







CONTEMPORARY ART

17 FEBRUARY 2011 7PM LONDON

LOTS 1-29

Viewing

Saturday 5 February 2011, 10am–6pm
Sunday 6 February 2011, 12pm – 6pm
Monday 7 February 2011, 10am–6pm
Tuesday 8 February 2011, 10am–6pm
Wednesday 9 February 2011, 10am–6pm
Thursday 10 February 2011, 10am–6pm
Friday 11 February 2011, 10am–6pm
Saturday 12 February 2011, 10am–6pm
Sunday 13 February 2011, 12pm – 6pm
Monday 14 February 2011, 10am–6pm
Tuesday 15 February 2011, 10am–6pm
Wednesday 16 February 2011, 10am–6pm
Thursday 17 February 2011, 10am–6pm

1 WADE GUYTON b. 1972

Untitled, 2007

Epson Ultrachrome inkjet on linen. 97×97 cm ($38 \frac{1}{4} \times 38 \frac{1}{4}$ in).

Estimate £50,000-70,000 \$77,200-108,000 €59,500-83,200

PROVENANCE Galerie Gisela Capitain, Cologne

EXHIBITED Cologne, Galerie Gisela Capitain, Wade Guyton, 19 April–26 May
2007

"Guyton's 'X' paintings assert themselves in a visual environment of mass-produced, instantaneously diffused imagery. But as Guyton acknowledges, the difficulty lies not so much in 'saying there's no such thing as an original image, but knowing full well that it's not a very original thing to say'. And so these paintings make reference to an art historical context that includes Frank Stella, Sol Le Witt, Barnett Newman and Jasper Johns.

The paintings are actually printed on linen canvas, which was folded and then repeatedly fed (or forced, pulled, squashed, sometimes yanked) through an inkjet printer and bear the 'painterly' effects of mishaps caused by dragging and mis-registration, the uneven build-up of ink. In effect they are monotypes of sorts – prints, called paintings, that are related yet invariably distinct from one another. There are also differences in resolution between the Xs coming directly from the typeface in the Microsoft Word program that created the digital files that produced these images, and those that are scans of his own previous printouts.

The role of chance and accident determine the visual outcome of his works in much the same way that other artists in this exhibition use the internal logic of their materials as parameters that determine their process. Guyton is a self-proclaimed conceptualist, but his work reveals a sensitivity and elegance that trumps painting at its own game."

From *Material Intelligence*, exh. cat., Kettle's Yard, Cambridge, 2009, www.kettlesyard.co.uk



PROPERTY FROM THE VALENCIA CONTEMPORARY ART COLLECTION

2 MARY HEILMANN b. 1940

Rude Boy, 1998

Oil on canvas. 190.5 \times 152.5 cm (75 \times 60 in). Signed, titled and dated 'Mary Heilmann 1998 Rude Boy' on the reverse.

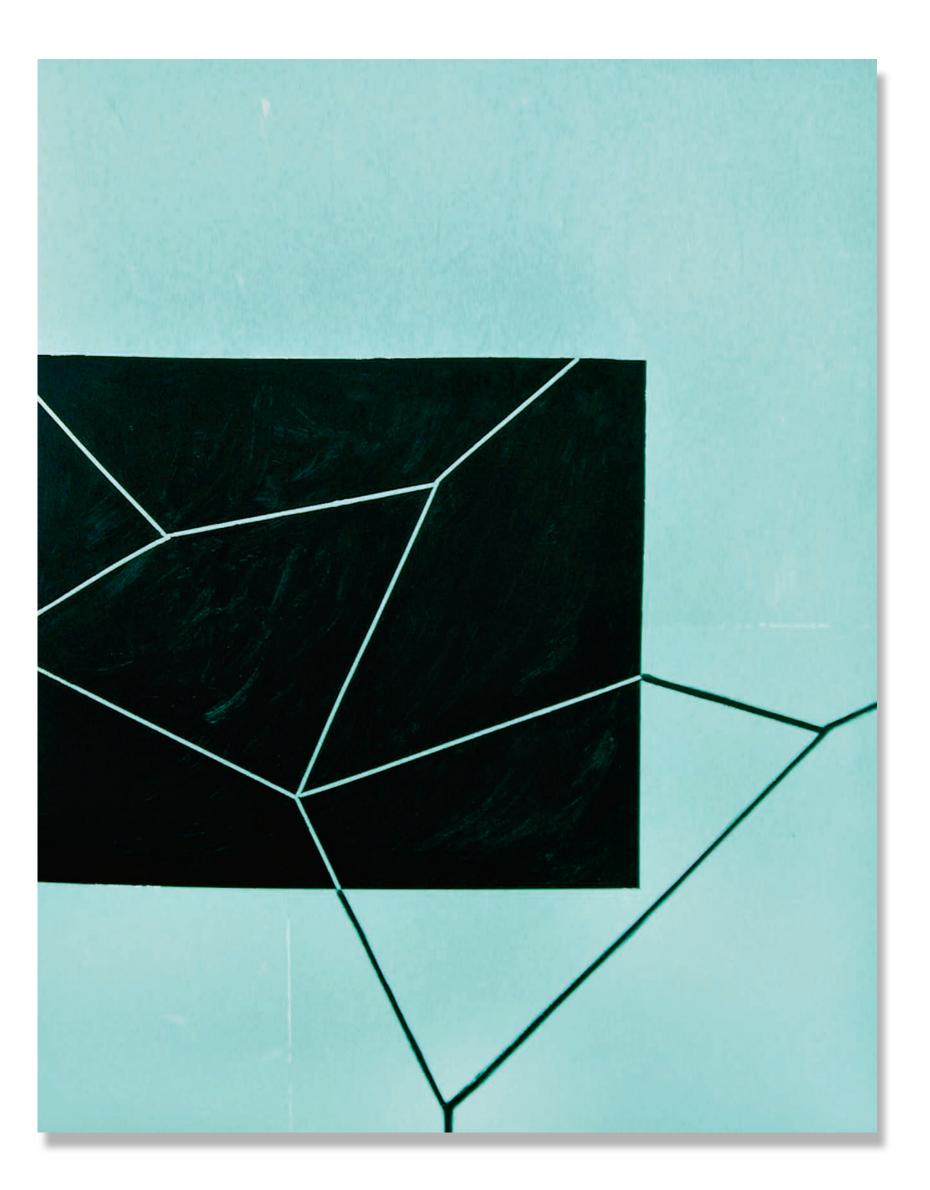
Estimate £70,000-90,000 \$108,000-139,000 €83,200-107,000 ‡

PROVENANCE 303 Gallery, New York

EXHIBITED New York, 303 Gallery, Mary Heilmann, 26 February—9 April 2005

Since the early seventies, American painter Mary Heilmann has been a pioneer of Abstract painting. Constantly pushing the boundaries of the movement, Heilmann has paved a unique path in what is essentially an all male cast of artists by incorporating elements of arts and crafts, traditions most often associated with the feminine. Her pared down aesthetic, fine and deliberate lines which cut through uniform monochromatic blocks of colour, is influenced by geometric abstraction, color field painting and minimalism. With its sheer scale and brilliant and vibrant colour palette the present lot is reminiscent of the vastness of Heilmann's Californian upbringing, its title however, Rude Boy, references the street and slang culture she encounters in New York city, her home and place of work since 1968.

'For the past thirty years Mary Heilmann has been championed as the consummate artist's artist. Her un-fussy approach is as notable for the unremitting intimacy it admits as the quixotic sociability it invites... "casual" is one of the most common words describing Heilmann's paintings, which so gracefully traverse craft traditions popular culture and the fine arts. Owing in part to her works' messy assurance, by turns glib and erudite, Heilmann also confounds irony and sincerity. With their visceral convolutions of color, runny streaks of paint and riotous compositions, her recent paintings wear their pleasures on their sleeve.' (S. Hudson, Whitney Museum of American Art: 2008 Whitney Biennial Exhibition, New York, p. 153)



3 JIM LAMBIE b. 1964

Night Divides the Day, 2003 Wood, enamel paint and mirrored Perspex. $198.5 \times 90 \times 40 \text{ cm} (78 \times 352/5 \times 153/5 \text{ in}).$

Estimate £40,000-60,000 \$61,800-92,700 €47,600-71,400 ♠

PROVENANCE Modern Institute, Glasgow

Jim Lambie's Doors sculptures are deservedly the best-known of all his works. Their references are as rich as their colours are striking. The found objects are transformed to play on the tensions inherent in dualities such as art and craft, and decoration and function, and, as with most of Lambie's work, these are explored with reference to music. The title of the present lot, *Night Divides the Day*, is taken from the song lyrics of 'Break on Through (To the Other Side)' by the psychedelic rock band The Doors. Even though the music is not part of the work, its overt reference to a well-known song by a famous band has a significant impact upon the viewer. As the artist has stated in an interview in 2005: "I want to suggest the way a space changes when you put a record on. I want to set up this intense psychological space." (www.telegraph.co.uk/culture/ art/3647142/In-the-studio-Jim-Lambie.html).

