

*The Artist's Legacy*  
**W O R K B O O K**

By Mickey Myers

Executive Director  
Bryan Memorial Gallery

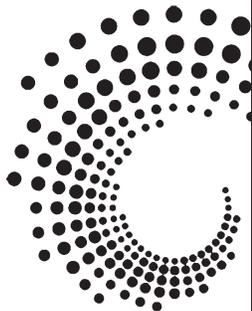


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*This workbook belongs to:*

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Artist signature/date

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Address/phone

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Artistic executor name/date (please print)

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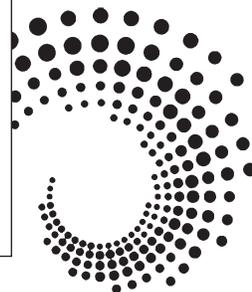
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# INTRODUCTION

The phone rings. Another artist has died. The heirs are calling Bryan Memorial Gallery to ask what to do with their artwork, for which no provisions have been made.

Because we receive so many similar calls, Bryan Memorial Gallery, supported by a Vermont Community Foundation Innovations and Collaborations Grant, has created this resource for living artists and their eventual heirs to prepare for the care and disposition of their artwork and their legacy.

The commitment to this project began one hot and humid afternoon in 2011 when I was crawling around a small shed, attempting to select works by a recently deceased Vermont artist for an exhibition. Sadly, the challenge that afternoon was to find artwork that didn't have mold on it, given that it had been stored in uncontrolled conditions. I was horrified.

I barely knew what to say to the artist's heirs. Most of the work in the shed was going to require massive conservation in order to have future value of any kind. My thoughts, however, came quickly—something must be done so that other art is not lost because the artist made no provision for the work after their death. That is how The Legacy Project began.

For me personally, thinking about the concept of artistic legacy goes back several decades. My aunt, Julia MacFarland (1900 – 1999), left no instructions for three apartments full of her artwork and artifacts. It fell to me, her artist niece, to make those decisions. To this day, I have not the faintest idea what she wanted.

I studied with Corita Kent (1918 – 1986), known at the time as Sister Mary Corita, a rising star in the pop and art culture movement. When Corita lay dying she reached out to me and said, “You make all the decisions.” This assignment from my teacher would last a lifetime.

One of the charges to the Executive Director of Bryan Memorial Gallery is the ongoing mission of preserving the estates of two artists: Alden Bryan (1913 – 2001) and Mary Bryan (1907 – 1978). Over thirty years, the process of securing their legacies has been slow. One day, those who knew the artists personally will no longer be with us to provide guidance. What will remain?

***“I'd rather be painting. . .”*** could be going through your mind as you contemplate these stories. Consider this sad but true recent story. The artist had died unexpectedly at age 51, and his closest survivor was a stunned sibling 1,000 miles away. Hurriedly, an exhibit was put together by a local gallery, with the artwork priced to sell so the sibling could pay for her travel and the transportation of his artwork. Today only one painting remains in a public space in the town where the artist resided. Six years after his death, there is barely a trace that this artist was a vibrant presence

where he lived and worked. His paintings still sit in a relative's attic. No institution owns his work, and very few paintings are posted on the Internet. Except in the heart, oblivion can happen quickly.

***"After ecstasy, the laundry."*** My teacher repeated this Zen saying often. In the case of your artistic legacy, no one is going to do the laundry for you, unless you already have a staff. Conversations about your artistic legacy can add a poignant dimension to your relationships when you make your wishes known to your heirs while you can still discuss them.

An organized legacy can

- ensure that your work goes where you want it to go.
- bring happiness (and relief) to your family.
- enhance local institutions through donations.
- secure your role in the life of your community.
- encourage the generations after you to realize the importance of the arts in making a more enriched way of life for all.

Most of us love to tell our own stories, and to make sure they are remembered as we remember them. The following pages include many questions to ask yourself about what you want for the future of your artwork. There are three sections to this workbook. Section One is for the living artist and contains suggestions as to how to proceed, when to donate, whom to name and what to expect. These suggestions are not legalities, but rather emotional and practical preferences for those fine points of an artist's legacy that no one is going to know unless you tell them. Section Two is specifically for your heirs, though all sections include relevant information for you and for them. Section Three provides space to consolidate the answers to the questions raised in the first two sections.

If you're anything like me, these pages may encourage you to clean up your act, in ways such as signing artwork you like, and throwing away artwork you don't like. In the end, who but you would know what your best work is, and where it should go?

A handwritten signature in black ink, appearing to read "Mickey Myers". The signature is fluid and cursive, with a small dot above the "y".

-- Mickey Myers  
Jeffersonville, Vermont, 2017

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# **SECTION ONE**

## *For the artist*

### **What is an artistic legacy?**

An artist's legacy includes their vital statistics, evidence of their vision, and the availability of their artwork for research, exhibition, and informational purposes. Reduced to a simple list, the artist's legacy includes:

- An artist's bio, brief, but filled with facts.
- An artist's statement, different from the above, indicating point of view and what the artist has tried to do, in their own words.
- An inventory of unsold works, like a treasure map to the contents of your studio.
- Documentation of your works, in whatever form it exists, such as slides, jpegs, snapshots and transparencies.
- A recent price list.
- A list of collections your work is a part of, and, if possible, the titles of the works in each collection.
- A list of the major collectors of your work and their contact information.
- Ephemera: Clippings, show announcements and other exhibition memorabilia, plus sketchbooks and journals.

