Edgar Filing: BERKSHIRE INCOME REALTY INC - Form 4

BERKSHIRE INCOME REALTY INC

Form 4

March 09, 2009

FORM 4

UNITED STATES SECURITIES AND EXCHANGE COMMISSION

Washington, D.C. 20549

if no longer subject to Section 16. Form 4 or Form 5

obligations

Check this box

STATEMENT OF CHANGES IN BENEFICIAL OWNERSHIP OF **SECURITIES**

Filed pursuant to Section 16(a) of the Securities Exchange Act of 1934, Section 17(a) of the Public Utility Holding Company Act of 1935 or Section may continue. 30(h) of the Investment Company Act of 1940

See Instruction 1(b).

(Print or Type Responses)

1. Name and Address of Reporting Person * 5. Relationship of Reporting Person(s) to 2. Issuer Name and Ticker or Trading HAWTHORNE RANDOLPH G Issuer Symbol BERKSHIRE INCOME REALTY (Check all applicable) INC [BIR.PR.A] (Last) (First) (Middle) 3. Date of Earliest Transaction _X__ Director (Month/Day/Year)

10% Owner _ Other (specify Officer (give title 03/05/2009

C/O BERKSHIRE INCOME REALTY INC, ONE BEACON STREET STE 1500

> (Street) 4. If Amendment, Date Original

Filed(Month/Day/Year)

6. Individual or Joint/Group Filing(Check Applicable Line) _X_ Form filed by One Reporting Person Form filed by More than One Reporting

OMB APPROVAL

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BOSTON, MA 02108

(City)	(State) (Zi	Table I	- Non-Der	ivative Se	curiti	es Acquii	red, Disposed of,	or Beneficiall	y Owned
1.Title of Security (Instr. 3)	2. Transaction Date (Month/Day/Year)	2A. Deemed Execution Date, if any (Month/Day/Year)	3. Transaction Code (Instr. 8)	ransaction(A) or Disposed of (D) code (Instr. 3, 4 and 5)		5. Amount of Securities Beneficially Owned Following	6. Ownership Form: Direct (D) or Indirect	7. Nature of Indirect Beneficial Ownership (Instr. 4)	
			Code V	Amount	(A) or (D)	Price	Reported Transaction(s) (Instr. 3 and 4)	(I) (Instr. 4)	
9% Series A Cumulative Redeemable Preferred Stock	03/05/2009		P	500 (1)	A	\$ 11.01	4,000	D	
9% Series A Cumulative Redeemable Preferred Stock	03/06/2009		P	500 (2)	A	\$ 11.01	4,500	D	

of

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Reminder: Report on a separate line for each class of securities beneficially owned directly or indirectly.

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SEC 1474 (9-02)

> 9. Nu Deriv Secur Bene Own Follo Repo Trans

Table II - Derivative Securities Acquired, Disposed of, or Beneficially Owned (e.g., puts, calls, warrants, options, convertible securities)

	1. Title of	2.	3. Transaction Date	3A. Deemed	4.	5.	6. Date Exerc	cisable and	7. Titl	le and	8. Price of	
	Derivative	Conversion	(Month/Day/Year)	Execution Date, if any (Month/Day/Year)	Transacti	iorNumber	Expiration Date		Amou	int of	Derivative	į
	Security	or Exercise Price of Derivative Security			Code	of			Underlying	Security		
	(Instr. 3)				(Instr. 8)	Derivative			Securities		(Instr. 5)	Ī
						Securities			(Instr. 3 and 4)			
						Acquired					1	
						(A) or						į
						Disposed						
						of (D)						
						(Instr. 3,						
						4, and 5)						
										Amount		
								Expiration Tit	Title 1	or Number		
					C-1- V	(A) (D)				of		
					Code V	(A) (D)				Shares		

Reporting Owners

Reporting Owner Name / Address Relationships

Director 10% Owner Officer Other

HAWTHORNE RANDOLPH G C/O BERKSHIRE INCOME REALTY INC ONE BEACON STREET STE 1500 BOSTON, MA 02108



Signatures

/s/ Randolph G.
Hawthorne
03/09/2009

**Signature of Reporting Date
Person

Explanation of Responses:

- * If the form is filed by more than one reporting person, see Instruction 4(b)(v).
- ** Intentional misstatements or omissions of facts constitute Federal Criminal Violations, See 18 U.S.C. 1001 and 15 U.S.C. 78ff(a).
- (1) On March 5, 2009, Randolph G Hawthorne purchased 500 shares of Berkshire Income Realty's 9% Series A Cumulative Redeemable Preferred Stock on the open market at a price of \$11.01 per share for a total purchase price of \$5,505.
- On March 6, 2009, Randolph G Hawthorne purchased 500 shares of Berkshire Income Realty's 9% Series A Cumulative Redeemable Preferred Stock on the open market at a price of \$11.01 per share for a total purchase price of \$5,505.

Note: File three copies of this Form, one of which must be manually signed. If space is insufficient, *see* Instruction 6 for procedure. Potential persons who are to respond to the collection of information contained in this form are not required to respond unless the form displays a currently valid OMB number.

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