Lambie's work presents a contorted, bright blue monochrome door, which is hung on to the wall like a painting. The volume of the work against the flat wall underlines its spatial aspects and sculptural qualities, which extend into the space it occupies. While this can be seen as a take on minimalist sculpture, his work references other key 20th-century art movements. The abstraction is here not lyrical, but has a Pop art dimension in its use of an everyday object and bright primary monochrome colour. Cut up and stripped of its utilitarian purpose, Lambie's door becomes a deconstruction of a door an enigmatic postmodern icon for our times.

"Dismembered doors, cut up and folded in on themselves also bear mirrored surfaces in a crude visual pun, in part after William Blake ('If the doors of perception were cleansed everything would appear to man as it is, infinite', William Blake, *The Marriage of Heaven and Hell*, 1793), albeit via Aldous Huxley's *Doors of Perception* (1954), in turn via Jim Morrison's The Doors – and more particularly, via a much replayed performance of the band's 'Light My Fire' on the Ed Sullivan Show, when the band performed on a studio set dressed with hanging household doors."

(Rob Tufnell, 'Psychedelic Soul', in *Jim Lambie: Voidoid*, Glasgow, pp. 49–51)



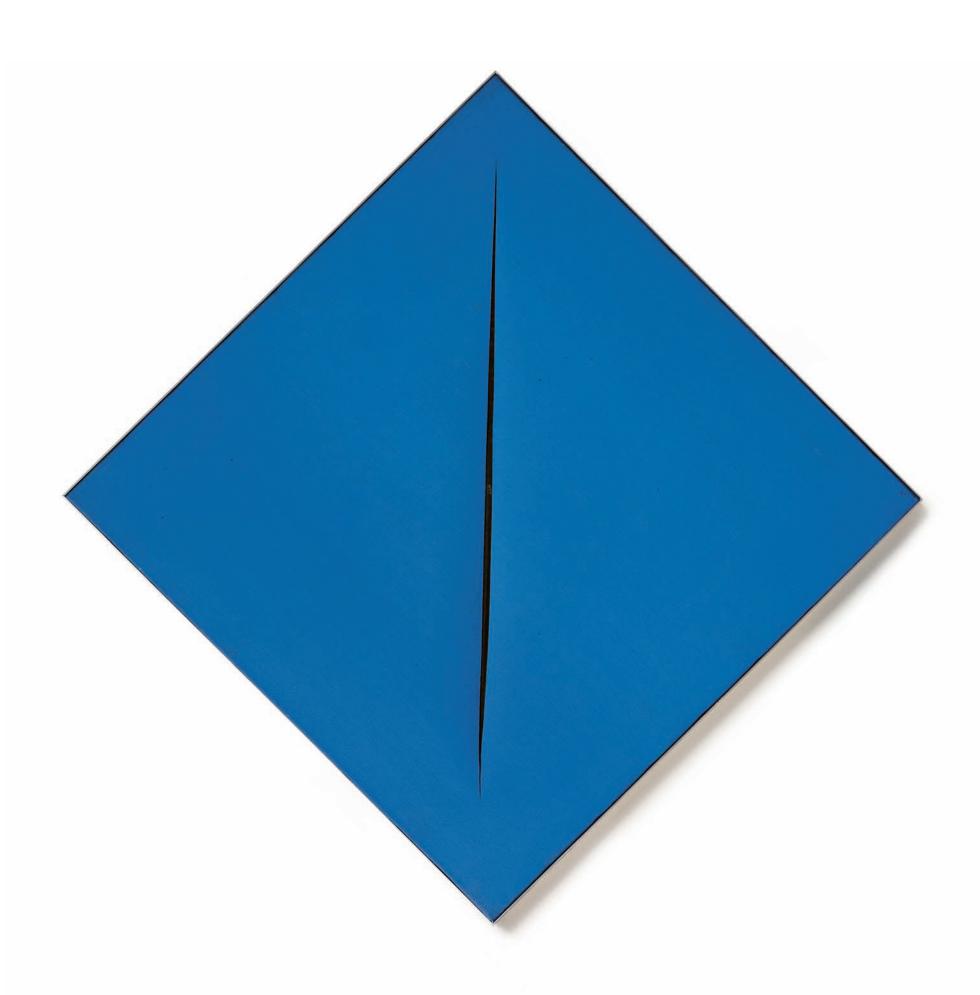
4 LUCIO FONTANA 1899-1968

Concetto spaziale, Attesa, 1964

Waterpaint on canvas. Canvas: 60×60 cm (23 3/5 \times 23 3/5 in); dimensions as installed: 85×85 cm (33 1/2 \times 33 1/2 in). Signed, titled and inscribed 'L. Fontana Concetto Spaziale Attesa Ha llegado un amigo mio de B. Aires' on the reverse.

Estimate £400,000-600,000 \$618,000-927,000 €476,000-714,000

PROVENANCE Galleria Sant'Erasmo, Milan; Nahmad Collection, New York LITERATURE E. Crispolti, Fontana Catalogo generale, vol. II, Electa, Milan, 1986, p. 542 (illustrated); E. Crispolti, Lucio Fontana. Catalogo ragionato di sculture, dipinti, ambientazioni, vol. II, no. 64 T 138, Milan, 2006, p. 727 (illustrated)





Kazimir Malevich, Suprematist composition (blue rectangle over purple beam), 1916

Lucio Fontana's extraordinary *Concetto Spaziale*, *Attesa* from 1964 is as stunning in its colour as it is in its form. It is a prime example of Fontana's well-known series of *Tagli* (slashes) paintings, through which he explored the third dimension in painting. The astonishing form of this work, which is almost unique in Fontana's oeuvre, is achieved by the simple 45° rotation of the square-shaped canvas. There are only seven *Concetto Spaziale*, *Attesa* works by Fontana like this, compared to hundreds of conventional rectangular ones, and the current lot is the largest of these alongside a red example of the same size.

The painting is reduced to its fundamental components – material, size and colour – to echo the universal qualities within painting. The canvas – the traditional supporting material of an easel painting – is grounded in an almost Kleinian blue. Furthermore, the monochrome emphasizes the form of the artwork and is the only counterpart to the main focus, the centred slash. Made at a time when artistic innovations were considered political actions, Fontana's creative/destructive style is often associated with the cultural politics of his time, enacting a blow for freedom from tradition and against the authority of the past. And as with the present lot, it is upon the surface that Fontana chooses to express his political views, and with which he visually distances himself from past painterly traditions. In this search for a new aesthetic, his main objective is the idea of a revised spatial context.

Fontana's cuts go beyond the political actions or previously imposed artistic and cultural tradition. His deliberate and elegantly executed penetrations of the canvas create an artistic language all of their own – they are slits that respond to the imagination and pictorially provide a framework for depth. They are signs, benchmarks that point to new dimensions beyond the perforations and that is vital to the work's symbolic power.

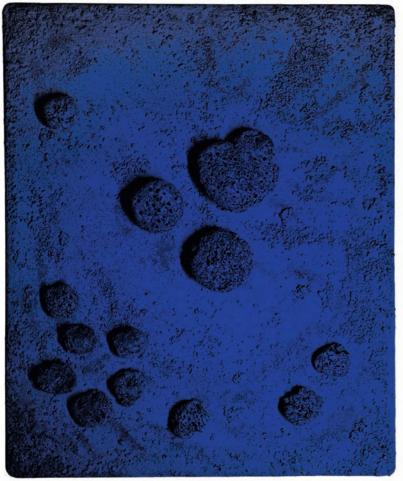
'Concetto Spaziale, Attese' is archived in Lucio Fontana's catalogue raisonnée as 64 T 138 (Enrico Crispolti, *Lucio Fontana Catalogo Ragionato*, *Vol. II*, Milan, 2006, p. 727). It is a striking, visceral and tactile object that conveys a powerful sense of immediacy. The artist's respect for the advancements of science and technology during the 20th century led him to approach his art as a series of investigations into a wide variety of mediums and methods. As a sculptor, he experimented with stone, metals, ceramics, and neon; as a painter he attempted to transcend the confines of the two-dimensional surface. In the mid-1940s, Fontana announced his goals for a 'spatialist' art, one that could engage technology to achieve an expression of the fourth dimension. He wanted to meld the categories of architecture, sculpture, and painting to create a groundbreaking new aesthetic idiom.