### **Why attend to your artistic legacy?**

Amidst the responsibilities one has to oneself and one's family, the legacy of any given artist has its own peculiarities, as unique as oneself. Whether you are an artist who has been painting your entire life, or whether you picked up the brush in recent years, by now you have created your own particular niche within your community and the cadre of artists who make up your tribe.

Some of the questions in this workbook may have been asked of you already. Perhaps you are among the lucky few: The Smithsonian or some other research facility, or your alma mater may have reached out to you; perhaps all your work has sold, or your family

has spoken for all your important paintings, or a foundation has been established in your name.

Otherwise, this workbook offers some questions to ask yourself. You may want to adjust the procedures in your studio to document your legacy, making life not only easier on your heirs but also on yourself.

### *Step 1. Inventory your work.*

You know you need an inventory, and your heirs will need it even more. It's up to you to decide whether you want to design your own inventory list, purchase basic or fancy software, keep a handwritten journal or even haul out your old Royal typewriter if that's your device of choice. No matter what you decide, you must keep it up-to-date. Since it becomes the authorized document about your work, regular entries will not only be essential to your heirs but also are an important tool for you to utilize while you're making art. It can also be helpful to the current dealers of your work.

Google "artist inventories" and you'll be dazzled at the array and breadth of suggestions available for keeping an inventory of your work. Chances are if you've been making art for any length of time, you already know what you need to know about the record keeping that best serves you. As one source suggests, "You can devise your own," and include as many categories of information as you wish.

Regardless of the format you choose, certain elements need to be included. Minimally:

- Title. All works should be titled, if only with a number. "Untitled" is confusing for anyone who has to deal with your work if you're not there to tell them which "Untitled" it is.
- An image of the work. It doesn't have to be a professional photograph. Just add a thumbnail of the image to its entry. If you have not been doing this, start now, adding to the list whenever you have the time.
- A date of completion. Many artists code their work with a system that suits their needs: year, month, order of completion, such as 15/11/01.
- The dimensions of the artwork itself, not of the frame or presentation system. Height always comes before width. (For 3-dimensional work, height x width x depth).
- The current and updated location of the work (at your studio, at your gallery, in a show, at your friend's house). This information will probably change from time to time.
- For paintings, note whether they are framed or unframed. This is important to note, especially if you interchange works in frames from exhibit to exhibit.

- Sold or not, and if so, to whom, if you know.
- Current retail price; this too can change in the course of the life of the work.

If you wish to be more complete, you can include such information as the cost of goods spent in making the work, the cost of the frame or presentation system, the exhibitions in which the work was included, and other information you feel is pertinent.

In choosing among the many different ways to keep the data, decide whether you are likelier to keep an updated, current record by hand or on your computer. If you choose the latter, utilizing a spreadsheet such as Excel is probably the easiest and most efficient way to keep track of your inventory, unless you wish to invest in specific database programs for this purpose. Many such programs offer both basic and pro versions, priced accordingly. Features are listed as column headings, which allow alternatives to be compared before purchasing. Some programs charge flat fees while others charge monthly rates. Some also offer online chats. To illustrate the range of possible inventory software programs, we have listed some current websites in the *Additional resources* section of this workbook, page 39.

The main criterion for choosing among the options is what you will be most inclined to keep up-to-date. If you are most at home with a lovely lined journal for entries by hand, you should not select the most expensive computer program. At the same time, if you aspire to integrate an art database with social media potential, you should not invest in leather bound journals. The delivery system comes down to your personal choice. In looking over these options and others you will find, if they make you uncomfortable at first glance, go onto the next one.

While it is gratifying to discover how many helpful artists there are who are willing to answer your questions about the artist-friendly systems they have devised, come up with your own search and solution. You will know it when you find it.

## ***Step 2. Care for your work.***

These recommendations are written artist to artist. This is not legal advice. Its content is personal, even emotional, touching on the considerations about the contents of your studio that you don't put into a will. The suggestions are straightforward, and you can tailor them to meet the needs of your personal situation. For example, they are addressed to visual artists producing two and three dimensional objects. If a variation on this advice applies to your discipline, please adapt it.

Following this advice now allows you to experience the joy of preparing for the next generation to appreciate and enjoy your artwork .

- When you finish your work, sign your work and/or identify yourself as the creator of the object. Always.
- Consider the back of a piece of art like its roadmap, so that when the frame or dust jacket is replaced, evidence of the artwork's authenticity remains.
- If there is a specific location, person, object or emotion you intend to be conveyed by the piece, write it on the back of the piece as well or on paperwork accompanying the piece. Include the year you finished the piece.
- If you can't think of a title, title it by the date on which the work was finished. If more than one work was finished on the same date, create a code that you understand to differentiate the pieces.
- Once a year, purge your studio of all those works you think are mediocre. The "purge" can take place in many different ways from having an annual bonfire on New Year's Day, to giving the works away to charity, family and friends. You don't want to be remembered for your mediocre works, because when you are gone, who will hide them?
- Remember, there's a big difference between works you want to work back into, and work you've finished that just doesn't make it. This is where the purge gains importance. Naturally you will not purge works that hold promise for the future.

