & CO. LLP
Certified Public Accountants & Consultants

INDEPENDENT AUDITORS' REPORT

To the Trustee and Plan Administrator of
F. Gaviña & Sons, Inc. 401(k) Profit Sharing Plan

We have audited the accompanying statements of net assets available for benefits of F. Gaviña & Sons, Inc. 401(k) Profit Sharing Plan as of December 31, 2009 and 2008, and the related statement of changes in net assets available for benefits for the year ended December 31, 2009. These financial statements are the responsibility of the Plan's management. Our responsibility is to express an opinion on these financial statements based on our audits.

We conducted our audits in accordance with auditing standards generally accepted in the United States of America. Those standards require that we plan and perform the audit to obtain reasonable assurance about whether the financial statements are free of material misstatement. An audit includes consideration of internal control over financial reporting as a basis for designing audit procedures that are appropriate in the circumstances, but not for the purpose of expressing an opinion on the effectiveness of the Company's internal control over financial reporting. Accordingly, we express no such opinion. An audit also includes examining, on a test basis, evidence supporting the amounts and disclosures in the financial statements, assessing the accounting principles used and significant estimates made by management, as well as evaluating the overall financial statement presentation. We believe that our audits provide a reasonable basis for our opinion.

In our opinion, the financial statements referred to above present fairly, in all material respects, the net assets available for benefits of F. Gaviña & Sons, Inc. 401(k) Profit Sharing Plan as of December 31, 2009 and 2008, and the changes in its net assets available for benefits for the year ended December 31, 2009, in conformity with accounting principles generally accepted in the United States of America.

Our audits were conducted for the purpose of forming an opinion on the basic financial statements taken as a whole. The supplemental schedule of assets held at end of year referred to as "Supplemental Information," is presented for the purpose of additional analysis and is not a required part of the basic financial statements but is supplementary information required by the Department of Labor's Rules and Regulations for Reporting and Disclosure under the Employee Retirement Income Security Act of 1974. This supplemental information is the responsibility of the Plan's management. The supplemental information has been subjected to the auditing procedures applied in the audits of the basic financial statements and, in our opinion, is fairly stated in all material respects in relation to the basic financial statements taken as a whole.

White, Nelson & Co. LLP
Irvine, California
October 13, 2010

2875 Michelle Drive, Suite 300, Irvine, CA 92606 ● Tel: 714.978.1300 ● Fax: 714.978.7893

F. GAVIÑA & SONS, INC.
401(k) PROFIT SHARING PLAN
STATEMENTS OF NET ASSETS AVAILABLE FOR BENEFITS
DECEMBER 31, 2009 AND 2008

ASSETS

	2009	2008
Investments, At Fair Value As Determined By Quoted Prices:		
Nonparticipant Directed:		
Government Securities	$ -	$ 30,041
Corporate Bonds	1,893,464	1,730,909
Corporate Stocks	1,574,702	1,426,315
Preferred Stock	447,847	307,958
Mutual Funds	193,149	157,397
Participant Directed:		
Mutual Funds	1,305,028	880,102
Total Investments, At Fair Value As Determined By Quoted Prices	5,414,190	4,532,722
Investments, At Fair Value:		
Nonparticipant Directed:		
Mortgages Receivable	77,526	106,766
Money Market Accounts	2,145,149	1,031,685
Certificates Of Deposit	2,335,305	3,459,400
Total Investments, At Fair Value	4,557,980	4,597,851
Total Investments	9,972,170	9,130,573
Employer Contributions Receivable	785,085	-
Cash	16,318	6,287
Net Assets Available For Benefits	$ 10,773,573	$ 9,136,860

The accompanying notes are an integral part of these financial statements

F. GAVIÑA & SONS, INC.
401(k) PROFIT SHARING PLAN
STATEMENT OF CHANGES IN NET ASSETS AVAILABLE FOR BENEFITS
YEAR ENDED DECEMBER 31, 2009

Additions To Net Assets Attributed To:		
Contributions:		
Employee	$	267,014
Employer		785,085
Total Contributions		1,052,099
Earnings On Investments:		
At Fair Value As Determined By Quoted Market Prices:		
Dividends		142,097
Interest From Bonds And Government Securities		152,665
Net Realized And Unrealized Gains On Investments		934,735
At Fair Value:		
Interest From Mortgages Receivable		6,010
Interest From Money Market Accounts And Certificates Of Deposit		62,583
Total Earnings On Investments		1,298,090
Total Additions To Net Assets Available For Benefits		2,350,189
Deductions From Net Assets Attributed To:		
Benefit Payments		696,128
Investment Management Fees		17,348
Total Deductions From Net Assets Available For Benefits		713,476
Increase In Net Assets Available For Benefits		1,636,713
Net Assets Available For Benefits, Beginning Of Year		9,136,860
Net Assets Available For Benefits, End Of Year	$	10,773,573

The accompanying notes are a integral part of these financial statements

F. GAVIÑA & SONS, INC.
401(k) PROFIT SHARING PLAN
NOTES TO FINANCIAL STATEMENTS
DECEMBER 31, 2009

NOTE A: **Description Of Plan** - The following description of the F. Gaviña & Sons, Inc. 401(k) Profit Sharing Plan (the "Plan") provides only general information. Participants should refer to the Plan agreement for a more complete description of the Plan's provisions.

(1) General - The Plan is a defined contribution plan which was adopted by F. Gaviña & Sons, Inc. (the "Company") effective April 1, 1985, and is subject to the requirements of the Employee Retirement Income Security Act of 1974 (ERISA) and the Internal Revenue Code of 1986, as amended. The Plan contains a profit sharing feature for employees that have completed six months of employment and one thousand hours of service. Employees are eligible for elective deferrals into a 401(k) feature upon completing six months of service.

(2) Contributions - Participants may elect to contribute up to 20 percent of their pretax annual compensation into their 401(k) account not to exceed the maximum deferral limitation, as defined in the Internal Revenue Code. Participants may make Roth elective deferrals as defined by the Plan document. Participants who have attained age 50 before the end of the Plan year are eligible to make catch-up contributions to their 401(k) account. Participants may also contribute amounts representing distributions from other qualified defined benefit or contribution plans into their 401(k) account. Participants direct the investment of their 401(k) contributions into various investment options offered by the Plan. Each Plan year, the Company shall make contributions, if any, into each participant's profit sharing account based on net profits of current year or prior years, at the discretion of the Board of Directors. All contributions made to the profit sharing investments are directed by the Board of Directors.

(3) Participant Accounts - Each participant's account is credited with the participant's contribution, an allocation of the employer's contribution, Plan earnings, and forfeitures of terminated participants' non-vested accounts. Allocations are based on participant compensation or account balances, as defined in the Plan document. The benefit to which a participant is entitled is the benefit that can be provided from the participant's vested account.

(4) Vesting - Participants are immediately vested in their contributions plus actual earnings thereon. Vesting in the Company's discretionary contribution portion of their account plus actual earnings thereon is based on years of continuous service. A participant is vested at the rate of 20 percent each year after two years of service and is considered to be 100 percent vested after six years of credited service.

NOTE A: **Description Of Plan** – (Continued)

(5) Benefit Payments - Upon termination of service due to death, disability, or retirement, a participant may elect to receive either a lump-sum distribution equal to the vested portion of his or her account or an annuity over the life of the participant or designated beneficiary, as defined in the Plan document. For termination of service for other reasons, a participant will received the value of the vested interest in his or her account as a lump-sum distribution.

(6) Forfeitures - If applicable, upon termination of a participant, forfeitures of the non-vested portion of the employer's contributions are used to reduce employer contributions. However, management has elected to allocate the forfeitures to the remaining participants' accounts. At December 31, 2009, forfeitures allocated totaled $4,686.

(7) Administration Of Plan Assets - Certain administrative functions are performed by officers or employees of the Company. No such officer or employee received compensation from the Plan. Most investment expenses are paid directly by the Plan, and all other administrative expenses are absorbed by the plan sponsor.

NOTE B: **Summary Of Significant Accounting Policies** - The following are the significant accounting policies followed by the Plan:

(1) Basis Of Accounting - The financial statements of the Plan are prepared on the accrual basis of accounting.

(2) Financial Statement Presentation – The accompanying financial statements have been prepared in conformity with accounting principles generally accepted in the United States of America ("U.S. GAAP"). On July 1, 2009, the Financial Accounting Standards Board ("FASB") issued a standard that established the FASB Accounting Standards Codification ("ASC" or "Codification"). This standard, known as FASB ASC 105, "*Generally Accepted Accounting Principles*", establishes the Codification as the single source of authoritative nongovernmental U.S. GAAP, and is effective for interim and annual periods ending after September 15, 2009. The ASC does not change current U.S. GAAP, and as such, does not have an impact on the Plan's financial statements. References to previous authoritative literature have been changed to coincide with the appropriate section of the ASC. New accounting standards issued subsequent to June 30, 2009, are communicated by the FASB through Accounting Standards Updates ("ASUs").

NOTE B: **Summary Of Significant Accounting Policies** – (Continued)

(3) Investment Valuation And Income Recognition - The Plan's investments are stated at fair value at December 31, 2009 and 2008. Fair value is the price that would be received to sell an asset or paid to transfer a liability in an orderly transaction between market participants at the measurement date. See Note I for discussion of fair value measurements.

Purchases and sales of investments are recorded on a trade date basis. Dividends are recorded on the ex-dividend date. Capital gains and/or losses are reported the day after the trade date.

Net realized and unrealized appreciation (depreciation) is recorded in the accompanying "Statement of Changes in Net Assets Available for Benefits" as net realized and unrealized gains on investments.

Brokerage fees are added to the acquisition costs of assets purchased and subtracted from the proceeds of assets sold.

(4) Payment Of Benefits - Benefits are recorded when paid.

(5) Use Of Estimates - The process of preparing financial statements in conformity with accounting principles generally accepted in the United States of America requires the use of estimates and assumptions regarding certain types of assets, liabilities, revenues and gains, and expenses and losses. Such estimates primarily relate to unsettled transactions and events as of the date of the financial statements. Accordingly, upon settlement, actual results may differ from estimated amounts.

NOTE C: **Concentrations, Risks And Uncertainties** - The Plan invests in various investment securities. Investment securities are exposed to various risks such as interest rate, market, and credit risks. Due to the level of risk associated with certain investment securities, it is at least reasonably possible that changes in the values of investment securities will occur in the near term and that such changes could materially affect participants' account balances and the amounts reported in the "Statement Of Net Assets Available For Benefits." The Plan's brokerage firm is insured by the Securities Investor Protection Corporation (SIPC). The Plan investments in mortgages, which are secured by real estate, are also exposed to risk of loss associated with real estate market fluctuations.

NOTE C: **Concentrations, Risks And Uncertainties –** (Continued)

The Plan maintains cash balances, money market accounts, and certificates of deposit at several financial institutions and brokerage firms. At December 31, 2009 and 2008, accounts at each institution are insured by the Federal Deposit Insurance Corporation (FDIC) up to $250,000 for interest bearing accounts and unlimited insurance for non interest bearing accounts. The cash balances at the institutions in excess of federally insured limits at December 31, 2009 and 2008, totaled $2,823,528 and $2,037,327, respectively.

NOTE D: **Plan Termination** - Although it has not expressed any intent to do so, the Company has the right, under the Plan, to terminate the Plan subject to the provisions of ERISA. In the event of Plan termination, all participants would become fully vested in their accounts.

NOTE E: **Investments** - The Plan invests in bonds, corporate and preferred stocks, government securities, mutual funds, certificates of deposit, money market accounts, and mortgages.