"I do not want to make painting; I want to open up space, create a new dimension for art, tie in with the cosmos, as it endlessly expands beyond the confining plane of the picture. With my innovation with the whole pierced through the canvas in repetitive formations, I have not attempted to decorate a surface, but on the contrary, I have tried to break its dimensional limitations. Beyond the perforations, a newly gained freedom of interpretations awaits us..."

(Lucio Fontana, 1966)

"With the slash I invented a formula that I don't think I can perfect. I managed with this formula to give the spectator an impression of spatial calm, of cosmic rigour, of serenity in infinity."

(Lucio Fontana, quoted in E. Crispolti, *Lucio Fontana: Catalogo ragionato di sculture, dipinti, ambientazioni, vol. 1*, Milan, 2006, p. 105)



Yves Klein, Blue Sponge (L'Eponge bleue), 1959



5 GÜNTHER UECKER b.1930

Mutation, 2006

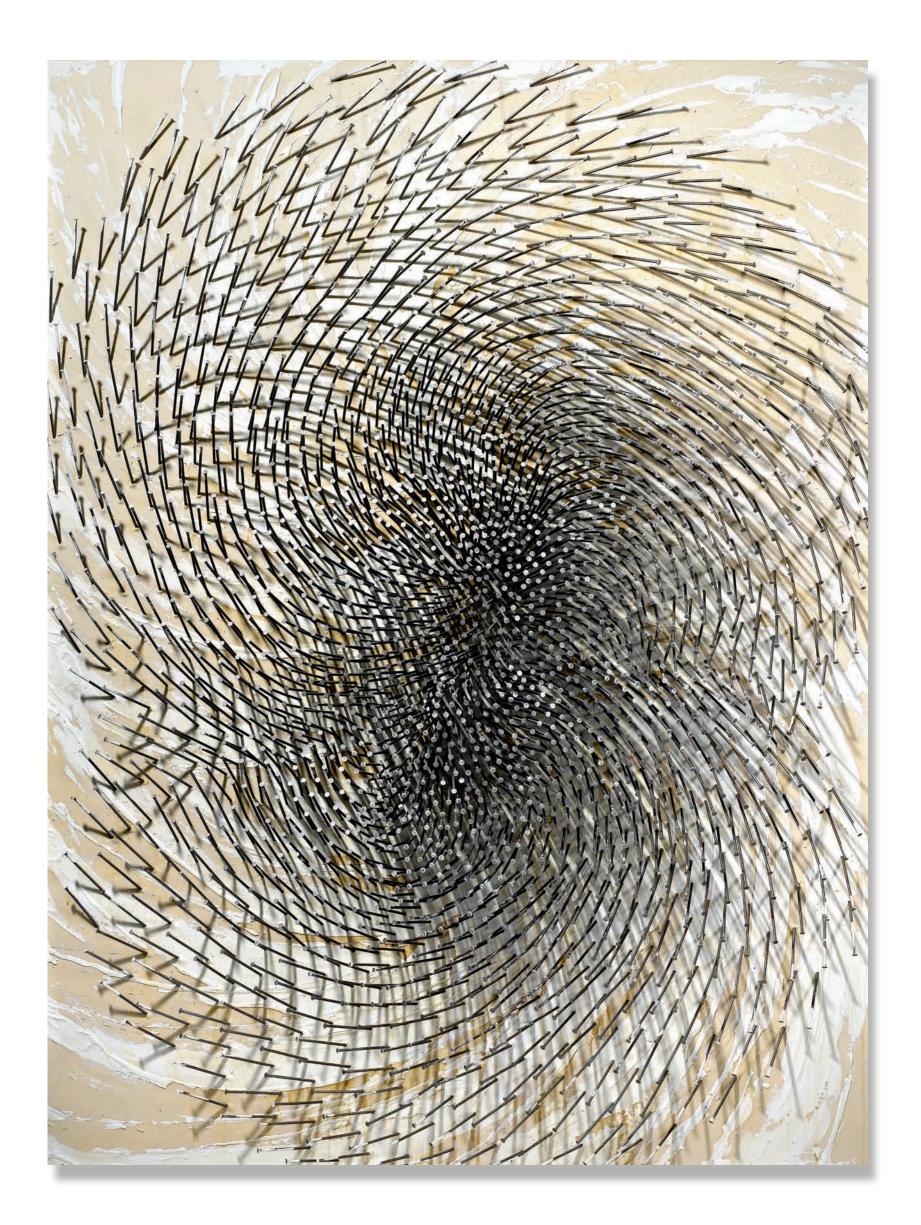
Nails on painted wood. $200\times150\times16$ cm (78 3/5 x 59 x 6 2/5 in). Signed, titled and dated 'Günther Uecker Mutation 2006' on the reverse. This work is accompanied by a certificate of authenticity.

Estimate £150,000-200,000 \$232,000-309,000 €178,000-238,000 ♠

PROVENANCE Galeria Dorothea Van Der Koelen, Mayence

As a pivotal member of the post-war Zero art movement, German artist Günther Uecker revolutionized art by using nails to explore the purest and most physical sensation of light and movement. Expressing a new and infinite possibility in art, Uecker, like the Italian Lucio Fontana, who invaded the pictorial space by incising it, liberated himself from the formal constraints of traditional painting. Instead of applying paint to canvas, Uecker hammered nails into a wooden monochromatic support creating a relief field of constantly undulating and shifting movement. The monochrome composition allows the nails to create patterns of shadow across the surface, responding to the light in the room but also seeming to change in relation to the viewer's own position. The nailed picture became the antithesis of the painted picture; it allowed Uecker to explore the articulation of light through the shadows created by the nails, the unchanging ritual of hammering and the violation of taboo surfaces.

The present lot is a monumental recent work in which the tightly packed nails are each inclined at such steep angles that a swirling vortex is created drawing the viewer into its epicentre. The powerful energy that emanates from the work reflects the desire of Uecker, and his fellow Zero artists, to create something new and extraordinary from such familiar ordinary, banal objects.



6 ROBERT MORRIS b. 1931

Felt, 1974

Felt. 260 × 112 x 80 cm (102 2/5 × 44 1/5 x 31 1/2 in). This work is accompanied by a certificate of authenticity signed by the artist.

Estimate £200,000-300,000 \$309,000-463,000 €238,000-357,000

PROVENANCE Acquired directly from the artist EXHIBITED Milan, Galleria Allesandra Castelli, Robert Morris, 1974

Robert Morris. as a founding member of the Minimal art movement centred on the Green Gallery, has been a pivotal figure on the New York art scene since the mid-sixties. During the summer of 1967, Morris was invited by collector John Powers to attend the Aspen Institute's Artists and Scholars in Residence Program. It was while in Aspen that the artist turned his attention to industrial felt and realized his first works in this medium. The first piece he made consisted of felt strips cut by children whom he had invited to work with him. Explaining the choice of felt as a medium, Morris said, "Felt has anatomical associations, it relates to the body – it is skinlike. The way it takes form, with gravity, stress, balance, and the kinesthetic sense. I like all that."

Felt, from 1974, is one of Robert Morris's exemplary felts, radical and beautiful in its simplicity. A panel of felt is nailed on to the wall, both ends at the same height, letting the material do the rest. The given form derives from the way in which the nails hold the material together, achieving an almost baroque movement of drapery – an indication of the radical nature of Morris' language. The material plays a key role, its inherent colour and the thickness of the felt allow only the minimal involvement of the artist's hand. The work takes on a new life and shape each time it is installed, answering to the gravity and the light of the space it occupies.