### *Step 3. Price your work.*

As a living, working artist, you have some familiarity with pricing your work, and your price lists will inform your heirs about their reasonable expectations for the value of your work tomorrow. It is always wise to review your prices and your pricing structure periodically, perhaps at the same time of your annual studio purge. In some ways, pricing your artwork is a moving target, for both the living artist and for the heirs of the deceased artist. There are trends, there is availability, there are prices too high for the market place and too low to be taken seriously.

An art-minded friend recently referred to the suggested retail price of the work by a deceased artist at a New York City gallery on the East Coast (\$44,000) and of the same work by the same artist at a small unknown gallery on the West Coast (\$1,400.) That such a capricious flexibility could exist in the age of the Internet may boggle the mind, but it points to a tangible reality. Pricing artwork depends on many variables and when one or more are omitted from the equation, the artist or the buyer or the owner of the artwork can suffer.

In offering advice to your heirs about pricing your work, begin with thoughts about

how you are pricing your artwork now. Here are some of the variables to consider when determining the retail price of your work.

- The retail price is the price the buyer pays.
- Whether you are selling through a gallery or a representative, your price structure should be the same at the retail level that it is when you are selling out of your studio or at a local fair.
- The decision to discount a retail price is usually agreed upon by the artist and the gallery before the work goes on sale. Many galleries have regular clients who buy several works per year, and those clients may be offered a discount by the gallery for the sake of their loyalty. Whether that discount is absorbed by the gallery or shared with the artist should be a clearly stated part of the artist/gallery contract.
- Many buyers expect a discount when purchasing more than one artwork by the same artist at the same time and/or when they buy a given artist's work frequently. Again, your decision as to how to deal with such buyers is one you should make in advance in your own mind rather than fumbling at the point of purchase.
- If purchasing from your studio, many buyers may request a discount. In short, the retail price should be determined and stated before the negotiation begins. A visitor to your studio should understand that the gallery earns their commission, and you earn yours by opening your studio doors to the retail trade.

Familiarize yourself with how comparable works are priced in a given locale or gallery. So for example:

- Learn about the price range in a given gallery or comparable venue.
- What do the artists at the higher end of the range have in common?
- What do the artists at the lower end of the range have in common?
- Within this price range, have you sold works at this gallery or elsewhere?

Compare yourself with yourself.

- How long have you been making, selling and/or exhibiting your work? In particular, in this locale?
- At what price points does your work usually sell?
- Do you have difficulty keeping work in your inventory (or your gallery's inventory)?

- Is your work available in more than one place locally or regionally?
- Is your work priced on your website and/or on your gallery's website?

It is important to review your prices annually because things change. Consider an artist introduced at our gallery in 2010. Within two years, he was our gallery's best-selling artist. In 2013, he raised his prices, though he feared the market wouldn't bear the modest increase. In fact, he sold more than ever. In 2015, he was lured by another gallery in a much more lucrative market, while continuing his association with us. To his credit, he raised his prices a second time across the board. Happily, his work continues to sell in both places, usually within the year that he paints it. That's a good story, but it's not that way for everyone, and I am a prime example. My annual exhibit at a local gallery was usually a smashing success until the gallery advised me to raise my prices. In doing so the following year, I did not sell a single work. In turn, the gallery did not renew my contract, and now I am selling my work out of my studio, at my old prices.

When not to raise your prices:

- When the same piece has been shown in many locations without selling.
- When similar works are available within a small geographic area or region at a variety of prices.
- When you are planning a studio sale within the year.
- When your work isn't selling.

What to avoid:

- *In short, sentiment.* If this is your all time very favorite work or breakthrough piece, take it off the market and/or price it too high to sell. Do not introduce sentiment into your pricing structure.
- *The full spectrum of prices within a size range.* Stick to the square footage rule of pricing the same size pieces at the same rate.
- *A variety of frames within a series or size range.* A huge fluctuation of price within a particular size can really throw off the buyer.

Let the seller beware:

- It is increasingly common for buyers to ask for the work unframed. Be prepared as to how much you will take off the price for the unframed work.
- Commissions should always be priced at least 20% higher than the cost

of a comparable work. It may not seem obvious at the beginning, but the buyer will make you earn every cent of the price differential.

Though all of the above is intended for the living artist in pricing their own work throughout their careers, you will do your heirs a major favor if you leave them with a clear indication of the retail prices you experienced for your work in your lifetime. In brief,

- Include retail prices on your inventory list.
- Date the inventory list.

After an artist has passed, the most common errors made by heirs in pricing the unsold works is to raise the prices without rhyme or reason. This should be necessary only when the inventory is low and the demand high.

#### *Step 4. Conserve your work.*

If long term care of your artwork strikes you as overkill, consider it as preventative medicine. Just as with our bodies, damage from abuse doesn't necessarily show up right away, but when it does, the effects can be lethal. As a subject, conservation can take volumes both technical and curatorial, and a search of the Internet is going to produce more tangible results than this brief workbook contains. Whether your medium is paint or clay, fabric or metal, wood or stone, as you develop your expertise in handling materials, you also get to know the materials as living organisms. Artwork has a life all its own, and there are irrefutable and sometimes unforgiving guidelines that artwork requires in order to be maintained. No matter what you make, the bottom line is simple.

- Store artwork in a climate controlled situation; in other words, nix on the basement, attic, garage or an unheated storage facility.
- Write instructions about how your work thrives when put away, such as what kind of storage do you recommend for your pieces?
- Provide a list of materials (a few resources are listed in the back of this workbook) that are archival, which you recommend for packing if your heirs must ship your work or store it away.