Investments that represent 5 percent or more of the Plan's net assets are separately identified:

	2009	2008
Non-Participant Directed:		
Government Securities:		
Federal National Mortgage Association	$ -	$ 30,041
Corporate Bonds	1,893,464	1,730,909
Corporate Stocks	1,574,702	1,426,315
Preferred Stocks	447,847	307,958
Mutual Funds	193,149	157,397
Mortgages Receivable	77,526	106,766
Money Market Merrill Lynch	1,637,748	618,364
Money Market Other Accounts	507,401	413,321
Certificates Of Deposit:		
Banco Popular	1,425,000	1,852,723
Other Certificates Of Deposit	910,305	1,606,677
Participant Directed:		
Mutual Funds	1,305,028	880,102
Total Investments	$ 9,972,170	$ 9,130,573

NOTE E: **Investments** – (Continued)

During the year ended December 31, 2009, the Plan's investments (including gains and losses on investments bought and sold, as well as held during the year) appreciated in value by $934,735, as follows:

Nonparticipant Directed:	
Government Securities	$ 150
Corporate Bonds	344,526
Corporate Stocks	211,660
Preferred Stocks	139,889
Mutual Funds	35,752
Participant Directed:	
Mutual Funds	202,758
Net Realized And Unrealized Gains On Investments	$ 934,735

NOTE F: **Tax Status** - The Internal Revenue Service has determined and informed the Company by a letter dated April 19, 2005, that the Plan and the related trust are designed in accordance with the applicable sections of the Internal Revenue Code (IRC). The Plan has been amended since receiving the determination letter, however, the plan administrator believes that the Plan is designed and is currently being operated in compliance with the applicable requirements of the IRC. The related trust, therefore, is not subject to tax under present income tax law.

NOTE G: **Withdrawn Participants** - At December 31, 2009 and 2008, there were no amounts allocated to accounts of persons who have elected to withdraw from the Plan but have not been paid.

NOTE H: **Party-In Interest** - Certain investments are managed by various custodians; therefore, these investments qualify as party-in interest transactions.

NOTE I: **Fair Value Measurements** – Financial Accounting Standards Board (FASB) Accounting Standards Codification (ASC) 820, *"Fair Value Measurements and Disclosures,"* provides the framework for measuring fair value. That framework provides a fair value hierarchy that prioritizes the inputs to valuation techniques used to measure fair value. The hierarchy gives the highest priority to unadjusted quoted prices in active markets for identical assets or liabilities (level 1 measurements) and the lowest priority to unobservable inputs (level 3 measurements). The three levels of the fair value hierarchy under FASB ASC 820 are described as follows:

NOTE I: **Fair Value Measurements** – (Continued)

Level 1: Inputs to the valuation methodology are unadjusted quoted prices for identical assets or liabilities in active markets that the Plan has the ability to access.

Level 2: Inputs to the valuation methodology include:

- Quoted prices for similar assets or liabilities in active markets;
- Quoted prices for identical or similar assets or liabilities in inactive markets;
- Inputs other than quoted prices that are observable for the asset or liabilities;
- Inputs that are derived principally from or corroborated by observable market data by correlation or other means.

If the asset or liability has a specified (contractual) term, the Level 2 input must be observable for substantially the full term of the asset or liability.

Level 3: Inputs to the valuation methodology are unobservable and significant to the fair value measurement.

The asset's or liability's fair value measurement level within the fair value hierarchy is based on the lowest level of any input that is significant to the fair value measurement. Valuation techniques used need to maximize the use of observable inputs and minimize the use of unobservable inputs.

Following is a description of the valuation methodologies used for assets measured at fair value. There have been no changes in the methodologies used at December 31, 2009 and 2008.

Certificates of deposit and money market funds: Valued at their historical cost plus any accrued interest, which approximates fair value.

Common stocks, preferred stocks, corporate bonds and mutual funds: Valued at the closing price reported on the active market on which the individual securities are traded.

Mortgage Receivables: Valued at their outstanding balances, which approximate fair value because assumed market interest rates are estimated to approximate charged interest rates.

NOTE I: **Fair Value Measurements** – (Continued)

The preceding methods may produce a fair value calculation that may not be indicative of net realizable value or reflective of future fair values. Furthermore, while the Plan believes its valuation methods are appropriate and consistent with other market participants, the use of different methodologies or assumptions to determine the fair value of certain financial instruments could result in a different fair value measurement at the reporting date.

The following table sets forth by level, within the fair value hierarchy, the Plan's assets at fair value on a recurring basis as of December 31, 2009.

	Level 1	Level 2	Level 3	Total
Corporate Bonds	$ 1,893,464	$ -	$ -	$ 1,893,464
Corporate Stocks	1,574,702	-	-	1,574,702
Preferred Stocks	447,847	-	-	447,847
Mutual Funds	1,498,177	-	-	1,498,177
Mortgages Receivable	-	-	77,526	77,526
Money Market Accounts	2,145,149	-	-	2,145,149
Certificates Of Deposit	2,335,305	-	-	2,335,305
Total Assets At Fair Value	$ 9,894,644	$ -	$ 77,526	$ 9,972,170

The following table sets forth by level, within the fair value hierarchy, the Plan's assets at fair value on a recurring basis as of December 31, 2008.

	Level 1	Level 2	Level 3	Total
Government Securities	$ 30,041	$ -	$ -	$ 30,041
Corporate Bonds	1,730,909	-	-	1,730,909
Corporate Stocks	1,426,315	-	-	1,426,315
Preferred Stocks	307,958	-	-	307,958
Mutual Funds	1,037,499	-	-	1,037,499
Mortgages Receivable	-	-	106,766	106,766
Money Market Accounts	1,031,685	-	-	1,031,685
Certificates Of Deposit	3,459,400	-	-	3,459,400
Total Assets At Fair Value	$ 9,023,807	$ -	$ 106,766	$ 9,130,573

NOTE I: **Fair Value Measurements** – (Continued)

The following is a reconciliation of activity during 2009 for assets measured at fair value based on significant unobservable (non-market) information:

	Mortgages Receivable
Balance, Beginning Of Year	$ 106,766
Interest Income	6,010
Purchases, Sales, Issuances And Settlements (Net)	(35,250)
Balance, End Of Year	$ 77,526

NOTE J: **Subsequent Event** – The Plan has evaluated subsequent events through October 13, 2010, the date the financial statements were available to be issued.

SUPPLEMENTAL INFORMATION

F. GAVIÑA & SONS, INC.
401(k) PROFIT SHARING PLAN
SCHEDULE H, LINE 4i - SCHEDULE OF ASSETS HELD AT END OF YEAR
DECEMBER 31, 2009

FEIN: 95-2922751 PLAN# 002

(a)	(b) Identity Of Issue, Borrower, Lessor, Or Similar Party	(c) Description Of Investment	(d) Cost	(e) Current Value
	Corporate Bonds:			
	Accrued Interest		$ -	$ 17,265
	American Genl Fin	200,000 shares	200,000	150,938
	American Genl Fin	200,000 shares	200,000	136,524
	BAC CAP Tr	350 shares	350	7,788
	Bank of America	175,000 shares	175,000	176,503
	Capital One	300 shares	300	7,266
	Chesapeake Energy	10,000 shares	10,000	9,600
	Chesapeake Energy	8,000 shares	8,000	7,840
	Cincy Bell	20,000 shares	20,000	20,350
	CIT Group	10,738 shares	N/A	10,013
	CIT Group	16,107 shares	N/A	14,959
	CIT Group	16,107 shares	N/A	14,416
	CIT Group	26,845 shares	N/A	23,624
	CIT Group	37,582 shares	N/A	32,602
	Citigroup Capital	500 shares	500	9,290
	Citigroup Capital	400 shares	400	8,160
	Del Monte Corp	6,000 shares	6,000	6,120
	Dole Foods	7,000 shares	7,000	7,053
	El Paso	15,000 shares	15,000	14,820
	Fifth Third Capital	500 shares	500	10,195
	Ford Motor	20,000 shares	20,000	19,312
	Ford Motor	30,000 shares	30,000	28,732
	Ford Motor	15,000 shares	15,000	14,189
	Gannett Co	20,000 shares	20,000	20,050
	General Electric	20,0000 shares	200,000	206,478
	General Electric	500 shares	20,000	12,090
	General Motors	15,000 shares	15,000	14,937
	General Motors	15,000 shares	15,000	12,716
	General Motors	20,000 shares	20,000	17,167
	General Motors	400 shares	400	7,568
	GT Atlantic Pac Tea	1,000 shares	1,000	23,700
	Home Depot	100,000 shares	98,273	102,371
	Household	20,000 shares	20,000	20,019
	HSBC Finl	50,000 shares	50,000	51,106
	HSBC Finl	150,000 shares	150,000	153,665
	JP Morgan Chase	500 shares	500	12,400
	JP Morgan Chase	400 shares	400	10,100
	Natl City Cap	500 shares	500	11,161
	Natl City Cap	400 shares	400	8,700
	Nat'l Rural	60,000 shares	60,000	61,993
	Principal Life	200,000 shares	200,000	193,258

F. GAVIÑA & SONS, INC.
401(k) PROFIT SHARING PLAN
SCHEDULE H, LINE 4i - SCHEDULE OF ASSETS HELD AT END OF YEAR
DECEMBER 31, 2009

FEIN: 95-2922751 PLAN# 002

(a)	(b) Identity Of Issue, Borrower, Lessor, Or Similar Party	(c) Description Of Investment	(d) Cost	(e) Current Value
	Protective Life	100,000 shares	$ 100,000	$ 92,061
	Saturns-JCP	600 shares	600	11,664
	SLM Corp	35,000 shares	35,000	32,198
	Terex Corp	25,000 shares	25,000	25,281
	Terex Corp	15,000 shares	15,000	14,438
	USB Capital	500 shares	500	11,440
	USB Capital	400 shares	400	9,672
	William Lyons Homes	15,000 shares	15,000	9,675
	Total Corporate Bonds		1,771,023	1,893,464
	Corporate Stocks:			
	3M Company	100 Shares	$ 7,484	$ 8,267
	Abbott Labs	500 Shares	23,044	26,995
	Adobe Systems	88 Shares	2,690	3,237
	Advance Auto	103 Shares	3,765	4,169
	AECO Tech Corp	21 Shares	613	578
	Agnico Eagle Mines	300 Shares	17,738	16,200
	Agrium, Inc.	108 Shares	3,891	6,642
	Alcoa	900 Shares	21,992	14,508
	Altria Group	500 Shares	10,801	9,815
	Amazon Com	10 Shares	1,221	1,345
*	Americas United Bank	25,000 Shares	250,000	125,000
	Ameriprise Finl	155 Shares	4,479	6,017
	Amgen, Inc.	55 Shares	2,829	3,111
	Amgen, Inc.	40 Shares	2,098	2,263
	Anadarko Pete	73 Shares	2,846	4,557
	Anadarko Petroleum	400 Shares	31,465	24,968
	Anheuser- Busch	45 Shares	1,843	2,341
	Anheuser-Busch	55 Shares	2,056	2,862
	Annaly Cap	192 Shares	2,715	3,331
	Apple Computer	11 Shares	1,383	2,318
	Applied Materials	500 Shares	9,545	6,970
	AT&T	296 Shares	7,980	8,297
	Athena Health	12 Shares	323	543
	Atmos Energy	500 Shares	14,265	14,700
	BAE Sys PLC	94 Shares	2,848	2,179
	Banco Bilbao Vizcaya	278 Shares	4,968	5,015
	Barclays PLC	165 Shares	1,858	2,904
	Barrick Gold Corp	61 Shares	2,333	2,402
	Bershire Hathaway	2 Shares	8,850	6,572
	Best Buy	400 Shares	18,912	15,784

F. GAVIÑA & SONS, INC.
401(k) PROFIT SHARING PLAN
SCHEDULE H, LINE 4i - SCHEDULE OF ASSETS HELD AT END OF YEAR
DECEMBER 31, 2009