In his famous essay 'Anti Form', from 1968, Morris has written about this involvement of the accidental: "Random piling, loose stacking, hanging, give passing form to material... Chance is accepted and indeterminacy is implied since replacing will result in another figuration." Highly conceptual in its approach, this groundbreaking minimal sculpture is a very much a "specific object" to use the artist Donald Judd's sculptural term. While a work of great beauty, Felt makes a clear statement in its simplicity and elegance. Often in an understated way, Morris and minimalist art in general opened up the artwork to take in the whole realm of visual culture in the spheres of design, fashion, media and architecture to the extent that they changed the way we now see.





PROPERTY FROM THE VALENCIA CONTEMPORARY ART COLLECTION

7 GEORG HEROLD b. 1947

Untitled, 1990

Caviar and resin on canvas. 180 \times 320 cm (71 \times 126 in). Signed and dated 'Herold 1990' on the reverse.

Estimate £40,000-60,000 \$61,800-92,700 €47,600-71,400 ♠

PROVENANCE Galerie Bärbel Grässlin, Frankfurt

EXHIBITED Frankfurt, Galerie Bärbel Grässlin, *Georg Herold – OM*, 2002



Conceptually driven by rejecting traditional materials, German artist Georg Herold's artistic practice involves the creation of sculptures, assemblages and wall-based 'drawings' using bricks, baking powder, wood, vodka bottles, buttons and mattresses. The present lot is an early monumental painting from the Caviar series in which the artist laboriously lays countless Beluga eggs on the canvas and then meticulously numbers each and every one of them, creating a haunting semi-abstract composition that recalls visions of the cosmos or a nuclear explosion.

Having studied under the revolutionary German post-war artists Werner Buttner, Albert Oehlen and Martin Kippenberger, Herold has always rebelled against the established bourgeois art scene. In the spirit of the Italian Arte Povera movement, Herold exalts the artistic qualities of raw, common materials. With the Caviar paintings, Herold creates a striking abstract landscape not from the traditional mediums of paint or watercolour but using an organic, edible material, thereby provocatively reframing established categorizations found in art and everyday life.

PROPERTY FROM THE VALENCIA CONTEMPORARY ART COLLECTION

8 RUDOLF STINGEL b. 1956

Untitled, 2002

Celotex insulation and aluminium foil on board in four parts. Each: 121×236 cm (47 $1/2 \times 93$ in); overall: 242×472 cm (95 \times 186 in). Signed and dated 'Stingel 2002' on the reverse of each panel.

Estimate £300,000-500,000 \$463,000-772,000 €357,000-595,000 ♠

PROVENANCE Paula Cooper Gallery, New York; Georg Kargl Fine Art, Vienna



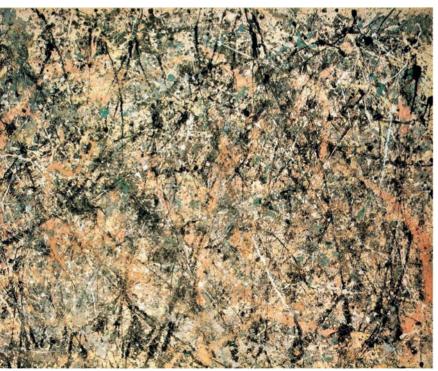




Over the last three decades, Rudolf Stingel has built an impressive oeuvre which has sytematically demystified the idea of the work of art and the creation process. Stingel challenges the viewer to reconsider their preconceived notions about what constitutes a legitimate source of art through the very act of its origin and creation. He challenges the idea of the hand of the artist by including others in the creative process in some of his works.

Influenced by Arte Povera, Stingel turns on its head the traditional structure of painting by using ubiquitous ordinary materials to create objects of fine art. The present lot is the result of a installation in which members of the public were allowed to deface the surface of temporary Celotex walls installed in public spaces. The resulting destruction and accumulation was then fragmented into many segments and reassembled as a finished work for exhibition. The additive and subtractive marks found across Stingel's reflective surfaces become poignant tableaux of contemporary life elevating the mundane and the everyday to high art. The large scale and raw surface of Rudolf Stingel's *Untitled* lends the work an immediately striking aesthetic.

Stingel works with Celotex insulation board, a prefabricated material that ultimately enables him full artistic freedom as his viewers participate in the 'active' art-making process. The art, here, is all in the residue left from that participation: the graffiti marks and sketches, random acerbic quotes and doodled imagery.



Jackson Pollock, Lavender Mist: Number 1, 1950

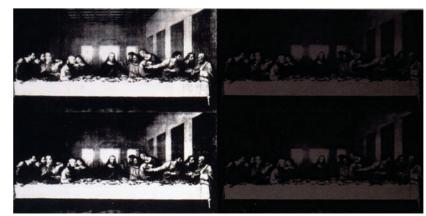


Lucio Fontana, Concetto spaziale, 1962

"Stingel imports the sign-language of toilets, underpasses, and bus-stops into the museum, not by quoting and portraying it, but by turning the very act of so-called vandalism into a constitutive element of his art in the museum. Suddenly the path from the formal aesthetic abstraction to real-world social concretion is very short. But it is not illustrative and instrumental (like the model of interactivity commonly encountered in media art: the visitor as laboratory mouse), but interpretative and structural (suggesting independent decisions on usage and interpretation)"

(J. Heiser, 'Medium and Membrane' in *Parkett*, 2006, no. 77, p. 125).

But the work here transcends the mundane and ultimately propels it forward to a larger consideration of Stingel's impulses and his place within contemporary art history: "With their cleanly finished edges, multiple and identical constituency parts, and austerity of material, the works play with the formal devices of Minimalism. But, through their trampled surfaces, they dispel any intimation of participating in that movement's claims for a quasimetaphysical purity or transcendence. Indeed, the scale and rectangular shape of the panels... suggest an artistic style antithetical to Minimalism – the contained spontaneity of Pollock's dripped and poured paintings... So Stingel's work traffics in the stylistic markers of Minimalism and Abstract Expressionism. But he reduces those markers to features of ordinary experience and leaves the animating theoretical and expressive impulses of both movements behind." (J. Gilmore, *Art in America*, October 2000)





9 PETER FISCHLI & DAVID WEISS b. 1952, b. 1946

4 Hostessen (4 Stewardesses), 1988

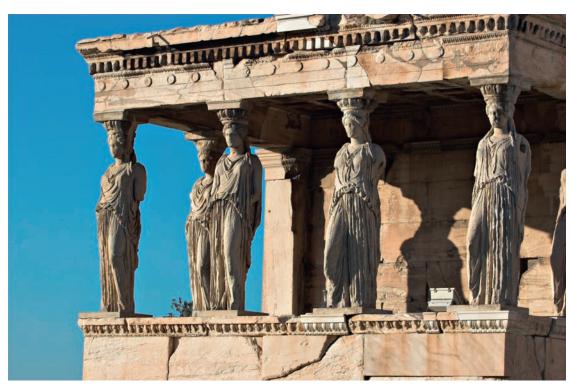
Plaster cast over polyester resin, in four parts. $24 \times 50 \times 70$ cm (9 3/5 \times 19 3/5 \times 27 3/5 in).

Estimate £250,000-350,000 \$386,000-541,000 €298,000-416,000 ♠

PROVENANCE Galerie Susan Wyss, Zurich; Studio Trisorio, Naples; Galleria Marilena Bonomo, Bari







The Porch of the Caryatids at the Erechtheion, Acropolis, Athens



Alberto Giacometti, Quatre Femme sur socle, 1950

"We do take steps to show things in their true light. Which is also what makes it interesting: we don't want to be rid of it altogether, but we don't want to leave it as it is either. That's true of many of our works: we want to take things out of the niche where they belong and transport them somewhere else, but without denying their origins. It is about taking but also about giving back." Peter Fischli

For over three decades, the Swiss artistic duo Fischli and Weiss have consistently capitvated and amused audiences with their extraordinary transformations of the commonplace. Their videos, installations, sculptures, photographs and slide projections are all characterized by their playful and ironic examination of everyday life, albeit from the most absurd angles invariably portraying the banal in order to subvert the expectations of the viewer and to strike at the very conventions of art. Fischli and Weiss have explored the various social, theatrical, educational and creative roles of toys and play in contemporary society. The present lot, a retro grouping of four anonymous air stewardesses arranged in a tight diamond-shaped formation, is part of a body of work which also includes automobiles and in which the subjects were all cast in plaster with an unfinished, ghostly, dry whiteness. Reduced in size and frozen in space, their chalky blankness infuses their surrounding space with a disconcerting, eerie feel. Stripped of colour and of nearly every identifying feature, the women become strange maquettes – renditions of life lived in mute and black and white.