## **What does “archival quality” mean?**

You probably know that archival quality materials cost more than those that aren't; the reasons are simple.

- Archival quality refers to materials that are stable, durable, permanent or

acid free.

- Archival materials can be used safely without damaging the artwork they are intended to protect.
- Archival materials are usually available from reputable dealers. Before you purchase materials from a dealer who is new to you, confirm his or her reputation.

Once you have signed your name to your work, handle the work as little as possible.

- Store it in a place that is light, humidity and pest controlled and that is secure.
- When handling your work, use white cotton gloves whenever possible; wash the gloves.
- Do not eat or drink around unprotected artwork.
- Avoid storing work in direct sunlight, and avoid erratic levels of humidity.
- Remember, mold grows in damp and dark environments.

### *Step 5. Acknowledge where you belong in the art world.*

Depending upon how long you have been making and exhibiting art, it is important to acknowledge the context in which you belong as an artist. For example, if you have exhibited your work in museum quality exhibitions, or if the gallery that represents you schedules an annual one-person exhibit of your work, you might go about dealing with your legacy differently than if your participation in group shows is occasional and local.

If you have developed a business of selling copies of your work, such as giclee prints, or products on which your imagery is licensed, you would deal with your artistic legacy differently than if you only sell original works in gallery settings or through your website.

In defining your context, you will help the executor of your estate and someone you have designated as your artistic executor determine how to value and distribute your works. For example, if you have had no relationship whatsoever with your local museum or local galleries or other non-profits, you cannot expect those institutions to offer a one-person exhibit of your work to your heirs upon your death. On the other hand, if there is an ongoing business of licensing your imagery, this is information that will be valuable to your executor and that could be profitable to your heirs.

As you consider these questions, looking back over your career and writing an artist's biography can be helpful both to you and your heirs. Worksheets are on pages 34-35.

## *Step 6. Identify your role in your community.*

Artists are thought of as solitary creatures, but as soon as they want to exhibit their work or sell their work, it is necessary to emerge from the confinement of the studio into some form of society. Where an artist goes to show their work is part of their story, and can help define how the artist relates to their community in their lifetime, and subsequently. It is important to leave your heirs with an idea of which charitable institutions were meaningful to you in your lifetime. Be it your local hospital, public television, a school, a church, a senior center, these places can benefit significantly from gifts of your work. So here are some questions to help you identify those for whom you care.

- What institutions would you like to have your work permanently, or would you like to support by donating for auction?
- Would you consider reaching out to them now, so you can be a part of the acquisition process?
- What works have you donated to institutions recently?
- Keep a record of those donations you would like to make within the year, and review it annually, perhaps at the same time as the purge and review of prices.

Every institution has its own requirements for accepting donations, from those who ask you for your work outright for a charity auction, to those who have review committees and juries before your work can be acquired for a permanent collection. It is always important to inquire of the institution what their requirements are before springing a donation upon them. Make your provisions for donating as reasonable as possible. For example, if you require that a given painting always be hung in the foyer of the administration building, chances are your donation will not be accepted.

## *Step 7. Choose and empower an artistic executor.*

If you are part of a family, or half of a partnership, the questions of estate planning, financial planning, living wills and health care proxies have probably come up in relation to your partner, children and/or siblings. In addition, many artists provide for someone specifically to handle the artistic legacy, who can serve your heirs to great advantage.

How? Your artistic executor has no legal authority per se but knows your work, your wishes and the art world enough to offer viable advice to your heirs and to the others on your team. If you prepare them, the artistic executor knows they are going to play



### **Points of conversation in initial meetings with your potential artistic executor**

- Why you would like this person to be your artistic executor.
- Expression of trust—no second-guessing from the grave.
- Where the artwork is currently located.
- Where this workbook is located.
- The important persons on the team, such as the lawyer, main heirs, and gallery representative, which are listed in Section Three of this book.
- What inventories and lists exist and which need to be made.
- What you would like to have done in your memory, such as a memorial exhibit.
- What potential you see for the future sale of your work.
- When you will meet again to discuss these topics.



this role in assisting your heirs and your family to settle your estate and has a pretty good idea what to expect. The artistic executor is the person who will oversee your wishes for your artistic legacy.

That role may be called the “artistic advisor” or the “artistic executor” or the “art relative” if related, or the “cultural advisor,” or the “legacy advisor” or one of many other terms of endearment that attempt to define the job. For the sake of this workbook, we’ll call the job “artistic executor.”

### **Who would you select to be your artistic executor?**

More often than not, families come to us at the Gallery, uncomfortable with the responsibility of disbursing the remaining artwork. (“I don’t know anything about art.”) Your artistic executor and your trust in them should be known to your heirs, so there is no misunderstanding that they are trying to take over.

The artistic executor does not have a legal role in the same sense that the executor of your estate has a legal role. However, in an emotional sense, your heirs will be delighted you have designated this person to help share the decision-making about art, offering knowledgeable advice when it is requested. The artistic executor can be one of your heirs or a family member if they have the experience to do so. You will want to determine:

- What skills and knowledge are you looking for in the person who will be your artistic executor?
- Who are the possible candidates?
- How will you decide among them?

Inform this person that you would like to select them, and why, presenting it as the honor it is. Ask if they accept.