FEIN: 95-2922751 PLAN# 002

(a)	(b) Identity Of Issue, Borrower, Lessor, Or Similar Party	(c) Description Of Investment	(d) Cost	(e) Current Value
	BG Group	26 Shares	$ 2,925	$ 2,353
	BHP Billiton	56 Shares	3,120	4,288
	BHP Billiton	28 Shares	1,155	1,788
	BNP Paribas	63 Shares	1,220	2,530
	Bombadier Inc.	1,000 Shares	6,911	4,557
	BP PLC	200 Shares	12,309	11,594
	BP PLC	46 Shares	3,001	2,667
	Bristol Myers Squibb	1,100 Shares	56,702	27,775
	British Amern Tobaco	45 Shares	2,699	2,910
	Canon	93 Shares	3,967	3,936
	Capital One	94 Shares	3,278	3,604
	CBS Corp	164 Shares	1,910	2,304
	Celegen Corp	37 Shares	1,798	2,060
	Chevron Texaco	185 Shares	14,316	14,243
	Chipotle Mexican Grill	8 Shares	652	705
	Cisco	157 Shares	3,766	3,759
	Cisco Sytems	140 Shares	3,371	3,352
	CIT Group Inc	924 Shares	N/A	25,512
	Citrix Systems	82 Shares	2,628	3,412
	City National Corp	59 Shares	2,344	2,690
	Clorox	200 Shares	11,820	12,200
	Comcast	342 Shares	6,758	5,475
	Conoco Phillips	71 Shares	4,127	3,626
	Conoco Phillips	200 Shares	9,763	10,214
	Cons Edison	500 Shares	21,157	22,715
	Credit Suisse	78 Shares	2,913	3,834
	CRH	97 Shares	2,601	2,651
	Crown Castle Intl Corp	145 Shares	3,129	5,661
	CSX Corp	83 Shares	4,071	4,025
	Cummins, Inc.	65 Shares	3,006	2,981
	CVB Fincl	68 Shares	469	588
	Deere Co.	130 Shares	6,731	7,032
	Devon Energy	83 Shares	5,898	6,101
	Disney	149 Shares	3,800	4,805
	Disney	240 Shares	5,978	7,740
	Dreamworks	87 Shares	3,310	3,476
	Duke Energy	1,000 Shares	18,858	17,210
	Eaton Corp	13 Shares	852	827
	EMC Corp	310 Shares	5,098	5,416
	EMC Corp.	180 Shares	2,599	3,145
	Emcor Group	1,000 Shares	23,292	26,900
	Emerson Elec	157 Shares	5,953	6,688

F. GAVIÑA & SONS, INC.
401(k) PROFIT SHARING PLAN
SCHEDULE H, LINE 4i - SCHEDULE OF ASSETS HELD AT END OF YEAR
DECEMBER 31, 2009

FEIN: 95-2922751 PLAN# 002

(a)	(b) Identity Of Issue, Borrower, Lessor, Or Similar Party	(c) Description Of Investment	(d) Cost	(e) Current Value
	Enterprise Products	1,930 Shares	$ 51,760	$ 60,621
	EOG Resources	19 Shares	1,160	1,849
	Espirit Holdings	266 Shares	3,496	3,551
	Exxon Mobil	61 Shares	2,657	4,160
	Exxon Mobil	221 Shares	16,204	15,070
	Fanuc Ltd	78 Shares	3,195	3,666
	Farmer Bros	500 Shares	13,875	9,865
	Fidelity Natl	160 Shares	2,922	3,750
	First Horizon	79 Shares	1,089	1,059
	First Niagra	121 Shares	1,495	1,683
	FMC Corp	81 Shares	4,279	4,517
	Ford Motor	138 Shares	931	1,380
	Ford Motor	460 Shares	3,545	4,600
	Freeport McMran	39 Shares	1,900	3,131
	Gafisa	70 Shares	2,195	2,265
	General Electric	682 Shares	11,423	10,319
	General Electric	700 Shares	19,580	10,591
	Gilead	57 Shares	2,667	2,466
	Goldman Sachs	13 Shares	1,725	2,195
	Goldman Sachs	59 Shares	6,971	9,962
	Google	5 Shares	1,490	3,100
	Google	4 Shares	1,378	2,480
	GSI Commerce	21 Shares	524	533
	Halliburton	144 Shares	4,371	4,333
	Hess Corp	74 Shares	5,133	4,477
	Hewlett Packard	90 Shares	2,520	4,636
	Hewlett Packard	173 Shares	6,901	8,911
	Honeywell	67 Shares	2,948	2,626
	Hospira	52 Shares	1,614	2,652
	Hoya Corp	128 Shares	3,395	3,405
	HSBC Holding	75 Shares	3,244	4,282
	IBM	68 Shares	5,654	8,901
	Imperial TOB Grp	36 Shares	2,715	2,282
	Intel	273 Shares	6,509	5,569
	Intel	260 Shares	5,063	5,304
	Intl Business Machine	13 Shares	1,678	1,702
	Intl Paper	145 Shares	3,378	3,883
	Intuitive Surgical	15 Shares	3,447	4,551
	Itau Unibanco	50 Shares	823	1,142
	ITT Corp	94 Shares	4,953	4,676
	J Crew Group	12 Shares	550	537
	JC Penney	214 Shares	6,810	5,695

F. GAVIÑA & SONS, INC.
401(k) PROFIT SHARING PLAN
SCHEDULE H, LINE 4i - SCHEDULE OF ASSETS HELD AT END OF YEAR
DECEMBER 31, 2009

FEIN: 95-2922751 PLAN# 002

(a)	(b) Identity Of Issue, Borrower, Lessor, Or Similar Party	(c) Description Of Investment	(d) Cost	(e) Current Value
	Jefferies Group	177 Shares	$ 3,627	$ 4,200
	Johnson & Johnson	73 Shares	3,661	4,702
	Johnson & Johnson	41 Shares	2,459	2,641
	Johnson & Johnson	600 Shares	38,918	38,646
	JP Morgan	118 Shares	3,449	4,917
	JP Morgan Chase	98 Shares	1,977	4,084
	JP Morgan Chase	340 Shares	13,886	14,168
	Kinder Morgan Energy	400 Shares	23,283	24,392
	Life Tech Corp	29 Shares	821	1,514
	Lloyds Banking	869 Shares	4,946	2,842
	Lowes	500 Shares	11,684	11,695
	Lowes Companies	205 Shares	4,642	4,795
	LVMH Moet	196 Shares	3,144	4,400
	Marathon Oil	300 Shares	15,427	9,366
	Mastercard	18 Shares	3,268	4,608
	Mastercard	19 Shares	4,615	4,864
	Merck & Co.	119 Shares	3,988	4,348
	Merck KGAA	69 Shares	1,687	2,127
	Metlife	184 Shares	6,836	6,504
	Microsoft	207 Shares	5,830	6,309
	Microsoft	600 Shares	17,713	18,288
	Mitsubishi	15 Shares	1,993	2,401
	Molson Brew	119 Shares	4,857	5,374
*	Morgan Stanley	275 Shares	6,633	8,140
	Mosaic Co	51 Shares	2,605	3,046
	MS Emergin Mkts	2,500 Shares	50,000	34,200
	Mylan	87 Shares	986	1,603
	National-Oilwell	46 Shares	1,812	2,028
	Nestle Spon	250 Shares	12,460	12,088
	Nomura Hldgs	339 Shares	2,680	2,509
	Novo Nordisk	42 Shares	1,948	2,682
	Occidental Petroleum	143 Shares	9,940	11,633
	Oracle	144 Shares	874	3,532
	Oracle	230 Shares	4,691	5,642
	Parker Drilling	1,500 Shares	11,286	7,425
	Penske Auto	48 Shares	884	729
	Petrleo Bras	49 Shares	1,832	2,336
	Petrohawk Energy	186 Shares	4,700	4,462
	Pfizer	297 Shares	4,850	5,402
	Pfizer	795 Shares	12,715	14,461
	PG&E Corp	60 Shares	2,174	2,679
	PNC Fincl	66 Shares	2,746	3,484

F. GAVIÑA & SONS, INC.
401(k) PROFIT SHARING PLAN
SCHEDULE H, LINE 4i - SCHEDULE OF ASSETS HELD AT END OF YEAR
DECEMBER 31, 2009

FEIN: 95-2922751 PLAN# 002

(a)	(b) Identity Of Issue, Borrower, Lessor, Or Similar Party	(c) Description Of Investment	(d) Cost	(e) Current Value
	Polo Ralph Lauren	40 Shares	$ 2,620	$ 3,239
	Popular Inc	38,500 Shares	128,407	87,011
	Praxair	30 Shares	2,229	2,409
	Precision Castparts	26 Shares	1,719	2,869
	Pride Intl	25 Shares	602	798
	Principle Financial	184 Shares	4,398	4,423
	Procter & Gamble	64 Shares	3,989	3,880
	Prudential	177 Shares	1,512	3,609
	Qualcomm	23 Shares	860	1,064
	Qualcomm	200 Shares	6,868	9,252
	Range Resources	21 Shares	1,048	1,047
	Republic Services	99 Shares	2,414	2,803
	Research in Motion	50 Shares	3,880	3,377
	Research in Motion	200 Shares	13,393	13,508
	Reynolds American	130 Shares	6,467	6,886
	Roche Hldg	60 Shares	2,767	2,532
	Royal Caribbean	160 Shares	3,425	4,045
	Sanofi Aventis	100 Shares	3,084	3,927
	Sanofi Aventis	300 Shares	13,323	11,781
	SAP AG	50 Shares	2,486	2,341
	Schlumberger, Ltd	200 Shares	8,389	13,018
	Singapore Telecom	103 Shares	2,204	2,261
	Societe General	345 Shares	5,220	4,847
	Southern Company	143 Shares	5,042	4,765
	Spectra Energy	500 Shares	13,555	10,255
	Standard Pacific	6,000 Shares	26,223	22,440
	Starbucks	500 Shares	9,185	11,530
	Starbucks Corp	59 Shares	711	1,361
	State Street Bank	52 Shares	2,007	2,264
	Sumitomo Mitsu	877 Shares	4,881	2,499
	Sun HG	178 Shares	2,219	2,643
	Suntrust Bks	143 Shares	2,999	2,901
	Sysco Corp	500 Shares	14,123	13,970
	Target	69 Shares	3,476	3,338
	Tauban Centers	14 Shares	414	503
	TD Ameritrade	133 Shares	1,534	2,578
	Tesco PLC	112 Shares	2,141	2,304
	Teva Pharma	200 Shares	10,524	11,236
	Total Fina	200 Shares	11,689	12,808
	Total S.A.	40 Shares	1,716	2,562
	Transocean	58 Shares	6,387	4,802
	Trinity Ind	500 Shares	8,048	8,720

F. GAVIÑA & SONS, INC.
401(k) PROFIT SHARING PLAN
SCHEDULE H, LINE 4i - SCHEDULE OF ASSETS HELD AT END OF YEAR
DECEMBER 31, 2009

FEIN: 95-2922751 PLAN# 002

(a)	(b) Identity Of Issue, Borrower, Lessor, Or Similar Party	(c) Description Of Investment	(d) Cost	(e) Current Value
	Tullow PLC	118 Shares	$ 1,239	$ 1,274
	UBS AG	223 Shares	4,058	3,459
	Under Armour	28 Shares	656	764
	Unilever PLC	85 Shares	2,380	2,712
	United Parcel Service	58 Shares	3,177	3,327
	United States Steel	70 Shares	3,261	3,858
	United Techs	83 Shares	4,132	5,761
	United Techs Corp	59 Shares	2,938	4,095
	UnitedHealth Group	156 Shares	4,645	4,755
	US Bancorp	164 Shares	2,991	3,692
	Vail Resorts	62 Shares	3,018	2,344
	Verizon Comm	195 Shares	6,417	6,460
	Visa, Inc.	35 Shares	2,574	3,061
	Vodafone	109 Shares	2,461	2,517
	Wal Mart Stores	500 Shares	26,107	26,725
	Walgreen Co	99 Shares	2,952	3,635
	Wal-mart	82 Shares	4,100	4,383
	Wells Fargo	91 Shares	2,357	2,456
	Wells Fargo	189 Shares	4,765	5,101
	Wells Fargo	256 Shares	7,124	6,909
	Whirlpool	25 Shares	1,679	2,017
	WM Morrison	108 Shares	2,541	2,401
	Wynn Resorts	14 Shares	1,100	815
	Zurich Financial	167 Shares	2,710	3,631
	Subtotal		1,741,338	1,601,436
	Short Call Options:			
	3M Company	1 Options	$ (110)	$ (310)
	Abbott Laboratories	5 Options	(1,059)	(1,000)
	Agnico Eagle Mines at 50	2 Options	(2,204)	(900)
	Alcoa Inc	9 Options	(2,067)	(2,484)
	Altria Group Inc	5 Options	(268)	(355)
	Anadarko Petroleum	4 Options	(761)	(1,080)
	Applied Materials	5 Options	(214)	(25)
	Best Buy Co	4 Options	(993)	(220)
	BP PLC ADS	2 Options	(426)	(850)
	Bristol Myers Squibb	11 Options	(2,084)	(2,002)
	Conocophillips	2 Options	(274)	(302)
	Emcor Group Inc	10 Options	(1,874)	(1,950)
	Enterprise Prob PRTNRS	10 Options	(1,466)	(1,850)
	Fina ELF	2 Options	(658)	(760)