"Play as analyzed by Freud requires toys that are simulacra of objects in the adult world: tools, for example, blunted in order to enable children to play at being grown-up and productive without hurting themselves or straining their limited strength; pails and shovels for the sandbox; toy stoves and plastic dishes for the girl's room; toy cars for the boys to crash and popguns to make them manly and brave; dolls to activate maternal instincts; lead soldiers to activate leadership; stuffed animals to give boys and girls alike a model of passive softness in those with whom they will sleep. Of course, there are toys of other sorts – games, athletic gear and the rest – which have the function of socializing the children into adult patterns (a responsibility sufficiently important to have made the manufacture and purveyance of toys a serious and profitable business). Most of these toys, needless to say, also afford the child plenty of opportunity for generating annoyance: squabbling over whose turn it is, making a racket, creating messes, hitting one another over the head, refusing to share, etc..."

(A. C. Danto, 'Play/Things', in *Peter Fischli and David Weiss: In a Restless World*, Minneapolis and London 1996, pp. 98–99)



10 RUDOLF STINGEL b. 1956

Untitled, 2000

Styrofoam in four parts. Each: $121.9 \times 244.1 \times 9.9$ cm $(48 \times 96.1 \times 3.9$ in); overall: 243.8×485.8 cm $(96 \times 191\ 1/4$ in)..

Estimate £350,000-550,000 \$541,000-850,000 €416,000-654,000 ♠ ‡

PROVENANCE Paula Cooper Gallery, New York

EXHIBITED New York, Paula Cooper Gallery, Rudolf Stingel, April–June 2000

LITERATURE Rudolf Stingel, exh. cat., Chicago, Museum of Contemporary Art, 2007, pp. 142–43 (illustrated)







Through his instructional photographs, sculptural installations and industrially produced paintings, Stingel's work explores the essence of making, gesture and expression, and in so doing, questions authenticity and authorship. Often inviting the audience to interact with his work, Stingel promulgates the artistic process, allowing his artworks to develop as public collaborations. In reconsidering the appreciation of aesthetics as a relative experience, Stingel challenges ideas of cultural hierarchy, modes of production, and the mythology of the artist.

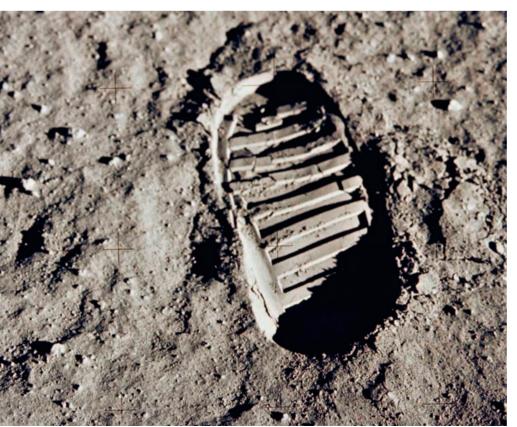
The present lot, from 2000 and consisting of four large-scale panels of white Styrofoam, emanates from the same aesthetics of the great modern European monochromists such as Yves Klein and Piero Manzoni, as well as of gestural painters such as Albert Oehlen and Christopher Wool. But at the same time it can be understood as an Americanized, Warholian version of Arte Povera. Like his Italian predecessors, Stingel often favours cheap materials, but instead of being distressed they are always brand new, industrial and somehow implicitly American.

The present lot was created through a process in which Stingel covered the entire floor of his studio with Styrofoam and then walked across the thick surface in boots dipped in lacquer thinner. Like walking across fresh snow, the Styrofoam melted underfoot with each of Stingel's steps leaving behind only the markings of his footprints. The final work is then arranged in single, double or, as in this case, a monumental four panels taken from the much larger field of panels that covered the entire studio floor.

The resulting conjunction of abstraction and figuration, although created using banal industrial materials, nevertheless remains extremely elegant and poetic. Romantic associations abound, with the pure white, virginal surface sullied by Stingel's gestures, a process and intent reminiscent of the American conceptual painter Robert Ryman. Like Ryman, Stingel presents the materials of his art at face value and conceptually explores the act of painting as a self-reflective metaphor for perception and memory. As repositories of chance marks and gestures, Stingel's 'canvas' – the white styrofoam panels – draw attention to their own materiality. Yet they also possess an abstract iridescence and disarming ethereality reminiscent of the work of the greatest of all Italian post-war painters, Lucio Fontana.



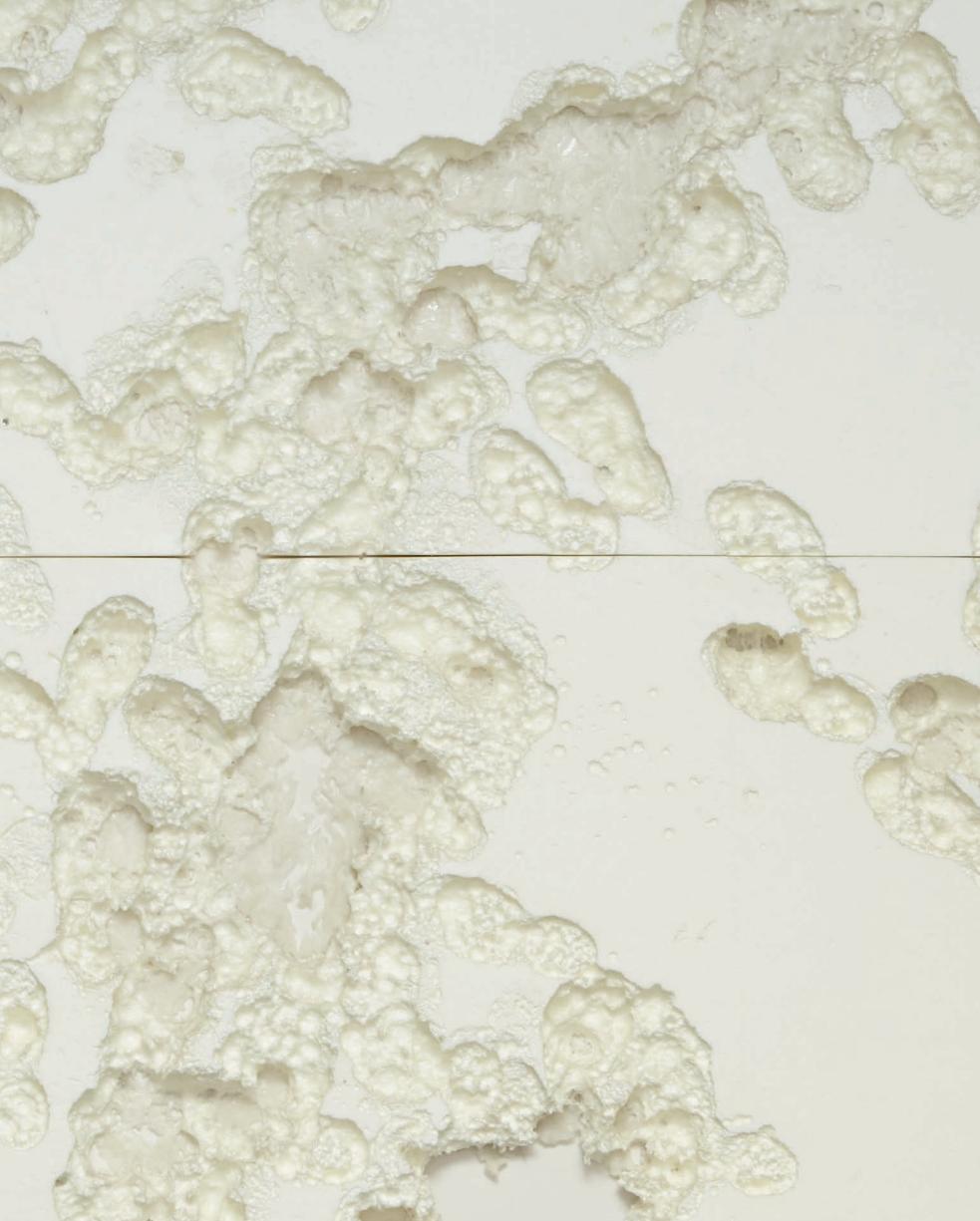
Lucio Fontana, Concetto spaziale, La Fine di Dio, 1963