### *Step 8. Set up the artistic executor for success.*

Give your artistic director this workbook or tell them where you keep it. In doing so, you will be giving them the directory of all your art connections in the art world and in the community. See worksheets on page 25. To empower your artistic executor for success, you will want to go through this workbook with your artistic executor, reviewing your art connections, the location of your artwork, the desired distribution of the current artwork in your studio, including donations, and the current prices of your artwork, especially if your heirs hope to sell your artwork.

If the artistic executor is to be compensated, make sure that your heirs know what you have promised in exchange for their work. You can consider a stipend, an hourly wage, a selection of artwork, or a percentage of the sale of the artwork, depending upon your estate's disposition and potential.

You will also want to make sure that the artistic executor is provided with your story. As much as artists hate to write bios or resumes, remember you are the only one who knows the facts—where you went to school, who influenced you, when you had your first exhibit and what you were trying to do in your art these many years. If this information is not included in this workbook or is saved elsewhere, be sure to give its location to your artistic director.



**R**uth Greene Mould was a Vermont artist of prominence in her lifetime, and her son dealt with the residue of her estate methodically. As Johnson State College owned some of her works already, he gave the college its choice of her works, of which they chose primarily her portraits. After all the relatives had what they wanted of her work, the residue of her estate was given to Bryan Memorial Gallery to keep or sell as they wished. The non-profit gallery is under no obligation to the estate, but over the years, The Bryan has been able to include Mould's work in various exhibitions, extending her legacy by introducing her work to a new generation.

Other considerations to share with your artistic executor and your heirs:

- Make it clear to your heirs if you expect there to be income from the sale of your work. Who gets that income is a legal matter to be specified in your will. The point here is that your artistic executor's advice to your heirs may well serve to increase the income that would be coming to them.
- Make a plan for updating your heirs and your artistic executor on the preparations you have made, such as an annual discussion of what you hope will happen with your work.
- Make it clear you will update the instructions periodically.

When you have determined the artistic executor, tell the executor of your estate of your choice, and if there are other heirs, tell them also. The identity of this person and their job and compensation should not be a surprise to anyone. Likewise, inform the executor about the compensation you have promised the artistic executor.

## **Do It Now.**

If the person you have chosen to be your artistic executor is someone intrinsic to your life, carrying out these recommendations can add a lovely dimension to your relationship. A sibling, child, spouse, classmate, or long-time friend may know some of your story, but these suggestions provide the opportunity for you to enlarge upon what they already know and for you to learn more about them in the process.

### ***Step 9. Clarify what you want.***

Your artistic executor, heirs and survivors play an active role in carrying out your wishes. Whether you have a beautifully organized studio with copious inventories, or a studio that is evidence of your creative mind, the first question for you in establishing your legacy has got to be, "what do you want?" Here are some questions to help frame your thinking.

- Have you made any plans for a memorial exhibition? If not, is that something that you would like, and if so where? Have you selected the works for this exhibition? Would you rather an exhibition of recent works or would you prefer a retrospective? Do you have lists of the works that would be appropriate for both?
- Would you like your unsold artwork to go to your relatives? If so, which relatives, and have you named specific works?

- Would you like your unsold artwork to be given to friends? If so, which friends and would you like them to choose? There's a chart in Section Three on page 29 on which to record this information.
- Would you like your unsold artwork to be donated to an institution? Have you made any arrangements? Do you know anyone at these institutions who will recognize the value of your offer and welcome it? See page 30.
- Are there any non-profit arts organizations that you would select to profit from your work, either including it in exhibits and/or in auctions?
- Have you made any plans with a gallery that represents your work to continue to represent your unsold inventory?

You are encouraged not only to think about these things now, but also to act upon them. When an artist is constantly adding to their portfolio, there is value in making way for more new work. If an established artist has begun to consider down-sizing, these questions can help frame the possibilities. Act on your answers now, while you are an active contributor to your community and to your family.



# **SECTION TWO**

## *For artistic executors and heirs*

The Gallery phone rings again. A local lawyer is handling the estate of an artist whose heirs think they may have inherited some valuable paintings. What to do?

While it is hoped for their sake that this inheritance did not come as a surprise, even if it has, a review of Section One of this workbook will suggest some alternatives as to how to proceed.

### ***Step 1. What do you have?***

***Make an inventory and snap a picture of each painting.***

(See page 26 & 27 for worksheets.)

Artist	Title of Artwork	Dimensions Height x Width x depth if applicable	Medium	Other notes signed/dated/ notes on back?	Condition
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It is always wise to look on the back of a painting to see what notes the artist left.

### ***Step 2. What is its condition?***

The condition of an original work of art affects its price. Conditions such as foxing,\* flaking, fading, warping and even dust and dirt can affect the value of artwork and its desirability on the market.

- With artwork you have inherited, you have the opportunity to have it conserved by a professional conservator if it is damaged. Conservation can increase the value of what you have, if done professionally.
- If an auctioneer or gallerist recommends conservation, you can be fairly certain that the reverse of the recommendation is true: if you don't have a work conserved, it probably won't sell, or its value will be less than market value.
- Artwork should be stored with archival considerations, in a place that is climate controlled. Avoid attics and basements, garages, sheds and/or

\* "Foxing" is the age-related spots and browning seen on vintage paper.

unheated or unevenly heated rooms.