F. GAVIÑA & SONS, INC.
401(k) PROFIT SHARING PLAN
SCHEDULE H, LINE 4i - SCHEDULE OF ASSETS HELD AT END OF YEAR
DECEMBER 31, 2009

FEIN: 95-2922751 PLAN# 002

(a)	(b) Identity Of Issue, Borrower, Lessor, Or Similar Party	(c) Description Of Investment	(d) Cost	(e) Current Value
	Johnson & Johnson	3 Options	$ (502)	$ (483)
	Lowe's Companies	5 Options	(347)	(350)
	Marathon Oil Corp	3 Options	(314)	(240)
	Microsoft Corp	6 Options	(1,769)	(3,990)
	Qualcomm Inc	2 Options	(1,014)	(690)
	Research In Motion at 70	1 Options	(468)	(680)
	Research In Motion at 75	1 Options	(261)	(218)
	Sanofi Synthelabo Sa	3 Options	(617)	(1,410)
	Schlumberger LTD	2 Options	(800)	(620)
	Standard Pacific CP	60 Options	(886)	(900)
	Starbucks Corp	5 Options	(1,684)	(2,600)
	Trinity Ind Del	5 Options	(180)	(25)
	Walmart Stores Inc	5 Options	(384)	(440)
	Subtotal		(23,684)	(26,734)
	Total Corporate Stocks		1,717,653	1,574,702
	Preferred Stock:			
	Aegon	600 Shares	$ 15,000	$ 11,874
	American Intl Group	6,000 Shares	150,000	92,820
	Barclays Bank	300 Shares	7,500	6,627
	Development Div Rlty Cum	400 Shares	25,000	8,000
	Development Div Rlty Prf	1,000 Shares	10,000	18,610
	HSBC Holdings	400 Shares	10,000	8,556
	ING Group NV	4,000 Shares	100,000	78,760
	ING Group NV	400 Shares	10,000	6,792
	Lehman Bros Hdgs, Inc.	8,000 Shares	200,000	640
*	ML PFD Capital Trust III	4,000 Shares	100,000	87,080
	Public Storage 7.0% Pfd	1,000 Shares	25,000	24,320
	Public Storage 7.25% Pfd	400 Shares	10,000	10,200
	Royal Bank of Scotland	600 Shares	15,000	6,528
	Royal Bank Scotland Grp	8,000 Shares	200,000	87,040
	Total Preferred Stocks		877,500	447,847
	Mortgages Receivable:			
	Aida Behr - Property As Collateral	Mortgage	$ 35,639	$ 35,639
	Felix Birba - Property As Collateral	Mortgage	41,887	41,887
	Total Mortgages Receivable		77,526	77,526

F. GAVIÑA & SONS, INC.
401(k) PROFIT SHARING PLAN
SCHEDULE H, LINE 4i - SCHEDULE OF ASSETS HELD AT END OF YEAR
DECEMBER 31, 2009

FEIN: 95-2922751 PLAN# 002

(a)	(b) Identity Of Issue, Borrower, Lessor, Or Similar Party	(c) Description Of Investment	(d) Cost	(e) Current Value
	Money Market Accounts:			
*	Merrill Lynch	CMA Money Fund	$ 2,851	$ 2,851
*	Merrill Lynch	CMA Money Fund	12,535	12,535
*	Merrill Lynch	CMA Money Fund	36,925	36,925
*	Merrill Lynch	CMA Money Fund	187,828	187,828
*	Merrill Lynch	CMA Money Fund	1,397,609	1,397,609
*	Americas United Bank	Business Money Market	495,591	495,591
*	Banco Popular	Business Money Market	11,811	11,811
	Total Money Market Accounts		2,145,150	2,145,150
	Certificates Of Deposit:			
	American Express Bank	4.8% MAT 12/10/13	$ 250,000	$ 252,929
	HSBC Bank USA	Variable 2/26/15	225,005	250,470
*	Banco Popular	1.883% 12 Month, Renewable	175,000	175,000
*	Banco Popular	1.883% 12 Month, Renewable	250,000	250,000
*	Banco Popular	1.883% 12 Month, Renewable	250,000	250,000
*	Banco Popular	1.883% 12 Month, Renewable	250,000	250,000
*	Banco Popular	1.883% 12 Month, Renewable	250,000	250,000
*	Banco Popular	1.883% 12 Month, Renewable	250,000	250,000
	BMW Bank Of North America	3.85% MAT 6/18/10	200,000	202,366
	Discover Bank	4.1% MAT 6/20/11	200,000	204,540
	Total Certificates Of Deposit		2,300,005	2,335,305
	Mutual Funds (Non-Participant Directed):			
	Allianz NACM Pacific Rim	2,927 Shares	$ 40,066	$ 33,514
	Eaton Vance Tax Mgd	6,100 Shares	99,918	75,213
	Franklin Mutual European	4,138 Shares	99,988	84,374
	Fractional Shares	-	N/A	48
	Total Mutual Funds (Non-Participant Directed)		239,972	193,149
	401(k) Mutual Funds (Participant Directed):			
*	American Funds	AMCAP Fund	$ **	$ 22,488
*	American Funds	American Balanced Fund	**	20,549
*	American Funds	American High Income Trust	**	6,172
*	American Funds	Capital World Growth And Income Fund	**	58,076
*	American Funds	Europacific Growth Fund	**	120,597
*	American Funds	SMALL CAP World Fund	**	76,222
*	American Funds	The Bond Fund Of America	**	304,704
*	American Funds	American Funds Money Market Fund	**	104,610

F. GAVIÑA & SONS, INC.
401(k) PROFIT SHARING PLAN
SCHEDULE H, LINE 4i - SCHEDULE OF ASSETS HELD AT END OF YEAR
DECEMBER 31, 2009

FEIN: 95-2922751 PLAN# 002

(a)	(b) Identity Of Issue, Borrower, Lessor, Or Similar Party	(c) Description Of Investment	(d) Cost	(e) Current Value
*	American Funds	The Growth Fund Of America	$ **	$ 272,498
*	American Funds	The Investment Company Of America	**	57,558
*	American Funds	U.S. Government Securities Fund	**	75,014
*	American Funds	Washington Mutual Investors Fund	**	186,539
	Total 401(k) Mutual Funds (Participant Directed)			1,305,028
	Total Net Assets Held For Investment			$ 9,972,170

* Party-In Interest

** Cost information not available as permitted for participant directed accounts

Form 5500	Annual Return/Report of Employee Benefit Plan	OMB Nos. 1210-0110 1210-0089
Department of the Treasury Internal Revenue Service Department of Labor Employee Benefits Security Administration Pension Benefit Guaranty Corporation	This form is required to be filed for employee benefit plans under sections 104 and 4065 of the Employee Retirement Income Security Act of 1974 (ERISA) and sections 6047(e), and 6058(a) of the Internal Revenue Code (the Code). ▶ Complete all entries in accordance with the instructions to the Form 5500.	2009 This Form Is Open to Public Inspection

Part I Annual Report Identification Information

For calendar plan year 2009 or fiscal plan year beginning 01/01/2009 and ending 12/31/2009

A This return/report is for: ☐ a multiemployer plan; ☐ a multiple-employer plan; or ☒ a single-employer plan; ☐ a DFE (specify) ____

B This return/report is: ☐ the first return/report; ☐ the final return/report; ☐ an amended return/report; ☐ a short plan year return/report (less than 12 months).

C If the plan is a collectively-bargained plan, check here. ▶ ☐

D Check box if filing under: ☒ Form 5558; ☐ automatic extension; ☐ the DFVC program; ☐ special extension (enter description)

Part II Basic Plan Information—enter all requested information

1a Name of plan F. Gavina & Sons, Inc.
401(k) Profit Sharing Plan

1b Three-digit plan number (PN) ▶ 002

1c Effective date of plan 04/01/1985

2a Plan sponsor's name and address (employer, if for a single-employer plan) (Address should include room or suite no.)
F. Gavina & Sons, Inc.

2700 Fruitland Ave
Vernon CA 90058

2b Employer Identification Number (EIN) 95-2922751

2c Sponsor's telephone number (323)582-0671

2d Business code (see instructions) 311900

Caution: A penalty for the late or incomplete filing of this return/report will be assessed unless reasonable cause is established.

Under penalties of perjury and other penalties set forth in the instructions, I declare that I have examined this return/report, including accompanying schedules, statements and attachments, as well as the electronic version of this return/report, and to the best of my knowledge and belief, it is true, correct, and complete.

SIGN HERE	[signature]	10/14/10	Jose Gavina
	Signature of plan administrator	Date	Enter name of individual signing as plan administrator
SIGN HERE	[signature]	10/14/10	Jose Gavina
	Signature of employer/plan sponsor	Date	Enter name of individual signing as employer or plan sponsor
SIGN HERE			
	Signature of DFE	Date	Enter name of individual signing as DFE

3a Plan administrator's name and address (If same as plan sponsor, enter "Same") SAME	**3b** Administrator's EIN **3c** Administrator's telephone number

4 If the name and/or EIN of the plan sponsor has changed since the last return/report filed for this plan, enter the name, EIN and the plan number from the last return/report: **a** Sponsor's name	**4b** EIN **4c** PN

5 Total number of participants at the beginning of the plan year	**5**	255
6 Number of participants as of the end of the plan year (welfare plans complete only lines **6a, 6b, 6c,** and 6d).		
a Active participants	**6a**	234
b Retired or separated participants receiving benefits	**6b**	0
c Other retired or separated participants entitled to future benefits	**6c**	19
d Subtotal. Add lines **6a, 6b,** and **6c**	**6d**	253
e Deceased participants whose beneficiaries are receiving or are entitled to receive benefits	**6e**	0
f Total. Add lines **6d** and **6e**	**6f**	253
g Number of participants with account balances as of the end of the plan year (only defined contribution plans complete this item)	**6g**	253
h Number of participants that terminated employment during the plan year with accrued benefits that were less than 100% vested	**6h**	2
7 Enter the total number of employers obligated to contribute to the plan (only multiemployer plans complete this item)	**7**	

8a If the plan provides pension benefits, enter the applicable pension feature codes from the List of Plan Characteristic Codes in the instructions:

2A 2E 2H 2J

b If the plan provides welfare benefits, enter the applicable welfare feature codes from the List of Plan Characteristic Codes in the instructions:

9a Plan funding arrangement (check all that apply)		**9b** Plan benefit arrangement (check all that apply)	
(1)	Insurance	(1)	Insurance
(2)	Code section 412(e)(3) insurance contracts	(2)	Code section 412(e)(3) insurance contracts
(3) [X]	Trust	(3) [X]	Trust
(4)	General assets of the sponsor	(4)	General assets of the sponsor

10 Check all applicable boxes in 10a and 10b to indicate which schedules are attached, and, where indicated, enter the number attached. (See instructions)

a Pension Schedules		**b General Schedules**	
(1) [X]	R (Retirement Plan Information)	(1) [X]	H (Financial Information)
(2)	MB (Multiemployer Defined Benefit Plan and Certain Money Purchase Plan Actuarial Information) - signed by the plan actuary	(2)	I (Financial Information – Small Plan)
		(3)	A (Insurance Information)
		(4)	C (Service Provider Information)
(3)	SB (Single-Employer Defined Benefit Plan Actuarial Information) - signed by the plan actuary	(5)	D (DFE/Participating Plan Information)
		(6)	G (Financial Transaction Schedules)

SCHEDULE H (Form 5500)	Financial Information	OMB No. 1210-0110
Department of the Treasury Internal Revenue Service Department of Labor Employee Benefits Security Administration Pension Benefit Guaranty Corporation	This schedule is required to be filed under section 104 of the Employee Retirement Income Security Act of 1974 (ERISA), and section 6058(a) of the Internal Revenue Code (the Code). ▶ File as an attachment to Form 5500.	2009 This Form is Open to Public Inspection

For calendar plan year 2009 or fiscal plan year beginning 01/01/2009 and ending 12/31/2009

A Name of plan

F. Gavina & Sons, Inc. 401(k) Profit Sharing Plan

B Three-digit plan number (PN) ▶ 002

C Plan sponsor's name as shown on line 2a of Form 5500

F. Gavina & Sons, Inc.

D Employer Identification Number (EIN)

95-2922751

Part I Asset and Liability Statement

1 Current value of plan assets and liabilities at the beginning and end of the plan year. Combine the value of plan assets held in more than one trust. Report the value of the plan's interest in a commingled fund containing the assets of more than one plan on a line-by-line basis unless the value is reportable on lines 1c(9) through 1c(14). Do not enter the value of that portion of an insurance contract which guarantees, during this plan year, to pay a specific dollar benefit at a future date. **Round off amounts to the nearest dollar.** MTIAs, CCTs, PSAs, and 103-12 IEs do not complete lines 1b(1), 1b(2), 1c(8), 1g, 1h, and 1i. CCTs, PSAs, and 103-12 IEs also do not complete lines 1d and 1e. See instructions.