Footprint of Buzz Aldrin on lunar surface, NASA's Apollo 11 mission, 1969



Piero Manzoni, Achrome, 1959



PROPERTY FROM A PRIVATE SWISS COLLECTION

11 JEAN-MICHEL BASQUIAT 1960-1988

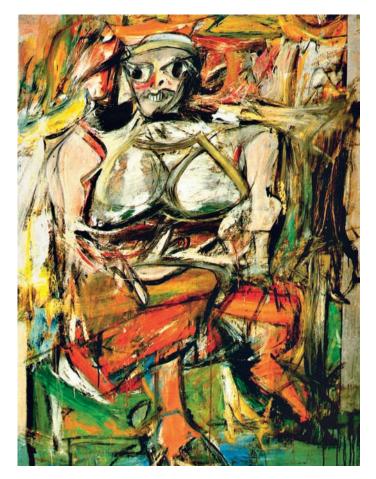
Overrun, 1985

Oil, acrylic and metallic paint with colour photocopy collage laid on wooden panel. $203\times81~\text{cm}~(80\times31~7/8~\text{in}).~\text{Signed, titled and dated 'Basquiat Overrun 1985' on the reverse.}$ This work is accompanied by a certificate of authenticity issued by the Estate of Jean-Michel Basquiat.

 $\textbf{Estimate} \ \, \pounds 1,000,000-1,500,000 \quad \$1,540,000-2,320,000 \quad \pounds 1,190,000-1,790,000 \quad \ddagger \quad \ \, \$1,190,000-1,190,000 \quad \$1,190,000-1,190,000-1,190,000 \quad \$1,190,000-1,19$

PROVENANCE Mary Boone Gallery, New York; Galerie Beaubourg, Paris





Willem de Kooning, Woman I, 1950-52

Jean-Michel Basquiat's story is well known: the epitome of the artist-rebel who, from impoverished immigrant beginnings and living on the streets of New York City, had a meteoric rise to the top of the art world only to fall even faster and harder, consumed by a debilitating drug habit and haunted by doubts. Like many of history's artistic outsiders – Vincent van Gogh and Paul Gauguin come to mind – Basquiat died never having really belonged but also not without leaving behind a brilliant and consequential body of work. In just eight brief years, Basquiat displayed an exceptional ability to execute paintings loaded on the one hand with the immediacy of attitude and turmoil, while on the other dealing poignantly with profound human questions of life and death.

Executed in 1985 at the height of Basquiat's powers, Overrun is a frantic, powerful canvas which features some of the most important themes found throughout the artist's work. For example, the most striking and immediately recognizable motif in the painting is the beautifully rendered, raw, expressionist figure found in the lower half of the composition. Part-human, part-animal, Basquiat's anthropomorphic creature displays an aggression and anger with its stern eyes and gaping mouth. These tormented heads have often been interpreted as self-portraits, a reflection, it has been suggested, of the artist's struggle as an African American in a predominantly white art world. The haunting, ghost-like figure with its hollow eyes, recalls African tribal masks and voodoo ritual figurines used throughout the African-American community in the Southern United States and in the former slave colonies of the Caribbean. Being of Haitian origin, Basquiat throughout his career incorporated Black history into his works, but from this mid-point in his career, an obsession with mortality also permeates his art, to the point where his final work is apocalyptically titled Riding with Death.

In a manner similar to the French painter Jean Dubuffet, Overrun's heavily vertical format and its five black window frames at the top are suggestive of a vibrant urban landscape. Basquiat was greatly influenced by the high-rise skyscrapers of his native New York City and continuously referenced it. His teenage years spent as a wandering homeless artist, during which time

he tagged mysterious and witty statements under the pseudonym SAMO, left a lasting impression. Art historians have long drawn comparisons with Jean Dubuffet's childlike and naïve style and his lack of interest in rationally coherent compositions with a central perspective – a comparison most striking when comparing Dubuffet's series *Views of Paris* with *Overrun*. Like Basquiat, Dubuffet made graffiti the central motif of his art.

Another important feature to be seen here, and which can be seen elsewhere in Basquiat's output, is the use of language, in the form of consciously child-like scribbles and cryptic writings. While painting in the basement of Annina Nosei's gallery, Basquiat had a book open to pages illustrating Twombly's large, lyrical compositions which incorporate text and image. While recalling similar inscriptions in the works of Jean Dubuffet and Cy Twombly, Basquiat's words, whether crossed out, repeated, or naively spelled, signify both the urgency and power with which he could communicate through his art. Paradoxically, this was an ability he so cruelly lacked in the real world so it is all the more affecting when seen in his paintings.



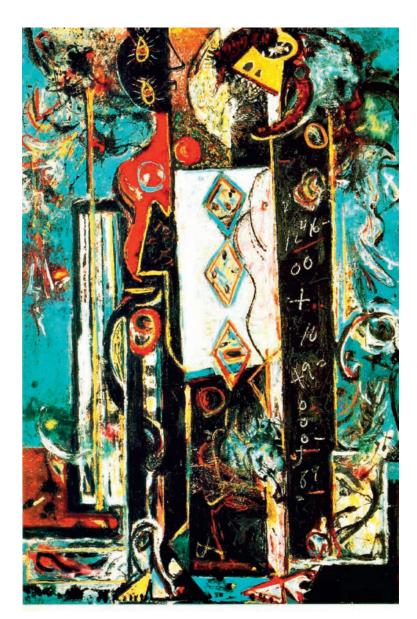
Nineteenth-century Fang Ngil mask, Gabon







Jean-Michel Basquiat, Great Jones Street studio, New York, 1985, cover shot, *Times Magazine*, photo © Lizzie Himmel, New York



Jackson Pollock, Male & Female, 1942

On Basquiat's exceptionally personal, self-reflective and vulnerable approach, the artist's early dealer Tony Shafrazi has said, "his use of text is too deeply hermetic and coded to be directed to a particular class in a glib or knowing fashion. Since his scrawls are often auto-biographical in nature, and chronicle a tumultuous personal life and journey, they are possessed of a more unconscious desire to confess or report. Basquiat's early graffiti grew out of an instinct of primal expression that was more in line with the historical origins of the art" (Tony Shafrazi, *Jean-Michel Basquiat*, New York, 1999, p. 13).

The last, but certainly not least, motif apparent in *Overrun* is Basquiat's use of sheets of Xerox collage depicting crudely drawn fragments of the human anatomy. It is well known that Basquiat had a fascination with the human anatomy; as a child, while recovering in hospital from an accident, his mother gave him a copy of *Gray's Anatomy*. Although self-taught, he was keenly aware of the history of art and Leonardo da Vinci's numerous drawings of the human skull. Far from being scientifically accurate, Basquiat's renditions are raw and chilling, powerfully capturing the angst and rage that must have inhabited the tormented soul that he was. Graphically energetic and expressive, *Overrun* is a work in which Basquiat achieves a thematic and artistic clarity unrivalled elsewhere in his oeuvre. It is amazing to realize that at such a young age, the completely self-taught artist had acquired such a natural technical ability, a superlative draughtsmanship and a muscular yet fluid painting style.

12 RAQIB SHAW b. 1974

Absence of God III: And His Tears of Blood Will Drown the Cities of Men II, 2008 Acrylic, glitter, enamel and rhinestones on fine portrait linen. Diameter: 152 cm (60 in).

 $\textbf{Estimate} \ \, \textbf{\pounds}600,\!000-800,\!000 \quad \$927,\!000-1,\!240,\!000 \quad \$714,\!000-952,\!000 \quad \ddagger$

PROVENANCE White Cube, London

EXHIBITED Vienna, Kunsthalle, Raqib Shaw: Absence of God, 2009

LITERATURE H. K. Bhabha, Raqib Shaw: Absence of God, London, 2009 (Illustrated)





Thomas Couture, The Romans of the Decadence, 1847

"I have always been obsessed with the idea of making industrial paints and decorative materials into something beyond decorative. I want the paintings to question people's notions of aesthetics. In looking at my work I want people to believe in the possibility of transcendence, that base metal might be turned into gold, or as Proust eloquently wrote to reveal 'the pearl that may give the lie to our carapace of paste and pewter'."