- For the storage of paper products, utilize acid-free boxes and interleaving acid-free tissues.
- Avoid cardboard at any cost.

A painting that has hung in your grandmother's house untouched for 50 years is not necessarily in perfect condition. Likewise, a painting that has never left an artist's studio is not necessarily ready for posterity. A work of art's condition may have lasting consequences, and it is better to anticipate them rather than to be surprised at the point of sale.



**A**n apt example of trends in art occurred with a painting brought to the Gallery. Its most recent appraisal, from a decade ago, was enough for a hefty down payment on a condo. However, the artist had fallen out of favor with the art market. Today, the same size painting was selling for 10% of the appraisal price ten years prior. We printed out pages of auction records for the disappointed heir, who chose not to exhibit the painting with us, believing that the market would turn around again.



### *Step 3. What is it worth?*

If the work has monetary value, what's it worth on the market today? If the artist has a website or checklists from recent exhibits, the figures should be indicative of what the work has been selling for, assuming the works have been selling. If this information is not available, seek an appraisal from a certified art appraiser, a respected auction house, an online appraisal service or a reliable retail gallery. The appraiser might be able to point out things about the artwork you haven't noticed, from condition issues to other secrets the painting holds.

### **Art World 101:**

The art market can trend just like everything else, and it can turn on a dime. The value of an artwork can be one amount today and another amount tomorrow.

Few among us ever got rich quick inheriting artwork we weren't expecting. With the possible exception of some participants on Antiques Roadshow, and 1% of the people who spend a lifetime collecting art, stumbling across or inheriting a treasure trove of artwork requires time and work and savvy just like anything else. It may be that the artist from whom you have

inherited struggled with sales all his or her life, and you are about to experience why that is so. The popular assumption that the death of an artist doubles or triples the value of their work is a fantasy, unless of course the artist's work is in high demand, and the inventory of available works for sale is low.

Consider Van Gogh. In his lifetime, he sold one painting for \$30. His younger brother, Dutch art dealer Theo Van Gogh, could not sell his paintings either. When Theo died six months after Vincent, it fell to his widow, Johanna, to support herself through the promotion of Vincent's "valueless" works. Johanna spent the rest of her life promoting Vincent's work, and after 33 years of tireless determination, hers is the iconic success story of how an heir realizes an inheritance of artworks. Easily forgotten have been her desperate need, hard work and the years it took to succeed.

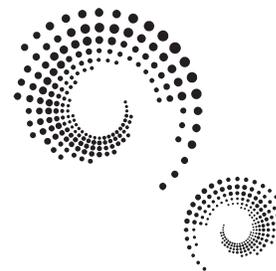
***Step 4. Apart from following the artist's instructions, what do you want to keep, donate, give away or sell?***

***Option A. Keep.***

This decision is so personal that it is tempting to just leave a big blank space here for you to fill in. How we determine what we keep in our homes and in our families reflects a myriad of decisions and facts that are intimate. Some things to consider:

- Do you have a safe place for the item?
- Can you afford to insure it?
- Will you be moving and taking it with you anytime soon?
- Are you holding onto it as an investment?
- Does the item hold meanings for you beyond its market value?
- Do you just like it, or do you not like it but feel obligated to hold onto it?
- Does it fit your lifestyle?

**A**unt Julie's closest survivor was her sister, our mother, who took her job as executor very seriously. Since Julie hadn't painted in years, her sister donated all her artwork to a commercial gallery which then donated it to local charities. When it came time to distribute Julie's remaining watercolors, we made it part of her sister's 80th birthday party. After a fancy lunch, we hauled out the piles of Julie's watercolors, and all of the cousins got to take home whatever they wanted. It became a celebration not only of our mother, but also of Aunt Julie, and by association of our mother's whole family. To this day, the happiness and relief that abounded that afternoon remain a sweet memory.



### *Option B. Donate.*

The heir takes over where the artist left off, so it is advisable for the artistic executor to converse on this topic within the artist's lifetime. There should be no surprises if the artistic executor has had open, ongoing dialogue with the artist.

If the artist left no indication of what charities, causes, institutions or organizations had meaning for them, then you've got something of a Sherlock Holmes project on your agenda to find references within the artist's paperwork. Where did they go to school? What community projects did they enjoy? In what charitable activities did they participate? The estate's lawyer will advise you on the timing of any donations and how they will affect the settlement of the estate.

However, if the artist did not indicate their favorite institutions, heirs can trust their own instincts. Having heard about survivors losing sleep because of information they did not have, our advice is to trust yourself. If the decision had been that important to the deceased, they would have done something about it during their lifetime.

### *Option C. Give to friends and family.*

Among the suggestions for a final distribution of artwork are:

- family gatherings in which artwork is distributed among relatives
- final displays of artwork in which friends can select one for themselves

All these gestures take time and care and are the manifestations of a relationship that only you can define. No matter what you do, it is a generous heir that gives work to others.

Johnson State College printmaking instructor Barbara Molloy battled cancer for years, and as the end approached, Barbara got the message to many friends that she wanted them to have her artwork. She designated a team to prepare the work in her studio, piled on long tables. A date was chosen for the distribution of the work. The art assistants wore white gloves, and portfolios were provided for every guest. The team went through the piles, one after another after another, and the guests could ask for their choice of Barbara's work. Barbara left strict instructions as to how she wanted the works framed, which were given to each guest.



