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IN THE FIRST DISTRICT COURT

IN AND FOR CACHE COUNTY, STATE OF UTAH

IN THE MATTER OF THE ADOPTION
OF
AMELYA FRANCES KIRKPATRICK

D.O.B., 10/06/04

KIRKPATRICKS' REPLY TO BANKS'
MOTION TO DENY KIRKPATRICKS'
STANDING TO PARTICIPATE IN BEST
INTEREST HEARING

Case No. 062100046 AD
Judge: Stanton Taylor

Mary Frances Kirkpatrick & Curry Kirkpatrick, by and through their attorney, Steven Kuhnhausen, hereby respond to Banks' Motion as follows:

The Kirkpatricks appealed the trial court's decision to the Utah Court of Appeals and thereafter, filed a Petition for Certiorari to the Utah Supreme Court. Those appeals were denied.

The trial court failed to consider whether or not a conviction by the Banks' corporation, Focus on Children, of which Karen Banks was president and Scott Banks was secretary and both were directors impacts the best interests of the minor child or the ability of the Kirkpatricks to assert a claim.

Kirkpatricks' position is that because the adoption was approved by the state of Utah prior to the state of Utah understanding that the Banks' corporation plead guilty to a felony, Kirkpatricks believe that the state of Utah erred in its determination and may not ultimately

approve the Banks for adoption of the subject child.

When a corporation pleads guilty to felony, its president, officers and directors are the persons who are punished as a result of the felonious acts of a corporation. The entry of a guilty plea by the Banks' corporation is tantamount to the entry of a felony plea by the Banks individually and Kirkpatricks believe that as a result, they are interested parties in these proceedings and the Motion filed by the Banks is not well taken.

Dated this ____ day of _____, 2009

Steve Kuhnhausen