

FRIENDS of the BARNES FOUNDATION
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FOR IMMEDIATE RELEASE

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Judge Ott Orders Barnes Board Members to appear in Court on October 19
to Respond to Montgomery County Petition

(NORRISTOWN – September 18, 2007) Judge Stanley Ott has issued a Citation to members of the Board of Trustees of the Barnes Foundation requiring them to appear in court on October 19, 2007 to respond to the filing of Montgomery County’s petition seeking preservation of the Barnes Foundation in Merion.

The Citation is addressed to board members Bernard Watson, Sheldon Bonovitz, Gwendolyn Stewart King, Stephanie K. Bell-Rose, Harold E. Doley, Jr., Joseph Nuebauer, Stephen J. Harmelin, Andre V. Duggin, Aileen Robert, Neil Rudenstine, and The Honorable Jacqueline F. Allen, and has the following text:

“We command you, that, laying aside all business and excuses whatsoever, you be and appear in your proper person, at the Orphans’ Court to be held at Norristown, in and for said county, on the nineteenth day of October A.D. 2007 at 9:30 A.M. in Courtroom “10” to show cause why the relief requested in the Petition should not be granted;

(copy of petition to be served with copy of citation)

and further to abide the order of the Court in the premises. Hereof fail not.

Witness the Honorable STANLEY R. OTT Judge of our said Court at Norristown This twelfth day of September in the year of our Lord two thousand seven.”

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The “Petition” refers to the document filed by Montgomery County in Montgomery County Orphans’ Court on September 12, 2007, the main points of which 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. 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 in response to the Friends of the Barnes petition.

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

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