## *Option D. Sell.*

An heir who wants to liquidate artwork can do so in one of three ways: auction through an auction house, or sell with a retail gallery or antique store. Online venues have become so much a part of the popular culture, whether you're offering electronics or fine art. If you can't conduct an online sale yourself, your younger relatives will probably do it for you, for a share of the action.

The auction route is reassuring for many reasons. The date for the auction is set; a reserve price can be specified; auctioneers take less commission than retail galleries. The auctioneer will give you a range to expect—high to low—and will ask you to set a reserve. However, someone has got to show up at the auction or on the phone or via the Internet who wants the artwork. If no one does, or if the reserve price is not reached, then you've got to start all over again. If the reserve is met at its low level, the seller cannot reconsider.

The retail route can take place in a number of situations, from a high-end commercial gallery to a local flea market and everywhere in between. Ordinarily, the owner of the painting sets the price, giving the gallery or shopkeeper a range within which to negotiate. The gallery or shopkeeper usually earns up to 50% of the sale price as a commission. The item can be offered for sale for an agreed upon length of time, after which the owner can offer the piece for sale elsewhere. The extent to which the gallery or shop advertises or promotes the sale is usually transparent and most often those expenses are borne by the retail establishment.

## *Step 5. Consider how to show the artist's work.*

With the death of an artist, inevitably the topic of a memorial exhibition comes up. While you may wish to show some work at the funeral or memorial service, it is best to wait until afterwards to organize a full-scale exhibition. The passage of time can serve to make such an undertaking more meaningful and enjoyable for all involved.

**Who should organize the exhibit:** A gallery or an arts organization or a school, the family or you? Why should it be done? There are many reasons. Sales, closure, posterity, or as a concluding gesture that may be needed by many, such as the students of a teaching artist.

Apart from a memorial exhibit, you may receive invitations for participation in group shows at galleries where the artist showed previously. There is always time and expense involved with accepting these invitations. If you want to keep the artist's name and vision in the public eye, saying yes is an honorable response, especially if you are looking for sales. However, showing the same works over and over again in the same geographic area has its limits. The decisions should be determined by some larger

considerations, including what you want to get out of the future exhibition of the artist's artwork, and how much inventory the artist has to show. Do you want to continue to invest time and money for framing, delivery of work, maintaining a website, etc.? Ideally discuss this with the artist before their death.

A website is one way to memorialize an artist and their work. The cost is minimal, and maintaining it can be shared with younger or older generations in the family. As great a way as it is to keep up the memory of a deceased artist, you know what it's like to visit a stale website, with dated information. Commitment to a memorial website should be an annual decision, and when its maintenance becomes a burden, it should be respectfully concluded with no sense of guilt, or turned over to other resources for preservation.

## Conclusion

This workbook is the first step, and we welcome your communications about situations you are dealing with, questions you have, and answers you've discovered, to share with others going through a similar time in their lives. Contact information for the Bryan Gallery is below.

Whether the death of a loved one comes slowly or suddenly, whether you are prepared or unprepared for the loss, when you survive an artist, you survive not only a loved one, but also someone who leaves behind a career with tangible assets. No one can be expected to maintain an artist's career exactly as the artist would have. However, it is hoped the notes in this workbook will assist those who survive to carry out the artist's wishes.

# **SECTION THREE**

## *Worksheets*

**The following worksheets provide basic structures for the lists and notes you will want to leave.**

The Artist's worksheets can be tailored to suit yourself, including the special requirements of your medium. They include an inventory of your available artwork, your art directory, institutions and nonprofits to whom you would like your work donated, a list of relatives and friends you would like to have your work, and questions to help you write your biography.

The following worksheets are basic structures for the lists and notes you want to leave behind. It is advised that you file them with this notebook. Use a writing instrument that is archival in nature, such as a pencil or pen with permanent ink, as it may be a long time before these pages are actually utilized.

Key Players	Name	Contact Information
Artist		
Artistic Executor		
Legal Counsel		
Main Heirs		
Gallery Representatives		





Artist's name /date \_\_\_\_\_

# Art directory

This contact information may be on your speed dial, but it is helpful to your heirs to have a list of your art representatives and contacts.

Category	Name	Contact Person	Phone Number	Email	Notes
Gallery					
Gallery					
Gallery					
Arts Organization					
Arts Organization					
Framer or Fabricator					
Supplier					
Public Relations					
Auction House					
Auction House					
Web Master					
Web Host					

Refer to step 8, "Set up the artistic executor for success," on page 15.

Duplicate if you wish

Artist's name /date \_\_\_\_\_

## Relatives and friends

Help your heirs with the distribution of your work by listing relatives and friends you would like to have your work. Are you suggesting specific works? Is there an order? If you have not selected who gets what, how would you like your relatives to select your artwork? In the notes, indicate whether you are suggesting specific works for specific people.

Name	Phone #	Email	Mailing Address	Notes

Refer to Step 9, "Clarify what you want," on page 16.

