Form 5500

Department of the Treasury Internal Revenue Service

Department of Labor Employee Benefits Security Administration

Pension Benefit Guaranty Corporation

Signature of DFE

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

2010

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Part I		tification Information							
For cale	For calendar plan year 2010 or fiscal plan year beginning 01/01/2008 and ending 12/31/2008								
A This	return/report is for:	a multiemployer plan	n; a multip	ole-employer plan; or					
		a single-employer pl	an; a DFE	(specify)					
		_	_						
B This	return/report is:	the first return/report	t; the fina	I return/report;					
		an amended return/	report; a short	plan year return/report (le	ess than 12 months).				
C If the	plan is a collectively-bargaine	ed plan, check here							
D Chec	k box if filing under:	Form 5558;	automa	tic extension;	the DFVC program;				
2 000	. v v v v v v v v v v v v v v v v v v v	special extension (e	<u> </u>						
Part	II Rasic Plan Inform	nation—enter all requested	• • •						
	ne of plan	ination cinci all requested	i in OfficialiOff		1b Three-digit plan	001			
	RTS CATERERS INC 401K P	ROFIT SHARING PLAN &TF	RUST		number (PN) ▶	001			
					1c Effective date of pla 01/01/2004	ın			
	sponsor's name and address		nployer plan)		2b Employer Identificat	tion			
,	ress should include room or s	suite no.)			Number (EIN) 14-1710547				
HERBEI	RTS CATERERS INC				2c Sponsor's telephone	Α			
					number	number			
1 CELEE	BRATION WAY	1	CELEBRATION WAY		518-732-4444				
	ACK CENTER, NY 12033		CHODACK CENTER, NY 1	NY 12033 2d Business code (see instructions)					
		722300							
Caution	: A penalty for the late or in	complete filing of this retu	rn/report will be assessed	l unless reasonable cau	se is established.				
					ort, including accompanying sched				
statemer	nts and attachments, as well a	as the electronic version of th	nis return/report, and to the	best of my knowledge and	d belief, it is true, correct, and com	plete.			
SIGN HERE	Filed with authorized/valid ele	ectronic signature.	08/26/2011	STEVEN FELDMAN					
			Enter name of individual signing as plan administrator						
SIGN HERE									
HEKE	Signature of employer/pla	n sponsor	Date	Enter name of individu	ual signing as employer or plan spo	onsor			
SIGN									
HERE				1					

Date

For Paperwork Reduction Act Notice and OMB Control Numbers, see the instructions for Form 5500.

Form 5500 (2010) v.092307.1

Enter name of individual signing as DFE

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	Plan administrator's name and address (if same as plan sponsor, enter "Sam	ie")		3b Ac	dministrator's EIN
SA	IVIE				Iministrator's telephone ımber
4	If the name and/or EIN of the plan sponsor has changed since the last return/	/report filed for th	nis plan, enter the name, EIN	and	4b EIN
	the plan number from the last return/report:				4
а	Sponsor's name				4c PN
5	Total number of participants at the beginning of the plan year			5	16
6	Number of participants as of the end of the plan year (welfare plans complete	only lines 6a, 6	b, 6c, and 6d).		
а	Active participants			6a	12
					0
b	Retired or separated participants receiving benefits			6b	0
С	Other retired or separated participants entitled to future benefits			6c	5
d	Subtotal. Add lines 6a, 6b, and 6c			6d	17
e	Deceased participants whose beneficiaries are receiving or are entitled to rec	reive henefits		6e	0
t	Total. Add lines 6d and 6e			6f	17
g	Number of participants with account balances as of the end of the plan year (6g	14
	complete this item)			. og	14
h	Number of participants that terminated employment during the plan year with less than 100% vested			6h	2
7	Enter the total number of employers obligated to contribute to the plan (only	7	5		
8a	If the plan provides pension benefits, enter the applicable pension feature coo	des from the List	t of Plan Characteristic Codes	s in the	instructions:
	2E 2G 2J 2K 3E If the plan provides welfare benefits, enter the applicable welfare feature codes				
9a	Plan funding arrangement (check all that apply) (1) Insurance	9b Plan bene (1)	fit arrangement (check all tha	at apply)	
	(2) Code section 412(e)(3) insurance contracts	(2)	Code section 412(e)(3) i	insurand	ce contracts
	(3) Trust	(3)	X Trust		
10	(4) General assets of the sponsor Check all applicable boxes in 10a and 10b to indicate which schedules are at	(4)	General assets of the sp		ahad (Saa instructions)
			·	ber allac	med. (See instructions)
а	Pension Schedules (1) R (Retirement Plan Information)	b General (1)	Schedules H (Financial Inform	nation)	
	(2) MB (Multiemployer Defined Benefit Plan and Certain Money	(2)	X I (Financial Inform	,	Small Plan)
	Purchase Plan Actuarial Information) - signed by the plan	(3)	A (Insurance Inform		
	actuary	(4)	C (Service Provide		
	(3) SB (Single-Employer Defined Benefit Plan Actuarial Information) - signed by the plan actuary	(5) (6)	D (DFE/Participatin G (Financial Trans	•	,
	miorination, - signed by the plan actuary	(0)	United that the state of the st	aciiOII c	Jonedules)

SCHEDULE I (Form 5500)

Department of the Treasury Internal Revenue Service

Department of Labor
Employee Benefits Security Administration

Financial Information—Small Plan

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.

