

FRIENDS of the BARNES FOUNDATION
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FOR IMMEDIATE RELEASE

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Montgomery County Petitions Montgomery County Orphans' Court to Reopen Hearings on the Barnes Foundation

(MERION – September 17, 2007) Two petitions have now been filed with Montgomery County Orphan's Court to reopen hearings on the Barnes matter. Montgomery County, Pennsylvania, the historic home of the Barnes Foundation, filed its Petition on September 12, 2007, affirming the County's statutory responsibility to preserve the Barnes as an indivisible entity, comprised of its Art Collection, Archives, and Arboretum. It notes the "immediate harm" to Montgomery County if the Art Collection were to be removed. The Petition refers to a plan to remove the Barnes art collection from its world-renowned site in Merion, selected specifically by Dr. Albert Barnes, for installation in a controversial site in Philadelphia.

Submitted by Chief Deputy Solicitor of Montgomery County, Carolyn Carluccio, Esq., the Petition demonstrates the County's "substantial, direct and immediate interest," and its standing to intervene in matters concerning the well being of the Barnes Foundation.

The main arguments in the Petition are summarized below:

- Montgomery County has a substantial interest in protecting the public interest to preserve the Barnes Foundation as an indivisible whole within Montgomery County.
- Montgomery County extended an offer to the Barnes Foundation to purchase and lease back the Barnes Foundation's land and buildings for approximately \$50 million, which would permit the Barnes Foundation to remain intact in Montgomery County.

- In rejecting the County's offer for the \$50 million bond proposal, the Barnes Foundation is demonstrating its Board's "failure to execute its fiduciary responsibilities..."
- The Petition points to the "Non-disclosure" by the Barnes Board of a "massive state appropriation" of \$107 million by the Commonwealth of Pennsylvania to support the move of the Barnes art collection to Philadelphia during court proceedings in 2004.
- The Board of Trustees of the Barnes Foundation have a "continuing fiduciary obligation" to carry out the express intent of Dr. Barnes' Indenture of Trust by maintaining the art collection, archives, and arboretum as an intact, site specific entity in Montgomery County.
- Substantial changes in circumstances have arisen which will allow the Barnes Foundation to remain, intact, in its Montgomery County site.

The Montgomery County filing follows the August 27 filing of a Petition by Friends of the Barnes Foundation and others, which also seeks new hearings in Montgomery County Orphans' Court on the Barnes matter. The Friends of the Barnes Petition is broader in scope than that of Montgomery County. All petitioners charge that the Barnes matter should be reopened based on changed circumstances and new information, coupled with breach of fiduciary responsibility by the Barnes Board of Trustees. The petitions filed in Montgomery County Orphans' Court have the support of U.S. Congressman Jim Gerlach, as well as the state representatives for the district and the Lower Merion Township Board of Commissioners.

Judge Stanley Ott has issued a Citation and Order for members of the Barnes Board of Trustees to appear in Montgomery County Orphans' Court on October 5.

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