Duplicate if you wish







Artist's name /date \_\_\_\_\_

## *Where am I in the art world?*

*Here are some questions to help establish your place in the art world, which may be of help to your heirs.*

1. How long have you been making art? \_\_\_\_\_

2. How long have you been exhibiting your artwork? \_\_\_\_\_

3. When was your most recent exhibit? \_\_\_\_\_

4. Do you have any plans at this time for future exhibits? \_\_\_\_\_  
\_\_\_\_\_

5. How do you usually sell your artwork in the course of a year: \_\_\_\_\_  
\_\_\_\_\_

A. One-person exhibits, and if so, where? \_\_\_\_\_

B. Group exhibits, and if so, where? \_\_\_\_\_

C. On my website www. \_\_\_\_\_

D. Through my gallery's website www. \_\_\_\_\_

E. At open studios: when? \_\_\_\_\_

F. Through the arts organizations of which I'm a member, namely:  
\_\_\_\_\_

G. At local fairs (list)? \_\_\_\_\_

H. Through private studio visits? \_\_\_\_\_

I. Through an agent? \_\_\_\_\_

J. Through licensing my imagery to clients or vendors other than myself?  
\_\_\_\_\_

K. Would there be a logical gallerist to contact about arranging an exhibit of your work?  
\_\_\_\_\_

Artist's name /date \_\_\_\_\_

# Biography Worksheets

Here are some questions to help you begin thinking of a 1-2 page narrative biography.

Date of Birth: \_\_\_\_\_ Location: \_\_\_\_\_

Mother: \_\_\_\_\_ Father: \_\_\_\_\_

Siblings: \_\_\_\_\_

Have you exhibited under any other names? \_\_\_\_\_

What was your first encounter with the visual arts? Do you remember? \_\_\_\_\_

Were your parents interested in the visual arts? \_\_\_\_\_

Who encouraged you? \_\_\_\_\_

Where did you go to school? \_\_\_\_\_

Where did you first study art? \_\_\_\_\_

Where did you receive your most significant instruction? \_\_\_\_\_

Who were your most influential art teachers and why? \_\_\_\_\_

Did you remain friends with any of your fellow students? \_\_\_\_\_

What important relationships affected your life as an artist? \_\_\_\_\_

Do you have siblings who are artistically inclined? \_\_\_\_\_

What lessons did you learn that have lasted until now? \_\_\_\_\_

Artist's name /date \_\_\_\_\_

Is there anything else you'd like to say, or person you'd like to remember, or thought you'd like to mention on these pages? Here are some questions to shake your memory about what is important to you as an artist.

Name 5 things you'd like to be remembered for as an artist.

1. \_\_\_\_\_
2. \_\_\_\_\_
3. \_\_\_\_\_
4. \_\_\_\_\_
5. \_\_\_\_\_

What in your work as an artist has given you a sense of accomplishment?

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What in your work has given you a sense of mystery?

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Name some artists you were glad you knew.

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Name some artists who lived in your lifetime whom you wish you had known.

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Name some artists who did not live in your lifetime you wish you had known.

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## *Additional resources*

### *Estate planning for artists*

The Marie Walsh Sharpe Art Foundation: A Visual Artist's Guide to Estate Planning.  
[http://www.sharpeartfdn.org/estateplnbook/visual\\_artists\\_estate\\_plan.pdf](http://www.sharpeartfdn.org/estateplnbook/visual_artists_estate_plan.pdf)

Guidelines for Senior Artists, including estate planning. Plain spoken.  
<http://www.seniorartists.org/images/Guidelines.PDF>

The Joan Mitchell Foundation – Estate planning and legal advice for older visual artists.  
[www.joanmitchellfoundation.org/artist-programs/call](http://www.joanmitchellfoundation.org/artist-programs/call)

### *Technology support and general inventory support*

GYST - An artist-run company providing resources, technology and solutions created by artists for artists. Support for arts professionals.  
[www.GYST-ink.com](http://www.GYST-ink.com)

12-minute video of making an inventory using Excel.  
[www.artwax.wordpress.com/2011/07/26](http://www.artwax.wordpress.com/2011/07/26)

Great coding system and attitude toward the necessary. Keeps panic at bay.  
[www.pyragraph.com/2014/04/how-to-inventory-artwork](http://www.pyragraph.com/2014/04/how-to-inventory-artwork)

Good image of an inventory spreadsheet.  
[www.art-doug-steward.blogspot.com/2011/01/business-day-creating-inventory.html](http://www.art-doug-steward.blogspot.com/2011/01/business-day-creating-inventory.html).

### *The business of preserving artistic legacies*

POBA was founded to showcase, promote and preserve the creative work of exceptional artists who have died without recognition of the full measure of their talents or creative legacies.  
<https://poba.org/>

An international resource.  
[www.the-creative-business.com](http://www.the-creative-business.com)

A division of Christie's, charges a monthly fee.  
[www.collectrium.com](http://www.collectrium.com)

Many topics for the beginning and mid-career artist.  
[www.faso.com](http://www.faso.com)

### *Archiving materials*

Archival quality bags for storage purposes.  
[www.clearbags.com](http://www.clearbags.com)

Archival materials to preserve, protect and display your collections.  
[www.gaylord.com](http://www.gaylord.com)

An archival company.  
[www.universityproducts.com](http://www.universityproducts.com)

Resources for archival and presentation supplies.  
[www.lightimpressionsdirect.com](http://www.lightimpressionsdirect.com)

Includes a section for archival storage.  
[www.dickblick.com](http://www.dickblick.com)

*"With the drawing of this Love and the voice of this Calling  
We shall not cease from exploration  
And the end of all our exploring  
Will be to arrive where we started  
And know the place for the first time."*

*- T.S. Eliot's "Little Gidding"*



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