(Raqib Shaw, quoted in *The Garden of Earthly Delights*, Victoria Miro Gallery, London, 2003)

Raqib Shaw's seductive and ornate works are more than a mere outburst of psychedelic, surreal and pornographic imagery. He was born in Calcutta, brought up in the cultural wealth of Kashmir and educated in London, where he now lives and works. Shaw's richly layered work is influenced by this diverse background and by his thorough knowledge of the history of art. His representations of utopian hedonistic worlds populated by copulating mythical part-human, part-animal creatures are informed by various aspects of Eastern culture such as Kama Sutra, Hindu mythology and prints by the Japanes artist Hokusai. Executed on monumental wooden panels, Raqib Shaw's works are directly influenced by the elaborate and dream-like depictions of paradise found in the paintings of the Northern Renaissance artist Hieronymus Bosch. Encrusted with semi-precious stones, the bejewelled brilliance of Shaw's surfaces reflect the richness and beauty of the Indian subcontinent's landscape where the artist spent his childhood.



Max Ernst, L'ange du Foyer, 1937



Henri Rousseau, The Dream, 1910

The present lot, *And his tears of blood will drown the cities of men II*, is a monumental Renaissance-inspired tondo made with glossy industrial enamel paint and semi-precious stones in a technique emulating the bas-relief or the compartmented effects of *cloisonné*. This work is one of the most consequential and accomplished compositions from his recent *Absence of God* series, his second major body of work following the highly acclaimed *Garden of Earthly Delights* series. While in the *Garden of Earthly Delights*, Shaw looked at the paintings of Bosch, in the *Absence of God* series, Shaw was inspired by the Italian artist Giovanni Battista Piranesi's depiction of ancient Rome.

Shaw depicts a phantasmal landscape of underwater hybrid creatures indulging in bacchanalian debauchery, all set against a backdrop of classical ruins. With a porcupine quill and shiny metallic paints, Shaw fills the canvas with abundant flora and fauna, ruined temples and fantastical creatures. Winged warriors simultaneously perform acts of bondage, flagellation and ritual disembowelment while showers of screaming hominid faces explode mid-air and regal monkeys survey, from under their parasols, a mutant striving to catch flocks of glittering butterflies with its broken net. Beyond the imagery, one cannot help but be mesmerized by the intricate detail of execution found within the vibrantly painted flora and fauna inhabiting Raqib Shaw's grotesquely beautiful world.

While the stated and obvious art historical reference is to Piranesi's *Vedutes* of ancient Rome, another point of reference both thematically and compositionally, is Thomas Couture's mid-19th-century masterpiece *The Romans of the Decadence*. Both are set against a backdrop of classical Roman ruins and both depict orgiastic debauchery. Shaw's contemporary version, however, does not include humans but the fantastic hybrid creatures set in a lush jungle in a manner reminiscent of the French turn-of-the-century painter Henri Rousseau. The most recent art historical reference may be the work of German Surrealist paint Max Ernst, who, like Shaw, had an interest in human psychology and the violence of human sexual desire. Ultimately, Shaw's tableau may be read as a contemporary allegory of human greed.



13 ANSELM REYLE b. 1970

Harmony, 2007

Bronze, chrome enamel and veneered Makassa wood. $87.1 \times 89.9 \times 40.6$ cm (34 $1/3 \times 35$ $2/5 \times 16$ in). This work is unique from a series of 8 plus 2 artist's proofs, each unique in colour.

Estimate £120,000-180,000 \$185,000-278,000 €143,000-214,000 ♠

PROVENANCE Private Collection, Europe

In recent years, Anselm Reyle has come to be considered as the key figure of a new generation of 21st-century artists dealing with abstraction and formalism. In an unique way, Reyle recycles the formal achievements of modernist abstraction, and subsequently repurposes them in an entirely new pictorial language, while exploring the union between the mundane and the highly seductive. However, his works go beyond a mere postmodernistironic allusion. Using materials like aluminium foil, neon colours and neon light, Reyle achieves intense colours, light, and surface effects that intensify and deconstruct common and familiar composition patterns of abstract styles.

In *Harmony*, 2007, he has used a small African soapstone carving as a starting point, dramatically increasing the scale, casting it in bronze and then coating it in a high-gloss chrome-plate, creating a work that resembles a high-tech manufacturing prototype. As in his paintings, he often adopts a sculptural motif that has become a modernist art cliché and reworks it in order to invest it with new meaning and context. "I like the idea of clichés. To me it means that people found common sense in a certain matter. So I see it as an inspiration, and not negative" (the artist, in an interview with Alexander Tovborg, during the exhibition, Anselm Reyle: Valley of the Snake Ladies, Andersen's Contemporary, Copenhagen, 27 May – 24 June 2006).

One of his favourite working strategies is reminiscent of Marcel Duchamp's principle of the ready-made. Reyle creates an aesthetic that is at odds with what is considered an expression of 'good taste' today. In contrast, his pictorial language defies our aesthetic awareness and seeks to challenge us to break with our rigid prejudices concerning 'The Artwork'. By exploring the fringes of art and design or kitsch, he creates often visually spectacular works that simultaneously confront us with a conceptual nihilism.



14 ANSELMREYLE b.1970

Untitled, 2005

Aluminium foil and oil on canvas in Plexiglas box. 234 x 199 cm (92 1/8 x 78 1/4 in).

Estimate £70,000-100,000 \$108,000-155,000 €83,200-119,000 ♠

PROVENANCE Galerie Giti Nourbakhsch, Berlin EXHIBITED Berlin, Galerie Giti Nourbaksch, Anselm Reyle, 7 May—18 June 2005

Sampling ideas from Modernism and Abstract Expressionism, Anselm Reyle injects new life into these styles. In his foil paintings, Reyle achieves this by reactivating concepts of abstraction and the ready-made with a shiny new material; and in so doing, he revitalises the notion of chance during the acts of both creation and viewing. Each peak, bend and valley of his synthetic foil substrate creates a new surface upon which light can refract and forms reflect; there is a constant fluctuation of light and tone, creating a work which remains new no matter how many times it is viewed.

"I found this cheap foil at a studio of a friend. I was very fascinated by this material. The quality – that it was so glossy. I've always liked the fact that you have to do very little to make it look good. In this case, you really have a lot of interesting effects created by almost nothing. All the colours reflect and also it has a very psychedelic effect when you look at it from a close distance. A bit like on an acid trip. The fact that this cheap store foil work is such a big contrast to the expensive acrylic box around it, is another aspect. Without this box, it would have been more trashy, cheap and even more fragile. But when it's inside it gets more serious leaving no doubt that it's a real piece of art."

(The artist, in an interview with Alexander Tovborg, during the exhibition, *Anselm Reyle: Valley of the Snake Ladies*, Andersen's Contemporary, Copenhagen, 27 May–24 June 2006)



15 SUBODH GUPTA b. 1964

No. 1, 2007

Oil on canvas. 167.8 \times 228.5 cm (66 1/5 \times 90 in). Signed and dated 'Gupta 07' on reverse.

 $\textbf{Estimate} \ \, \pounds 150,000-200,000 \quad \$232,000-309,000 \quad \$178,000-238,000 \quad \ddagger$

PROVENANCE Bodhi Art, New Dehli

Subodh Gupta is without doubt India's most celebrated and widely known contemporary artist. He incorporates in his artistic practice everyday objects that are ubiquitous throughout his native India. Working across an eclectic range of media including sculpture, installation, painting, photography, performance and video, Gupta culls his imagery from such ordinary items as the steel tiffin boxes used by millions to carry their lunch, as well as the thali pans, bicycles and milk pails found in abundance throughout the subcontinent to create an oeuvre which deals resonantly with the economic transformation of India.

Largely autobiographical, Gupta's work reflects his memories of a childhood spent learning India's rich and varied cultural traditions and rituals. The result is a dazzling tour de force in which appropriated everyday objects are turned into artistic icons, with their former meanings and functions dissolved. The present lot is a monumental billboard-like hyperrealist canvas in which stainless steel kitchen pots and pans are depicted in extreme close up. With its precise draughtsmanship, the work is a masterful contemporary rendition of that age-old artistic tradition attempted by all great painters, the still life genre. Indeed, in addition to sharing a similar subject matter of domestic-ware, *No. 1* is compositionally and tonally suggestive of the Italian modern master Giorgio Morandi. Another reference is to the American Pop artist James Rosenquist and his long, horizontal paintings of banal everyday imagery, shown tightly cropped and in extreme close-up.