Assets		(a) Beginning of Year	(b) End of Year
a Total noninterest-bearing cash	1a	6,287	16,318
b Receivables (less allowance for doubtful accounts):			
(1) Employer contributions	1b(1)	0	785,085
(2) Participant contributions	1b(2)		
(3) Other	1b(3)		
c General investments:			
(1) Interest-bearing cash (include money market accounts & certificates of deposit)	1c(1)	4,491,085	4,480,454
(2) U.S. Government securities	1c(2)	30,041	0
(3) Corporate debt instruments (other than employer securities):			
(A) Preferred	1c(3)(A)		
(B) All other	1c(3)(B)	1,730,909	1,893,464
(4) Corporate stocks (other than employer securities):			
(A) Preferred	1c(4)(A)	307,958	447,847
(B) Common	1c(4)(B)	1,426,315	1,574,702
(5) Partnership/joint venture interests	1c(5)		
(6) Real estate (other than employer real property)	1c(6)		
(7) Loans (other than to participants)	1c(7)	106,766	77,526
(8) Participant loans	1c(8)		
(9) Value of interest in common/collective trusts	1c(9)		
(10) Value of interest in pooled separate accounts	1c(10)		
(11) Value of interest in master trust investment accounts	1c(11)		
(12) Value of interest in 103-12 investment entities	1c(12)		
(13) Value of interest in registered investment companies (e.g., mutual funds)	1c(13)	1,037,499	1,498,177
(14) Value of funds held in insurance company general account (unallocated contracts)	1c(14)		
(15) Other	1c(15)		

		(a) Beginning of Year	(b) End of Year
1d Employer-related investments:			
(1) Employer securities	1d(1)		
(2) Employer real property	1d(2)		
e Buildings and other property used in plan operation	1e		
f Total assets (add all amounts in lines 1a through 1e)	1f	9,136,860	10,773,573
Liabilities			
g Benefit claims payable	1g		
h Operating payables	1h		
i Acquisition indebtedness	1i		
j Other liabilities	1j		
k Total liabilities (add all amounts in lines 1g through1j)	1k	0	0
Net Assets			
l Net assets (subtract line 1k from line 1f)	1l	9,136,860	10,773,573

Part II Income and Expense Statement

2 Plan income, expenses, and changes in net assets for the year. Include all income and expenses of the plan, including any trust(s) or separately maintained fund(s) and any payments/receipts to/from insurance carriers. Round off amounts to the nearest dollar. MTIAs, CCTs, PSAs, and 103-12 IEs do not complete lines 2a, 2b(1)(E), 2e, 2f, and 2g.

Income		(a) Amount	(b) Total
a Contributions:			
(1) Received or receivable in cash from: **(A)** Employers	2a(1)(A)	785,085	
(B) Participants	2a(1)(B)	267,014	
(C) Others (including rollovers)	2a(1)(C)	0	
(2) Noncash contributions	2a(2)	0	
(3) Total contributions. Add lines **2a(1)(A), (B), (C),** and line **2a(2)**	2a(3)		1,052,099
b Earnings on investments:			
(1) Interest:			
(A) Interest-bearing cash (including money market accounts and certificates of deposit)	2b(1)(A)	62,583	
(B) U.S. Government securities	2b(1)(B)	0	
(C) Corporate debt instruments	2b(1)(C)	152,665	
(D) Loans (other than to participants)	2b(1)(D)	6,010	
(E) Participant loans	2b(1)(E)	0	
(F) Other	2b(1)(F)	0	
(G) Total interest. Add lines **2b(1)(A)** through **(F)**	2b(1)(G)		221,258
(2) Dividends: **(A)** Preferred stock	2b(2)(A)		
(B) Common stock	2b(2)(B)	142,096	
(C) Registered investment company shares (e.g. mutual funds)	2b(2)(C)		
(D) Total dividends. Add lines **2b(2)(A)**, **(B)**, and **(C)**	2b(2)(D)		142,096
(3) Rents	2b(3)		
(4) Net gain (loss) on sale of assets: **(A)** Aggregate proceeds	2b(4)(A)	1,897,184	
(B) Aggregate carrying amount (see instructions)	2b(4)(B)	2,073,155	
(C) Subtract line **2b(4)(B)** from line **2b(4)(A)** and enter result	2b(4)(C)		(175,971)

		(a) Amount	(b) Total
2b (5) Unrealized appreciation (depreciation) of assets: (A) Real estate	2b(5)(A)		
(B) Other	2b(5)(B)	907,948	
(C) Total unrealized appreciation of assets. Add lines 2b(5)(A) and (B)	2b(5)(C)		907,948
(6) Net investment gain (loss) from common/collective trusts	2b(6)		
(7) Net investment gain (loss) from pooled separate accounts	2b(7)		
(8) Net investment gain (loss) from master trust investment accounts	2b(8)		
(9) Net investment gain (loss) from 103-12 investment entities	2b(9)		
(10) Net investment gain (loss) from registered investment companies (e.g., mutual funds)	2b(10)		202,758
c Other income	2c		
d Total income. Add all **income** amounts in column (b) and enter total	2d		2,350,188
Expenses			
e Benefit payment and payments to provide benefits:			
(1) Directly to participants or beneficiaries, including direct rollovers	2e(1)	696,127	
(2) To insurance carriers for the provision of benefits	2e(2)		
(3) Other	2e(3)		
(4) Total benefit payments. Add lines 2e(1) through (3)	2e(4)		696,127
f Corrective distributions (see instructions)	2f		
g Certain deemed distributions of participant loans (see instructions)	2g		0
h Interest expense	2h		
i Administrative expenses: (1) Professional fees	2i(1)		
(2) Contract administrator fees	2i(2)		
(3) Investment advisory and management fees	2i(3)	17,348	
(4) Other	2i(4)		
(5) Total administrative expenses. Add lines 2i(1) through (4)	2i(5)		17,348
j Total expenses. Add all **expense** amounts in column (b) and enter total	2j		713,475
Net Income and Reconciliation			
k Net income (loss). Subtract line 2j from line 2d	2k		1,636,713
l Transfers of assets:			
(1) To this plan	2l(1)		
(2) From this plan	2l(2)		

Part III Accountant's Opinion

3 Complete lines 3a through 3c if the opinion of an independent qualified public accountant is attached to this Form 5500. Complete line 3d if an opinion is not attached.

a The attached opinion of an independent qualified public accountant for this plan is (see instructions):

(1) [X] Unqualified (2) [ ] Qualified (3) [ ] Disclaimer (4) [ ] Adverse

b Did the accountant perform a limited scope audit pursuant to 29 CFR 2520.103-8 and/or 103-12(d)? [ ] Yes [X] No

c Enter the name and EIN of the accountant (or accounting firm) below:

(1) Name: White, Nelson & Co., CPA's (2) EIN: 33-0686301

d The opinion of an independent qualified public accountant is **not attached** because:

(1) [ ] This form is filed for a CCT, PSA, or MTIA. (2) [ ] It will be attached to the next Form 5500 pursuant to 29 CFR 2520.104-50.

Part IV Compliance Questions

4 CCTs and PSAs do not complete Part IV. MTIAs, 103-12 IEs, and GIAs do not complete 4a, 4e, 4f, 4g, 4h, 4k, 4m, 4n, or 5. 103-12 IEs also do not complete 4j and 4l. MTIAs also do not complete 4l.

During the plan year:		Yes	No	Amount
a Was there a failure to transmit to the plan any participant contributions within the time period described in 29 CFR 2510.3-102? Continue to answer "Yes" for any prior year failures until fully corrected. (See instructions and DOL's Voluntary Fiduciary Correction Program.)	4a		X	
b Were any loans by the plan or fixed income obligations due the plan in default as of the close of the plan year or classified during the year as uncollectible? Disregard participant loans secured by participant's account balance. (Attach Schedule G (Form 5500) Part I if "Yes" is checked.)	4b		X	
c Were any leases to which the plan was a party in default or classified during the year as uncollectible? (Attach Schedule G (Form 5500) Part II if "Yes" is checked.)	4c		X	
d Were there any nonexempt transactions with any party-in-interest? (Do not include transactions reported on line 4a. Attach Schedule G (Form 5500) Part III if "Yes" is checked.)	4d		X	
e Was this plan covered by a fidelity bond?	4e	X		1,000,000
f Did the plan have a loss, whether or not reimbursed by the plan's fidelity bond, that was caused by fraud or dishonesty?	4f		X	
g Did the plan hold any assets whose current value was neither readily determinable on an established market nor set by an independent third party appraiser?	4g		X	
h Did the plan receive any noncash contributions whose value was neither readily determinable on an established market nor set by an independent third party appraiser?	4h		X	
i Did the plan have assets held for investment? (Attach schedule(s) of assets if "Yes" is checked, and see instructions for format requirements.)	4i	X		
j Were any plan transactions or series of transactions in excess of 5% of the current value of plan assets? (Attach schedule of transactions if "Yes" is checked, and see instructions for format requirements.)	4j		X	
k Were all the plan assets either distributed to participants or beneficiaries, transferred to another plan, or brought under the control of the PBGC?	4k		X	
l Has the plan failed to provide any benefit when due under the plan?	4l		X	
m If this is an individual account plan, was there a blackout period? (See instructions and 29 CFR 2520.101-3.)	4m		X	
n If 4m was answered "Yes," check the "Yes" box if you either provided the required notice or one of the exceptions to providing the notice applied under 29 CFR 2520.101-3.	4n			

5a Has a resolution to terminate the plan been adopted during the plan year or any prior plan year? If yes, enter the amount of any plan assets that reverted to the employer this year ☐ **Yes** ☒ **No** **Amount:**

5b If, during this plan year, any assets or liabilities were transferred from this plan to another plan(s), identify the plan(s) to which assets or liabilities were transferred. (See instructions.)

