

FRIENDS of the BARNES FOUNDATION

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FOR IMMEDIATE RELEASE

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FRIENDS OF THE BARNES FOUNDATION FILES PETITION IN MONTGOMERY COUNTY ORPHANS' COURT

(MERION – August 27, 2007) Friends of the Barnes Foundation, together with students and neighbors of the Barnes Foundation, filed a petition today in Montgomery County Orphans' Court. The Petition requests that Judge Stanley R. Ott reopen the proceedings to examine new evidence and to rescind his previous orders including the order granting permission to the Barnes Board of Trustees to move the Foundation's gallery collection to a site in Philadelphia. The Petition further requests that Judge Ott remove the present Board of Directors and place the Foundation in receivership.

The Petition contends that the present Board of Directors has failed to carry out the representations made to the Court and that significant changed circumstances offer viable alternatives that both fulfill the purpose of the Foundation Trust and provide financial stability for the Foundation. This is in contrast to the vastly more expensive plan presented to the Court, which is far from being realized.

Evidence not brought to the attention of the Court during its deliberation includes the fact that \$107 million had been allocated for the move in the Pennsylvania State Capital Budget.

The Petitioners raise issues about whether the Court was fully advised as to the nature of the connection between various parties in support of the move; of third parties both paying for and benefiting by the Barnes Foundation Board's abdication of its responsibilities to the trust.

The Petitioners note various representations made by the Barnes Foundation Board to the Court that have not been fulfilled.

The Petitioners present an alternative to the costly and problematic plan to move the gallery collection, an alternative plan that has the support of public officials at the local, county, and federal level.

- Lower Merion Township, which has jurisdiction over the zoning regulations for the Barnes Foundation, has instituted new regulations, which permit attendance at the Barnes Foundation to increase from 62,000 visitors per year to 144,000 visitors per year. The resulting increase in revenue will more than cover the current operating deficit of the Barnes Foundation.
- Montgomery County Board of Commissioners has proposed a \$50 million, bond-sale funded, leaseback arrangement that would provide for the now depleted endowment of the Barnes Foundation.
- The Department of the Interior's National Park Service has encouraged a review of the complete Barnes Foundation complex in Merion for National Historic Landmark status. If approved, the status would carry significant potential for further sources of funding by the federal government.

The Barnes Foundation Board has dismissed these alternatives out of hand, demonstrating that their mission is the move to Philadelphia, not fiduciary responsibility.

The Petitioners assert that these initiatives, in combination with sound management practices, can provide a secure, permanent financial future for the Barnes Foundation in Merion.

The Petition was filed in Montgomery County Orphans' Court by Bryn Mawr attorney, Mark D. Schwartz, Esq., who stated, "With this Petition, Friends of the Barnes Foundation, students of the Barnes Foundation, and neighbors of the Barnes Foundation formalize their united conviction that the Barnes Foundation can and should be preserved as an intact site in Merion. Decades of litigation have repeatedly shown that continuous alteration of the trust indenture has not brought about a successful situation. The problem is not the Trust Indenture. The problem is the Board. We trust that Judge Ott will use his supervisory powers and equitable jurisdiction to address the root problem here; and that is simply the Board's unwillingness to adhere to the fundamental provisions set forth by Dr. Barnes. There are many remedies that Judge Ott can impose."

Friends of the Barnes Foundation member and President of the Merion Civic Association, Margot Flaks stated, "This is a very important day for the preservation of the Barnes Foundation. There is no question that Albert Barnes carefully and thoughtfully designed this site exactly where he wanted it to be, always. The magnificent Paul Cret building has both historical and architectural significance. The Foundation's superb collection of art is arranged and displayed in accordance with Albert Barnes' and John Dewey's theories of art education and has both aesthetic and historic importance. The arboretum was designed to complement and enhance the art collection. All of it -- the art, the arboretum, the gardens, and the building with its Lipchitz sculptures and African motif tiles -- constitutes a whole, an entity not to be fractured into separate parts. To do anything but embrace and celebrate it would show complete indifference to history and to the important cultural heritage that Barnes generously bequeathed to everyone."

For further information, visit the Friends of the Barnes Foundation website at <http://www.barnesfriends.org>

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