2010

OMB No. 1210-0110

This Form is Open to Public Inspection

Pension Benefit Guaranty Corporation	inspection
For calendar plan year 2010 or fiscal plan year beginning 01/01/2008	and ending 12/31/2008
A Name of plan HERBERTS CATERERS INC 401K PROFIT SHARING PLAN &TRUST	B Three-digit 001
C Plan sponsor's name as shown on line 2a of Form 5500	D Employer Identification Number (EIN)
HERBERTS CATERERS INC	14-1710547
Complete Schedule I if the plan covered fewer than 100 participants as of the beginning of the pl	an year. You may also complete Schedule I if you are filing as a

small plan under the 80-120 participant rule (see instructions). Complete Schedule H if reporting as a large plan or DFE.

Part I | Small Plan Financial Information

Report below the current value of assets and liabilities, income, expenses, transfers and changes in net assets during the plan year. Combine the value of plan assets held in more than one trust. Do not enter the value of the portion of an insurance contract that guarantees during this plan year to pay a specific dollar benefit at a future date. 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.

1	Plan Assets and Liabilities:		(a) Beginning of Year	(b) End of Year
а	Total plan assets	. 1a	62566	59825
b	Total plan liabilities	. 1b	0	0
С	Net plan assets (subtract line 1b from line 1a)	1c	62566	59825
2	Income, Expenses, and Transfers for this Plan Year:		(a) Amount	(b) Total
а	Contributions received or receivable:			
	(1) Employers	2a(1)	1934	
	(2) Participants	2a(2)	21871	
	(3) Others (including rollovers)	2a(3)	0	
b	Noncash contributions	2b		
С	Other income	. 2c	-16873	
d	Total income (add lines 2a(1), 2a(2), 2a(3), 2b, and 2c)	2d		6932
е	Benefits paid (including direct rollovers)	2e	856	
f	Corrective distributions (see instructions)	2f	8736	
g	Certain deemed distributions of participant loans (see instructions)	. 2g	0	
h	Administrative service providers (salaries, fees, and commissions).	. 2h	80	
i	Other expenses	. 2i		
j	Total expenses (add lines 2e, 2f, 2g, 2h, and 2i)	2j		9672
k	Net income (loss) (subtract line 2j from line 2d)	2k		-2740
	Transfers to (from) the plan (see instructions)	. 2I		

3 Specific Assets: If the plan held assets at anytime during the plan year in any of the following categories, check "Yes" and enter the current value of any assets remaining in the plan as of the end of the plan year. Allocate the value of the plan's interest in a commingled trust containing the assets of more than one plan on a line-by-line basis unless the trust meets one of the specific exceptions described in the instructions.

			Yes	No	Amount
а	Partnership/joint venture interests	3a		X	
b	Employer real property	3b		X	
	Real estate (other than employer real property)			X	
d	Employer securities	3d		X	
	Participant loans		X		1316

	S.	chedule I (Form 5500) 2010 Page 2-	\neg			
		rage 2 -			_	
				Yes	No	Amount
3f	Loans (other than to participants)	3f	100	X	
g	,	e personal property			Χ	
9	rangion		3g			
	art II	Compliance Questions				
4		g the plan year:		Yes	No	Amount
а	describe	ere a failure to transmit to the plan any participant contributions within the time period ed in 29 CFR 2510.3-102? Continue to answer "Yes" for any prior year failures until fully			X	
		ed. (See instructions and DOL's Voluntary Fiduciary Correction Program.)	4a		^	
b	year or	ny loans by the plan or fixed income obligations due the plan in default as of the close of plan classified during the year as uncollectible? Disregard participant loans secured by the			X	
		ant's account balance	4b		^	
С		ny leases to which the plan was a party in default or classified during the year as ctible?	4c		X	
d		nere any nonexempt transactions with any party-in-interest? (Do not include transactions d on line 4a.)	4d		Х	
е	Was the	e plan covered by a fidelity bond?	4e	X		20000
f		plan have a loss, whether or not reimbursed by the plan's fidelity bond, that was caused by dishonesty?	4f		X	
g		plan hold any assets whose current value was neither readily determinable on an established	-			
9		nor set by an independent third party appraiser?	4g		X	
h		plan receive any noncash contributions whose value was neither readily determinable on an shed market nor set by an independent third party appraiser?	4h		X	
			711			
1		plan at any time hold 20% or more of its assets in any single security, debt, mortgage, parcel estate, or partnership/joint venture interest?	4i		Х	
j		Il the plan assets either distributed to participants or beneficiaries, transferred to another plan ght under the control of the PBGC?	4 j		X	
k	account	claiming a waiver of the annual examination and report of an independent qualified public tant (IQPA) under 29 CFR 2520.104-46? If "No," attach an IQPA's report or 2520.104-50 ent. (See instructions on waiver eligibility and conditions.)	4k	X		
ı	Has the	plan failed to provide any benefit when due under the plan?	41		X	
m		an individual account plan, was there a blackout period? (See instructions and 29 CFR 01-3.)	4m		X	
n		as answered "Yes," check the "Yes" box if you either provided the required notice or one of eptions to providing the notice applied under 29 CFR 2520.101-3	4n		X	

Has a resolution to terminate the plan been adopted during the plan year or any prior plan year?