5b(1) Name of plan(s)	**5b(2)** EIN(s)	**5b(3)** PN(s)

F. GAVIÑA & SONS, INC.
401(k) PROFIT SHARING PLAN
SCHEDULE H, LINE 4i - SCHEDULE OF ASSETS HELD AT END OF YEAR
DECEMBER 31, 2009

FEIN: 95-2922751 PLAN# 002

(a)	(b) Identity Of Issue, Borrower, Lessor, Or Similar Party	(c) Description Of Investment	(d) Cost	(e) Current Value
	Corporate Bonds:			
	Accrued Interest		$ -	$ 17,265
	American Genl Fin	200,000 shares	200,000	150,938
	American Genl Fin	200,000 shares	200,000	136,524
	BAC CAP Tr	350 shares	350	7,788
	Bank of America	175,000 shares	175,000	176,503
	Capital One	300 shares	300	7,266
	Chesapeake Energy	10,000 shares	10,000	9,600
	Chesapeake Energy	8,000 shares	8,000	7,840
	Cincy Bell	20,000 shares	20,000	20,350
	CIT Group	10,738 shares	N/A	10,013
	CIT Group	16,107 shares	N/A	14,959
	CIT Group	16,107 shares	N/A	14,416
	CIT Group	26,845 shares	N/A	23,624
	CIT Group	37,582 shares	N/A	32,602
	Citigroup Capital	500 shares	500	9,290
	Citigroup Capital	400 shares	400	8,160
	Del Monte Corp	6,000 shares	6,000	6,120
	Dole Foods	7,000 shares	7,000	7,053
	El Paso	15,000 shares	15,000	14,820
	Fifth Third Capital	500 shares	500	10,195
	Ford Motor	20,000 shares	20,000	19,312
	Ford Motor	30,000 shares	30,000	28,732
	Ford Motor	15,000 shares	15,000	14,189
	Gannett Co	20,000 shares	20,000	20,050
	General Electric	20,0000 shares	200,000	206,478
	General Electric	500 shares	20,000	12,090
	General Motors	15,000 shares	15,000	14,937
	General Motors	15,000 shares	15,000	12,716
	General Motors	20,000 shares	20,000	17,167
	General Motors	400 shares	400	7,568
	GT Atlantic Pac Tea	1,000 shares	1,000	23,700
	Home Depot	100,000 shares	98,273	102,371
	Household	20,000 shares	20,000	20,019
	HSBC Finl	50,000 shares	50,000	51,106
	HSBC Finl	150,000 shares	150,000	153,665
	JP Morgan Chase	500 shares	500	12,400
	JP Morgan Chase	400 shares	400	10,100
	Natl City Cap	500 shares	500	11,161
	Natl City Cap	400 shares	400	8,700
	Nat'l Rural	60,000 shares	60,000	61,993
	Principal Life	200,000 shares	200,000	193,258

F. GAVIÑA & SONS, INC.
401(k) PROFIT SHARING PLAN
SCHEDULE H, LINE 4i - SCHEDULE OF ASSETS HELD AT END OF YEAR
DECEMBER 31, 2009

FEIN: 95-2922751 PLAN# 002

(a)	(b) Identity Of Issue, Borrower, Lessor, Or Similar Party	(c) Description Of Investment	(d) Cost	(e) Current Value
	Protective Life	100,000 shares	$ 100,000	$ 92,061
	Saturns-JCP	600 shares	600	11,664
	SLM Corp	35,000 shares	35,000	32,198
	Terex Corp	25,000 shares	25,000	25,281
	Terex Corp	15,000 shares	15,000	14,438
	USB Capital	500 shares	500	11,440
	USB Capital	400 shares	400	9,672
	William Lyons Homes	15,000 shares	15,000	9,675
	Total Corporate Bonds		1,771,023	1,893,464
	Corporate Stocks:			
	3M Company	100 Shares	$ 7,484	$ 8,267
	Abbott Labs	500 Shares	23,044	26,995
	Adobe Systems	88 Shares	2,690	3,237
	Advance Auto	103 Shares	3,765	4,169
	AECO Tech Corp	21 Shares	613	578
	Agnico Eagle Mines	300 Shares	17,738	16,200
	Agrium, Inc.	108 Shares	3,891	6,642
	Alcoa	900 Shares	21,992	14,508
	Altria Group	500 Shares	10,801	9,815
	Amazon Com	10 Shares	1,221	1,345
*	Americas United Bank	25,000 Shares	250,000	125,000
	Ameriprise Finl	155 Shares	4,479	6,017
	Amgen, Inc.	55 Shares	2,829	3,111
	Amgen, Inc.	40 Shares	2,098	2,263
	Anadarko Pete	73 Shares	2,846	4,557
	Anadarko Petroleum	400 Shares	31,465	24,968
	Anheuser- Busch	45 Shares	1,843	2,341
	Anheuser-Busch	55 Shares	2,056	2,862
	Annaly Cap	192 Shares	2,715	3,331
	Apple Computer	11 Shares	1,383	2,318
	Applied Materials	500 Shares	9,545	6,970
	AT&T	296 Shares	7,980	8,297
	Athena Health	12 Shares	323	543
	Atmos Energy	500 Shares	14,265	14,700
	BAE Sys PLC	94 Shares	2,848	2,179
	Banco Bilbao Vizcaya	278 Shares	4,968	5,015
	Barclays PLC	165 Shares	1,858	2,904
	Barrick Gold Corp	61 Shares	2,333	2,402
	Bershire Hathaway	2 Shares	8,850	6,572
	Best Buy	400 Shares	18,912	15,784

F. GAVIÑA & SONS, INC.
401(k) PROFIT SHARING PLAN
SCHEDULE H, LINE 4i - SCHEDULE OF ASSETS HELD AT END OF YEAR
DECEMBER 31, 2009

FEIN: 95-2922751 PLAN# 002

(a)	(b) Identity Of Issue, Borrower, Lessor, Or Similar Party	(c) Description Of Investment	(d) Cost	(e) Current Value
	BG Group	26 Shares	$ 2,925	$ 2,353
	BHP Billiton	56 Shares	3,120	4,288
	BHP Billiton	28 Shares	1,155	1,788
	BNP Paribas	63 Shares	1,220	2,530
	Bombadier Inc.	1,000 Shares	6,911	4,557
	BP PLC	200 Shares	12,309	11,594
	BP PLC	46 Shares	3,001	2,667
	Bristol Myers Squibb	1,100 Shares	56,702	27,775
	British Amern Tobaco	45 Shares	2,699	2,910
	Canon	93 Shares	3,967	3,936
	Capital One	94 Shares	3,278	3,604
	CBS Corp	164 Shares	1,910	2,304
	Celegen Corp	37 Shares	1,798	2,060
	Chevron Texaco	185 Shares	14,316	14,243
	Chipotle Mexican Grill	8 Shares	652	705
	Cisco	157 Shares	3,766	3,759
	Cisco Sytems	140 Shares	3,371	3,352
	CIT Group Inc	924 Shares	N/A	25,512
	Citrix Systems	82 Shares	2,628	3,412
	City National Corp	59 Shares	2,344	2,690
	Clorox	200 Shares	11,820	12,200
	Comcast	342 Shares	6,758	5,475
	Conoco Phillips	71 Shares	4,127	3,626
	Conoco Phillips	200 Shares	9,763	10,214
	Cons Edison	500 Shares	21,157	22,715
	Credit Suisse	78 Shares	2,913	3,834
	CRH	97 Shares	2,601	2,651
	Crown Castle Intl Corp	145 Shares	3,129	5,661
	CSX Corp	83 Shares	4,071	4,025
	Cummins, Inc.	65 Shares	3,006	2,981
	CVB Fincl	68 Shares	469	588
	Deere Co.	130 Shares	6,731	7,032
	Devon Energy	83 Shares	5,898	6,101
	Disney	149 Shares	3,800	4,805
	Disney	240 Shares	5,978	7,740
	Dreamworks	87 Shares	3,310	3,476
	Duke Energy	1,000 Shares	18,858	17,210
	Eaton Corp	13 Shares	852	827
	EMC Corp	310 Shares	5,098	5,416
	EMC Corp.	180 Shares	2,599	3,145
	Emcor Group	1,000 Shares	23,292	26,900
	Emerson Elec	157 Shares	5,953	6,688

F. GAVIÑA & SONS, INC.
401(k) PROFIT SHARING PLAN
SCHEDULE H, LINE 4i - SCHEDULE OF ASSETS HELD AT END OF YEAR
DECEMBER 31, 2009

FEIN: 95-2922751 PLAN# 002

(a)	(b) Identity Of Issue, Borrower, Lessor, Or Similar Party	(c) Description Of Investment	(d) Cost	(e) Current Value
	Enterprise Products	1,930 Shares	$ 51,760	$ 60,621
	EOG Resources	19 Shares	1,160	1,849
	Espirit Holdings	266 Shares	3,496	3,551
	Exxon Mobil	61 Shares	2,657	4,160
	Exxon Mobil	221 Shares	16,204	15,070
	Fanuc Ltd	78 Shares	3,195	3,666
	Farmer Bros	500 Shares	13,875	9,865
	Fidelity Natl	160 Shares	2,922	3,750
	First Horizon	79 Shares	1,089	1,059
	First Niagra	121 Shares	1,495	1,683
	FMC Corp	81 Shares	4,279	4,517
	Ford Motor	138 Shares	931	1,380
	Ford Motor	460 Shares	3,545	4,600
	Freeport McMran	39 Shares	1,900	3,131
	Gafisa	70 Shares	2,195	2,265
	General Electric	682 Shares	11,423	10,319
	General Electric	700 Shares	19,580	10,591
	Gilead	57 Shares	2,667	2,466
	Goldman Sachs	13 Shares	1,725	2,195
	Goldman Sachs	59 Shares	6,971	9,962
	Google	5 Shares	1,490	3,100
	Google	4 Shares	1,378	2,480
	GSI Commerce	21 Shares	524	533
	Halliburton	144 Shares	4,371	4,333
	Hess Corp	74 Shares	5,133	4,477
	Hewlett Packard	90 Shares	2,520	4,636
	Hewlett Packard	173 Shares	6,901	8,911
	Honeywell	67 Shares	2,948	2,626
	Hospira	52 Shares	1,614	2,652
	Hoya Corp	128 Shares	3,395	3,405
	HSBC Holding	75 Shares	3,244	4,282
	IBM	68 Shares	5,654	8,901
	Imperial TOB Grp	36 Shares	2,715	2,282
	Intel	273 Shares	6,509	5,569
	Intel	260 Shares	5,063	5,304
	Intl Business Machine	13 Shares	1,678	1,702
	Intl Paper	145 Shares	3,378	3,883
	Intuitive Surgical	15 Shares	3,447	4,551
	Itau Unibanco	50 Shares	823	1,142
	ITT Corp	94 Shares	4,953	4,676
	J Crew Group	12 Shares	550	537
	JC Penney	214 Shares	6,810	5,695

F. GAVIÑA & SONS, INC.
401(k) PROFIT SHARING PLAN
SCHEDULE H, LINE 4i - SCHEDULE OF ASSETS HELD AT END OF YEAR
DECEMBER 31, 2009

FEIN: 95-2922751 PLAN# 002

(a)	(b) Identity Of Issue, Borrower, Lessor, Or Similar Party	(c) Description Of Investment	(d) Cost	(e) Current Value
	Jefferies Group	177 Shares	$ 3,627	$ 4,200
	Johnson & Johnson	73 Shares	3,661	4,702
	Johnson & Johnson	41 Shares	2,459	2,641
	Johnson & Johnson	600 Shares	38,918	38,646
	JP Morgan	118 Shares	3,449	4,917
	JP Morgan Chase	98 Shares	1,977	4,084
	JP Morgan Chase	340 Shares	13,886	14,168
	Kinder Morgan Energy	400 Shares	23,283	24,392
	Life Tech Corp	29 Shares	821	1,514
	Lloyds Banking	869 Shares	4,946	2,842
	Lowes	500 Shares	11,684	11,695
	Lowes Companies	205 Shares	4,642	4,795
	LVMH Moet	196 Shares	3,144	4,400
	Marathon Oil	300 Shares	15,427	9,366
	Mastercard	18 Shares	3,268	4,608
	Mastercard	19 Shares	4,615	4,864
	Merck & Co.	119 Shares	3,988	4,348
	Merck KGAA	69 Shares	1,687	2,127
	Metlife	184 Shares	6,836	6,504
	Microsoft	207 Shares	5,830	6,309
	Microsoft	600 Shares	17,713	18,288
	Mitsubishi	15 Shares	1,993	2,401
	Molson Brew	119 Shares	4,857	5,374
*	Morgan Stanley	275 Shares	6,633	8,140
	Mosaic Co	51 Shares	2,605	3,046
	MS Emergin Mkts	2,500 Shares	50,000	34,200
	Mylan	87 Shares	986	1,603
	National-Oilwell	46 Shares	1,812	2,028
	Nestle Spon	250 Shares	12,460	12,088
	Nomura Hldgs	339 Shares	2,680	2,509
	Novo Nordisk	42 Shares	1,948	2,682
	Occidental Petroleum	143 Shares	9,940	11,633
	Oracle	144 Shares	874	3,532
	Oracle	230 Shares	4,691	5,642
	Parker Drilling	1,500 Shares	11,286	7,425
	Penske Auto	48 Shares	884	729
	Petrleo Bras	49 Shares	1,832	2,336
	Petrohawk Energy	186 Shares	4,700	4,462
	Pfizer	297 Shares	4,850	5,402
	Pfizer	795 Shares	12,715	14,461
	PG&E Corp	60 Shares	2,174	2,679
	PNC Fincl	66 Shares	2,746	3,484

F. GAVIÑA & SONS, INC.
401(k) PROFIT SHARING PLAN
SCHEDULE H, LINE 4i - SCHEDULE OF ASSETS HELD AT END OF YEAR
DECEMBER 31, 2009

FEIN: 95-2922751 PLAN# 002

(a)	(b) Identity Of Issue, Borrower, Lessor, Or Similar Party	(c) Description Of Investment	(d) Cost	(e) Current Value
	Polo Ralph Lauren	40 Shares	$ 2,620	$ 3,239
	Popular Inc	38,500 Shares	128,407	87,011
	Praxair	30 Shares	2,229	2,409
	Precision Castparts	26 Shares	1,719	2,869
	Pride Intl	25 Shares	602	798
	Principle Financial	184 Shares	4,398	4,423
	Procter & Gamble	64 Shares	3,989	3,880
	Prudential	177 Shares	1,512	3,609
	Qualcomm	23 Shares	860	1,064
	Qualcomm	200 Shares	6,868	9,252
	Range Resources	21 Shares	1,048	1,047
	Republic Services	99 Shares	2,414	2,803
	Research in Motion	50 Shares	3,880	3,377
	Research in Motion	200 Shares	13,393	13,508
	Reynolds American	130 Shares	6,467	6,886
	Roche Hldg	60 Shares	2,767	2,532
	Royal Caribbean	160 Shares	3,425	4,045
	Sanofi Aventis	100 Shares	3,084	3,927
	Sanofi Aventis	300 Shares	13,323	11,781
	SAP AG	50 Shares	2,486	2,341
	Schlumberger, Ltd	200 Shares	8,389	13,018
	Singapore Telecom	103 Shares	2,204	2,261
	Societe General	345 Shares	5,220	4,847
	Southern Company	143 Shares	5,042	4,765
	Spectra Energy	500 Shares	13,555	10,255
	Standard Pacific	6,000 Shares	26,223	22,440
	Starbucks	500 Shares	9,185	11,530
	Starbucks Corp	59 Shares	711	1,361
	State Street Bank	52 Shares	2,007	2,264
	Sumitomo Mitsu	877 Shares	4,881	2,499
	Sun HG	178 Shares	2,219	2,643
	Suntrust Bks	143 Shares	2,999	2,901
	Sysco Corp	500 Shares	14,123	13,970
	Target	69 Shares	3,476	3,338
	Tauban Centers	14 Shares	414	503
	TD Ameritrade	133 Shares	1,534	2,578
	Tesco PLC	112 Shares	2,141	2,304
	Teva Pharma	200 Shares	10,524	11,236
	Total Fina	200 Shares	11,689	12,808
	Total S.A.	40 Shares	1,716	2,562
	Transocean	58 Shares	6,387	4,802
	Trinity Ind	500 Shares	8,048	8,720

F. GAVIÑA & SONS, INC.
401(k) PROFIT SHARING PLAN
SCHEDULE H, LINE 4i - SCHEDULE OF ASSETS HELD AT END OF YEAR
DECEMBER 31, 2009

FEIN: 95-2922751 PLAN# 002

(a)	(b) Identity Of Issue, Borrower, Lessor, Or Similar Party	(c) Description Of Investment	(d) Cost	(e) Current Value
	Tullow PLC	118 Shares	$ 1,239	$ 1,274
	UBS AG	223 Shares	4,058	3,459
	Under Armour	28 Shares	656	764
	Unilever PLC	85 Shares	2,380	2,712
	United Parcel Service	58 Shares	3,177	3,327
	United States Steel	70 Shares	3,261	3,858
	United Techs	83 Shares	4,132	5,761
	United Techs Corp	59 Shares	2,938	4,095
	UnitedHealth Group	156 Shares	4,645	4,755
	US Bancorp	164 Shares	2,991	3,692
	Vail Resorts	62 Shares	3,018	2,344
	Verizon Comm	195 Shares	6,417	6,460
	Visa, Inc.	35 Shares	2,574	3,061
	Vodafone	109 Shares	2,461	2,517
	Wal Mart Stores	500 Shares	26,107	26,725
	Walgreen Co	99 Shares	2,952	3,635
	Wal-mart	82 Shares	4,100	4,383
	Wells Fargo	91 Shares	2,357	2,456
	Wells Fargo	189 Shares	4,765	5,101
	Wells Fargo	256 Shares	7,124	6,909
	Whirlpool	25 Shares	1,679	2,017
	WM Morrison	108 Shares	2,541	2,401
	Wynn Resorts	14 Shares	1,100	815
	Zurich Financial	167 Shares	2,710	3,631
	Subtotal		1,741,338	1,601,436
	Short Call Options:			
	3M Company	1 Options	$ (110)	$ (310)
	Abbott Laboratories	5 Options	(1,059)	(1,000)
	Agnico Eagle Mines at 50	2 Options	(2,204)	(900)
	Alcoa Inc	9 Options	(2,067)	(2,484)
	Altria Group Inc	5 Options	(268)	(355)
	Anadarko Petroleum	4 Options	(761)	(1,080)
	Applied Materials	5 Options	(214)	(25)
	Best Buy Co	4 Options	(993)	(220)
	BP PLC ADS	2 Options	(426)	(850)
	Bristol Myers Squibb	11 Options	(2,084)	(2,002)
	Conocophillips	2 Options	(274)	(302)
	Emcor Group Inc	10 Options	(1,874)	(1,950)
	Enterprise Prob PRTNRS	10 Options	(1,466)	(1,850)
	Fina ELF	2 Options	(658)	(760)

F. GAVIÑA & SONS, INC.
401(k) PROFIT SHARING PLAN
SCHEDULE H, LINE 4i - SCHEDULE OF ASSETS HELD AT END OF YEAR
DECEMBER 31, 2009

FEIN: 95-2922751 PLAN# 002

(a)	(b) Identity Of Issue, Borrower, Lessor, Or Similar Party	(c) Description Of Investment	(d) Cost	(e) Current Value
	Johnson & Johnson	3 Options	$ (502)	$ (483)
	Lowe's Companies	5 Options	(347)	(350)
	Marathon Oil Corp	3 Options	(314)	(240)
	Microsoft Corp	6 Options	(1,769)	(3,990)
	Qualcomm Inc	2 Options	(1,014)	(690)
	Research In Motion at 70	1 Options	(468)	(680)
	Research In Motion at 75	1 Options	(261)	(218)
	Sanofi Synthelabo Sa	3 Options	(617)	(1,410)
	Schlumberger LTD	2 Options	(800)	(620)
	Standard Pacific CP	60 Options	(886)	(900)
	Starbucks Corp	5 Options	(1,684)	(2,600)
	Trinity Ind Del	5 Options	(180)	(25)
	Walmart Stores Inc	5 Options	(384)	(440)
	Subtotal		(23,684)	(26,734)
	Total Corporate Stocks		1,717,653	1,574,702
	Preferred Stock:			
	Aegon	600 Shares	$ 15,000	$ 11,874
	American Intl Group	6,000 Shares	150,000	92,820
	Barclays Bank	300 Shares	7,500	6,627
	Development Div Rlty Cum	400 Shares	25,000	8,000
	Development Div Rlty Prf	1,000 Shares	10,000	18,610
	HSBC Holdings	400 Shares	10,000	8,556
	ING Group NV	4,000 Shares	100,000	78,760
	ING Group NV	400 Shares	10,000	6,792
	Lehman Bros Hdgs, Inc.	8,000 Shares	200,000	640
*	ML PFD Capital Trust III	4,000 Shares	100,000	87,080
	Public Storage 7.0% Pfd	1,000 Shares	25,000	24,320
	Public Storage 7.25% Pfd	400 Shares	10,000	10,200
	Royal Bank of Scotland	600 Shares	15,000	6,528
	Royal Bank Scotland Grp	8,000 Shares	200,000	87,040
	Total Preferred Stocks		877,500	447,847
	Mortgages Receivable:			
	Aida Behr - Property As Collateral	Mortgage	$ 35,639	$ 35,639
	Felix Birba - Property As Collateral	Mortgage	41,887	41,887
	Total Mortgages Receivable		77,526	77,526

F. GAVIÑA & SONS, INC.
401(k) PROFIT SHARING PLAN
SCHEDULE H, LINE 4i - SCHEDULE OF ASSETS HELD AT END OF YEAR
DECEMBER 31, 2009

FEIN: 95-2922751 PLAN# 002

(a)	(b) Identity Of Issue, Borrower, Lessor, Or Similar Party	(c) Description Of Investment	(d) Cost	(e) Current Value
	Money Market Accounts:			
*	Merrill Lynch	CMA Money Fund	$ 2,851	$ 2,851
*	Merrill Lynch	CMA Money Fund	12,535	12,535
*	Merrill Lynch	CMA Money Fund	36,925	36,925
*	Merrill Lynch	CMA Money Fund	187,828	187,828
*	Merrill Lynch	CMA Money Fund	1,397,609	1,397,609
*	Americas United Bank	Business Money Market	495,591	495,591
*	Banco Popular	Business Money Market	11,811	11,811
	Total Money Market Accounts		2,145,150	2,145,150
	Certificates Of Deposit:			
	American Express Bank	4.8% MAT 12/10/13	$ 250,000	$ 252,929
	HSBC Bank USA	Variable 2/26/15	225,005	250,470
*	Banco Popular	1.883% 12 Month, Renewable	175,000	175,000
*	Banco Popular	1.883% 12 Month, Renewable	250,000	250,000
*	Banco Popular	1.883% 12 Month, Renewable	250,000	250;000
*	Banco Popular	1.883% 12 Month, Renewable	250,000	250,000
*	Banco Popular	1.883% 12 Month, Renewable	250,000	250,000
*	Banco Popular	1.883% 12 Month, Renewable	250,000	250,000
	BMW Bank Of North America	3.85% MAT 6/18/10	200,000	202,366
	Discover Bank	4.1% MAT 6/20/11	200,000	204,540
	Total Certificates Of Deposit		2,300,005	2,335,305
	Mutual Funds (Non-Participant Directed):			
	Allianz NACM Pacific Rim	2,927 Shares	$ 40,066	$ 33,514
	Eaton Vance Tax Mgd	6,100 Shares	99,918	75,213
	Franklin Mutual European	4,138 Shares	99,988	84,374
	Fractional Shares	-	N/A	48
	Total Mutual Funds (Non-Participant Directed)		239,972	193,149
	401(k) Mutual Funds (Participant Directed):			
*	American Funds	AMCAP Fund	$ **	$ 22,488
*	American Funds	American Balanced Fund	**	20,549
*	American Funds	American High Income Trust	**	6,172
*	American Funds	Capital World Growth And Income Fund	**	58,076
*	American Funds	Europacific Growth Fund	**	120,597
*	American Funds	SMALL CAP World Fund	**	76,222
*	American Funds	The Bond Fund Of America	**	304,704
*	American Funds	American Funds Money Market Fund	**	104,610

F. GAVIÑA & SONS, INC.
401(k) PROFIT SHARING PLAN
SCHEDULE H, LINE 4i - SCHEDULE OF ASSETS HELD AT END OF YEAR
DECEMBER 31, 2009

FEIN: 95-2922751 PLAN# 002

(a)	(b) Identity Of Issue, Borrower, Lessor, Or Similar Party	(c) Description Of Investment	(d) Cost	(e) Current Value
*	American Funds	The Growth Fund Of America	$ **	$ 272,498
*	American Funds	The Investment Company Of America	**	57,558
*	American Funds	U.S. Government Securities Fund	**	75,014
*	American Funds	Washington Mutual Investors Fund	**	186,539
	Total 401(k) Mutual Funds (Participant Directed)			1,305,028
	Total Net Assets Held For Investment			$ 9,972,170

* Party-In Interest
** Cost information not available as permitted for participant directed accounts

SCHEDULE R (Form 5500)

Department of the Treasury
Internal Revenue Service

Department of Labor
Employee Benefits Security Administration

Pension Benefit Guaranty Corporation

Retirement Plan Information

This schedule is required to be filed under section 104 and 4065 of the Employee Retirement Income Security Act of 1974 (ERISA) and section 6058(a) of the Internal Revenue Code (the Code).