5a

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

Employee Benefits Security Administration

Department of Labor

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

2010

This Form is Open to Public Inspection.

	Pension Be	enefit Guaranty Corporation	, i no do dir ditaorimoni i	0 1 01 III 00001			inspection.	
For		plan year 2010 or fiscal pla	n year beginning 01/01/2008	and endin	g 12/31/2	.008		
	Name of p BERTS C		FIT SHARING PLAN &TRUST	В	Three-digit plan numb (PN)	er •	001	
C F	Plan spon	sor's name as shown on line CATERERS INC	e 2a of Form 5500	D	Employer Id	entification	on Number (EIN	1)
пек	DER IS C	DATERERS INC			14-17105	47		
		Distributions						
All	referenc	es to distributions relate o	only to payments of benefits during the plan	year.				
1			roperty other than in cash or the forms of prope		1			0
2		ne EIN(s) of payor(s) who pa who paid the greatest dollar	and benefits on behalf of the plan to participants amounts of benefits):	or beneficiaries during th	ne year (if mo	e than tw	vo, enter EINs o	of the two
	EIN(s)	40.4470000	,					
	` ,		stock bonus plans, skip line 3.					
_								
3			ceased) whose benefits were distributed in a si					0
_								
P	art II	ERISA section 302, skip to	n (If the plan is not subject to the minimum fur	nding requirements of sec	ction of 412 of	the Inter	rnal Revenue C	ode or
4	le the pl		lection under Code section 412(d)(2) or ERISA se	action 202(d)(2)2		Yes	No	X N/A
7		lan is a defined benefit pla		ction 302(a)(2):		. 00	□	□
_	-		-					
5	plan ye	ar, see instructions and ente	standard for a prior year is being amortized in ter the date of the ruling letter granting the waive	er. Date: Month		ay	Year	
			e lines 3, 9, and 10 of Schedule MB and do n			chedule.		
6	a Ente	er the minimum required cor	ntribution for this plan year		6a			0
	b Ente	er the amount contributed by	y the employer to the plan for this plan year		6b			0
			rom the amount in line 6a. Enter the result fancing an egative amount)		6c			0
	If you c	completed line 6c, skip line	es 8 and 9.					
7	•		eported on line 6c be met by the funding deadli	ne?		Yes	No	× N/A
8	If a cha	nge in actuarial cost method	I was made for this plan year pursuant to a reve	enue procedure providino	1			
-			or a class ruling letter, does the plan sponsor of			V	П м-	X N/A
	with the	change?			<u> </u>	Yes	No	× N/A
Pá	art III	Amendments						
9	If this is	a defined benefit pension p	lan, were any amendments adopted during this	s plan				
			ne value of benefits? If yes, check the appropria		Decre		Both	□No
_								Пио
Pa	rt IV	ESOPs (see instruction skip this Part.	ctions). If this is not a plan described under Sec	tion 409(a) or 4975(e)(7)	of the Interna	ıl Revenu	ue Code,	
10	Were u	nallocated employer securiti	es or proceeds from the sale of unallocated se	curities used to repay an	y exempt loar	າ?	Yes	No
4.4			ics of proceeds from the sale of analiocated se				···	_=
11	a Do	oes the ESOP hold any prefe	erred stock?				Yes	No
11	b If t	the ESOP has an outstandin	· ·	such loan part of a "back-	-to-back" loan		Yes	No

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Schedule R (Form 5500) 2010

Par	t V	Additional Information for Multiemployer Defined Benefit Pension Plans								
13	Ente	er the following information for each employer that contributed more than 5% of total contributions to the plan during the plan year (measured in								
		llars). 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								
	е	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)								
	а	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								
	е	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):								
	а	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								
	е	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								
	е	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								
	<u>a</u> 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								
	е	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								
	a 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								
	е	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):								

Page .

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 ma employer contribution during the current plan year to:	ke an						
	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, cl supplemental information to be included as an attachment.		· •					
P	art VI Additional Information for Single-Employer and Multiemployer Defined Benefi	t Pensi	on Plans					
18	If any liabilities to participants or their beneficiaries under the plan as of the end of the plan year consist (in whole and beneficiaries under two or more pension plans as of immediately before such plan year, check box and see in 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:	_% Othe	er:%					
	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 18-2	21 vears	21 years or more					
	What duration measure was used to calculate item 19(b)?	i yours	L 21 yours or more					
	Effective duration Macaulay duration Modified duration Other (specify):							