▶ **File as an attachment to Form 5500.**

OMB No. 1210-0110

2009

This Form is Open to Public Inspection.

For calendar plan year 2009 or fiscal plan year beginning 01/01/2009 and ending 12/31/2009

A Name of plan
F. Gavina & Sons, Inc. 401(k) Profit Sharing Plan

B Three-digit plan number (PN) ▶ 002

C Plan sponsor's name as shown on line 2a of Form 5500
F. Gavina & Sons, Inc.

D Employer Identification Number (EIN)
95-2922751

Part I Distributions

All references to distributions relate only to payments of benefits during the plan year.

1 Total value of distributions paid in property other than in cash or the forms of property specified in the instructions **1** 0

2 Enter the EIN(s) of payor(s) who paid benefits on behalf of the plan to participants or beneficiaries during the year (if more than two, enter EINs of the two payors who paid the greatest dollar amounts of benefits):

EIN(s): _____ _____

Profit-sharing plans, ESOPs, and stock bonus plans, skip line 3.

3 Number of participants (living or deceased) whose benefits were distributed in a single sum, during the plan year **3** 17

Part II Funding Information (If the plan is not subject to the minimum funding requirements of section of 412 of the Internal Revenue Code or ERISA section 302, skip this Part)

4 Is the plan administrator making an election under Code section 412(d)(2) or ERISA section 302(d)(2)? ☐ **Yes** ☒ **No** ☐ **N/A**

If the plan is a defined benefit plan, go to line 8.

5 If a waiver of the minimum funding standard for a prior year is being amortized in this plan year, see instructions and enter the date of the ruling letter granting the waiver. **Date:** Month _____ Day _____ Year _____

If you completed line 5, complete lines 3, 9, and 10 of Schedule MB and do not complete the remainder of this schedule.

6 **a** Enter the minimum required contribution for this plan year **6a**

b Enter the amount contributed by the employer to the plan for this plan year **6b**

c Subtract the amount in line 6b from the amount in line 6a. Enter the result (enter a minus sign to the left of a negative amount) **6c**

If you completed line 6c, skip lines 8 and 9.

7 Will the minimum funding amount reported on line 6c be met by the funding deadline? ☐ **Yes** ☐ **No** ☒ **N/A**

8 If a change in actuarial cost method was made for this plan year pursuant to a revenue procedure providing automatic approval for the change or a class ruling letter, does the plan sponsor or plan administrator agree with the change? ☐ **Yes** ☐ **No** ☒ **N/A**

Part III Amendments

9 If this is a defined benefit pension plan, were any amendments adopted during this plan year that increased or decreased the value of benefits? If yes, check the appropriate box(es). If no, check the "No" box. ☐ **Increase** ☐ **Decrease** ☐ **Both** ☒ **No**

Part IV ESOPs (see instructions). If this is not a plan described under Section 409(a) or 4975(e)(7) of the Internal Revenue Code, skip this Part.

10 Were unallocated employer securities or proceeds from the sale of unallocated securities used to repay any exempt loan? ☐ **Yes** ☐ **No**

11 **a** Does the ESOP hold any preferred stock? ☐ **Yes** ☐ **No**

b If the ESOP has an outstanding exempt loan with the employer as lender, is such loan part of a "back-to-back" loan? (See instructions for definition of "back-to-back" loan.) ☐ **Yes** ☐ **No**

12 Does the ESOP hold any stock that is not readily tradable on an established securities market? ☐ **Yes** ☐ **No**

Part V Additional Information for Multiemployer Defined Benefit Pension Plans

13 Enter the following information for each employer that contributed more than 5% of total contributions to the plan during the plan year (measured in dollars). See instructions. *Complete as many entries as needed to report all applicable employers.*

a Name of contributing employer

b EIN **c** Dollar amount contributed by employer

d Date collective bargaining agreement expires *(If employer contributes under more than one collective bargaining agreement, check box ☐ and see instructions regarding required attachment. Otherwise, enter the applicable date.)* Month _____ Day _____ Year _____

e Contribution rate information *(If more than one rate applies, check this box ☐ and see instructions regarding required attachment. Otherwise, complete items 13e(1) and 13e(2).)*
(1) Contribution rate (in dollars and cents) _____
(2) Base unit measure: ☐ Hourly ☐ Weekly ☐ Unit of production ☐ Other (specify):

---

a Name of contributing employer

b EIN **c** Dollar amount contributed by employer

d Date collective bargaining agreement expires *(If employer contributes under more than one collective bargaining agreement, check box ☐ and see instructions regarding required attachment. Otherwise, enter the applicable date.)* Month _____ Day _____ Year _____

e Contribution rate information *(If more than one rate applies, check this box ☐ and see instructions regarding required attachment. Otherwise, complete items 13e(1) and 13e(2).)*
(1) Contribution rate (in dollars and cents) _____
(2) Base unit measure: ☐ Hourly ☐ Weekly ☐ Unit of production ☐ Other (specify):

---

a Name of contributing employer

b EIN **c** Dollar amount contributed by employer

d Date collective bargaining agreement expires *(If employer contributes under more than one collective bargaining agreement, check box ☐ and see instructions regarding required attachment. Otherwise, enter the applicable date.)* Month _____ Day _____ Year _____

e Contribution rate information *(If more than one rate applies, check this box ☐ and see instructions regarding required attachment. Otherwise, complete items 13e(1) and 13e(2).)*
(1) Contribution rate (in dollars and cents) _____
(2) Base unit measure: ☐ Hourly ☐ Weekly ☐ Unit of production ☐ Other (specify):

---

a Name of contributing employer

b EIN **c** Dollar amount contributed by employer

d Date collective bargaining agreement expires *(If employer contributes under more than one collective bargaining agreement, check box ☐ and see instructions regarding required attachment. Otherwise, enter the applicable date.)* Month _____ Day _____ Year _____

e Contribution rate information *(If more than one rate applies, check this box ☐ and see instructions regarding required attachment. Otherwise, complete items 13e(1) and 13e(2).)*
(1) Contribution rate (in dollars and cents) _____
(2) Base unit measure: ☐ Hourly ☐ Weekly ☐ Unit of production ☐ Other (specify):

---

a Name of contributing employer

b EIN **c** Dollar amount contributed by employer

d Date collective bargaining agreement expires *(If employer contributes under more than one collective bargaining agreement, check box ☐ and see instructions regarding required attachment. Otherwise, enter the applicable date.)* Month _____ Day _____ Year _____

e Contribution rate information *(If more than one rate applies, check this box ☐ and see instructions regarding required attachment. Otherwise, complete items 13e(1) and 13e(2).)*
(1) Contribution rate (in dollars and cents) _____
(2) Base unit measure: ☐ Hourly ☐ Weekly ☐ Unit of production ☐ Other (specify):

---

a Name of contributing employer

b EIN **c** Dollar amount contributed by employer

d Date collective bargaining agreement expires *(If employer contributes under more than one collective bargaining agreement, check box ☐ and see instructions regarding required attachment. Otherwise, enter the applicable date.)* Month _____ Day _____ Year _____

e Contribution rate information *(If more than one rate applies, check this box ☐ and see instructions regarding required attachment. Otherwise, complete items 13e(1) and 13e(2).)*
(1) Contribution rate (in dollars and cents) _____
(2) Base unit measure: ☐ Hourly ☐ Weekly ☐ Unit of production ☐ Other (specify):

---

a Name of contributing employer

b EIN **c** Dollar amount contributed by employer

d Date collective bargaining agreement expires *(If employer contributes under more than one collective bargaining agreement, check box ☐ and see instructions regarding required attachment. Otherwise, enter the applicable date.)* Month _____ Day _____ Year _____

e Contribution rate information *(If more than one rate applies, check this box ☐ and see instructions regarding required attachment. Otherwise, complete items 13e(1) and 13e(2).)*
(1) Contribution rate (in dollars and cents) _____
(2) Base unit measure: ☐ Hourly ☐ Weekly ☐ Unit of production ☐ Other (specify):

14 Enter the number of participants on whose behalf no contributions were made by an employer as an employer of the participant for:

a The current year	**14a**	
b The plan year immediately preceding the current plan year	**14b**	
c The second preceding plan year	**14c**	

15 Enter the ratio of the number of participants under the plan on whose behalf no employer had an obligation to make an employer contribution during the current plan year to:

a The corresponding number for the plan year immediately preceding the current plan year	**15a**	
b The corresponding number for the second preceding plan year	**15b**	

16 Information with respect to any employers who withdrew from the plan during the preceding plan year:

a Enter the number of employers who withdrew during the preceding plan year	**16a**	
b If item 16a is greater than 0, enter the aggregate amount of withdrawal liability assessed or estimated to be assessed against such withdrawn employers	**16b**	

17 If assets and liabilities from another plan have been transferred to or merged with this plan during the plan year, check box and see instructions regarding supplemental information to be included as an attachment. ☐

Part VI Additional Information for Single-Employer and Multiemployer Defined Benefit Pension Plans

18 If any liabilities to participants or their beneficiaries under the plan as of the end of the plan year consist (in whole or in part) of liabilities to such participants and beneficiaries under two or more pension plans as of immediately before such plan year, check box and see instructions regarding supplemental information to be included as an attachment ☐

19 If the total number of participants is 1,000 or more, complete items (a) through (c)

a Enter the percentage of plan assets held as:
Stock: _____% Investment-Grade Debt: _____% High-Yield Debt: _____% Real Estate: _____% Other: _____%

b Provide the average duration of the combined investment-grade and high-yield debt:
☐ 0-3 years ☐ 3-6 years ☐ 6-9 years ☐ 9-12 years ☐ 12-15 years ☐ 15-18 years ☐ 18-21 years ☐ 21 years or more

c What duration measure was used to calculate item 19(b)?
☐ Effective duration ☐ Macaulay duration ☐ Modified duration ☐ Other (specify):

29077-221-24963-0 TE 952922751

Department of the Treasury
Internal Revenue Service
OGDEN, UT 84201-0073

Date of this notice: SEP. 6, 2010
Taxpayer Identifying Number:
95-2922751
Form: 5500/8955-SSA
Tax Period: DEC. 31, 2009
Plan Number: 002
For assistance you may call us at:
1-877-829-5500
Or you may write to us at the address shown at the left.

053698.767006.0141.003 1 AT 0.357 375

F GAVINA & SONS INC
2700 FRUITLAND AVE
VERNON CA 90058-3608001

053698

APPLICATION FOR EXTENSION OF TIME TO FILE AN EMPLOYEE PLAN RETURN - APPROVED

We received your Form 5558, Application for Extension of Time to File an Employee Plan Return, for the return (form), plan number, and tax period identified above. Your request was approved. The due date to file your return is extended to OCT. 15, 2010. This letter is notification of your approved extension and should be kept with your records.

If you have any questions, please call us at the number shown above, or you may write us at the address shown at the top left of this letter.

For general information, tax forms, and publications, visit www.irs.gov. Employee Plan information is on the "Retirement Plans Community" tab.