Turning to Gupta's contemporaries, the shimmering of the utensils' highly reflective surfaces gives *No. 1* a sumptuous sense of luxury and craft reminiscent of the work of his fellow art world luminaries, Damien Hirst and Jeff Koons. What is most fascinating about Gupta's art is that while other South Asian artists ironize or sentimentalize Indian iconography and stereotypes, Gutpa successfully transforms them into recognisable trademarks. If Mondrian owns geometry, Beuys felt and Duchamp urinals, then Gupta owns cow-dung patties, milk buckets, cooking pots tiffin carriers. As the art historian Peter Nagy explains, "Subodh is very good at selecting icons and symbols. There is something of the way Ghandi worked here. Ghandi used the very simple elements of salt or homespun cotton to overturn a colonial empire. Subodh uses pots, bicycles and milk pails to talk about the great changes occurring in India today."



16 DONALD JUDD 1928–1994

Untitled (89-30), 1989

Polychrome pulver on aluminum. $29.5 \times 59.9 \times 30.5$ cm (11 $3/5 \times 23$ $3/5 \times 12$ in). Incised 'Donald Judd 89-30 lascaux materials Itd. brooklyn. n.y.' on the reverse.

Estimate £120,000-180,000 \$185,000-278,000 €143,000-214,000 ‡

PROVENANCE Acquired directly from the artist

One of the most significant American artists of the post-war period, Donald Judd changed the course of modern sculpture. He broke new ground in his exploration of volume, interval, space and colour by rejecting the tradition of artistic expression and craftsmanship, using industrial materials such as Plexiglas, sheet metal and plywood. From the mid-1960s, he even had his works fabricated by external manufacturers. By encouraging concentration on the volume and presence of the structure and the space around it, Judd's work draws particular attention to the relationship between the object, the viewer, and its environment. This relationship became a central focus of Judd's career, and he devoted much of his later life to the sympathetic installation of his own work.

Judd's engagement with philosophy, architecture, design and politics informed his own work, and influenced succeeding generations of artists and designers. His pared-down forms and sensuous use of industrial materials remain a feature of much contemporary art, architecture and design. Throughout the 1970s and 1980s he produced radical work that eschewed the classical European ideals of representational sculpture. Judd believed that art should not represent anything, that it should unequivocally stand on its own and simply exist. The present lot is one of the most interesting from the critically acclaimed Swiss Box series. Begun in 1983, the series allowed Judd a new-found exuberance as a colourist. With such works as Untitled (89-30), Judd started incorporating the brilliant hues of industrial paints in his sculptures treating color formally as an object. *Untitled (89-30)* is a classic intimate Judd volumetric wall piece. As the viewer moves across the work, subtle elements of the work begin to emerge. Judd creates a void where space, light and object play and intertwine to create an internal pool of colours.



a cage through the streets of the city! I also love to joke. The question is: why must all things stand up on the floor – they could easily

"My father was a great prankster – he figured out a way to drag an old piano in

The question is: why must all things stand up on the floor – they could easily wind up on the ceiling. A table, chair, bed – everything could 'stand' there just beautifully, if you attach them right. True, there is a danger: one of these objects could fall on your head, for example, the lid of a teapot, a cushion from the couch.... A complete, radical shift of things is not necessary, something should be left in its old place, and a happy medium should be sought, everything should be harmonious. That's how all wise politicians act, just like my grandmother: whenever she put fresh food on the table, she would always add something left-over from yesterday's dinner."

Text in the installation

PROPERTY FROM THE VALENCIA CONTEMPORARY ART COLLECTION

17 ILYA & EMILIA KABAKOV b. 1933, b. 1945

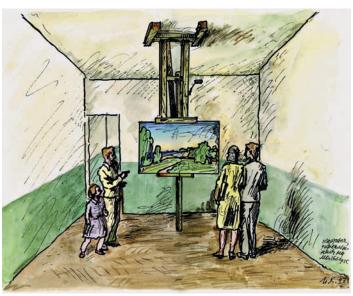
The Painting on an Easel, 1998

Oil on canvas and wooden easel. Site specific installation with variable dimensions. Easel: $207 \times 65 \times 60$ cm (81 1/2 × 25 1/2 × 23 1/2 in); painting: 143×228 cm (56 1/4 × 89 3/4 in).

Estimate £400,000-600,000 \$618,000-927,000 \in 476,000-714,000 \spadesuit

PROVENANCE Collection of the artists; Sean Kelly Gallery, New York
EXHIBITED Antwerp, Museum van Hedendaagse Kunst, *16 Installaties*, 17 April–
23 August 1998; Goslar, Monchehaus Museum fur Moderne Kunst, *Ilya Kabakov*,
16 October, 1998–3 January 1999

LITERATURE 16 Installaties, exh. cat., Museum van Hedendaagse Kunst, Antwerp, 1998 (illustrated); Ilya Kabakov, Catalogue Raisonné Installations 1983–2000, vol. 2, Düsseldorf, 2003, pp. 280–83 (illustrated)



Ilya and Emilia Kabakov, Concept drawing, 1977





Rene Magritte, La trahison des images, 1928–29



Marcel Duchamp, Bicycle Wheel, 1951



Rene Magritte, La Condition Humaine, 1933

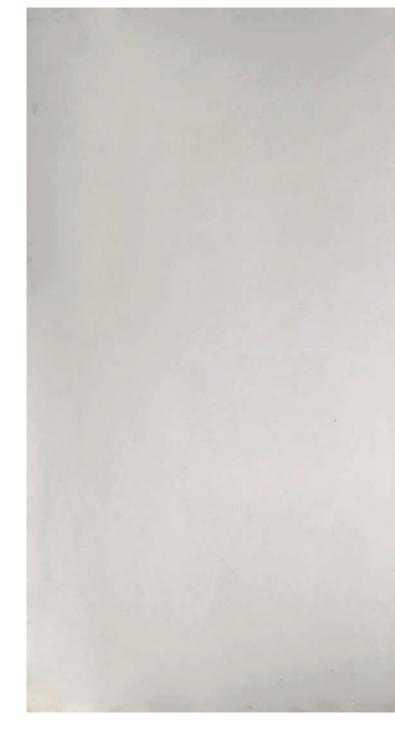
The Painting on an Easel is a powerful manifestation of the Kabakovs' ability to question the history of artistic practice and challenge traditional practice. To the Kabakovs, the installation of *The Painting on an Easel* is the most important aspect, so that, while the painting, an idyllic Russian village on a summer's day, appears to float at eye level, all is not what it seems (typically of the Kabakovs' work), and the viewer's eye is pushed beyond the realm of the canvas to the easel that is suspended from the ceiling. The subject matter and the painting itself thus appear to lose substance or meaning as an object of contemplation and instead takes on an air of the unlikely or the absurd, ie. the impossible existence of an 'ideal' Soviet landscape.

"J. Bakshtein: ...it is clear that this is like a model for Soviet existence that was elaborated throughout the lives of Soviet people: no matter how the everyday circumstances of life changed around a person, he, in order to live, had to become a tightrope-walker like Chaplin. He constantly had to twist and turn, deceiving himself and others in his outer life, the life of Soviet socium, so that his own apartment and family could remain in relative

Ilya Kabakov: That's rather accurate, but there is yet another meaning, another image: in today's art situation, where everything is so tightly wound, in order to exhibit something natural and simple that you really love and know, you have to twist it and turn it around so much so that, recognizing you as a modernist, avant-garde etc., people will actually look carefully at what you really want to say – otherwise, no one will pay any attention to you whatsoever.

(Interview with Ilya Kabakov, in T. Stoos, *Ilya Kabakov Installation 1983–2000 Catalogue Raisonné: Vol. II*, Dusseldorf, 2003, pp. 281–83





18 MICHELANGELO PISTOLETTO b.1933

Ritratto sigg. Lerre (Portrait of Mr. Lerre), 1962–87 Silkscreen on mirror polished stainless. 125 \times 230.1 cm (49 1/5 \times 90 3/5 in). Signed, titled and dated 'Michelangelo Pistoletto Ritratto sigg. Lerre 1962–1987' on the reverse.

Estimate £70,000-90,000 \$108,000-139,000 €83,200-107,000 ♠

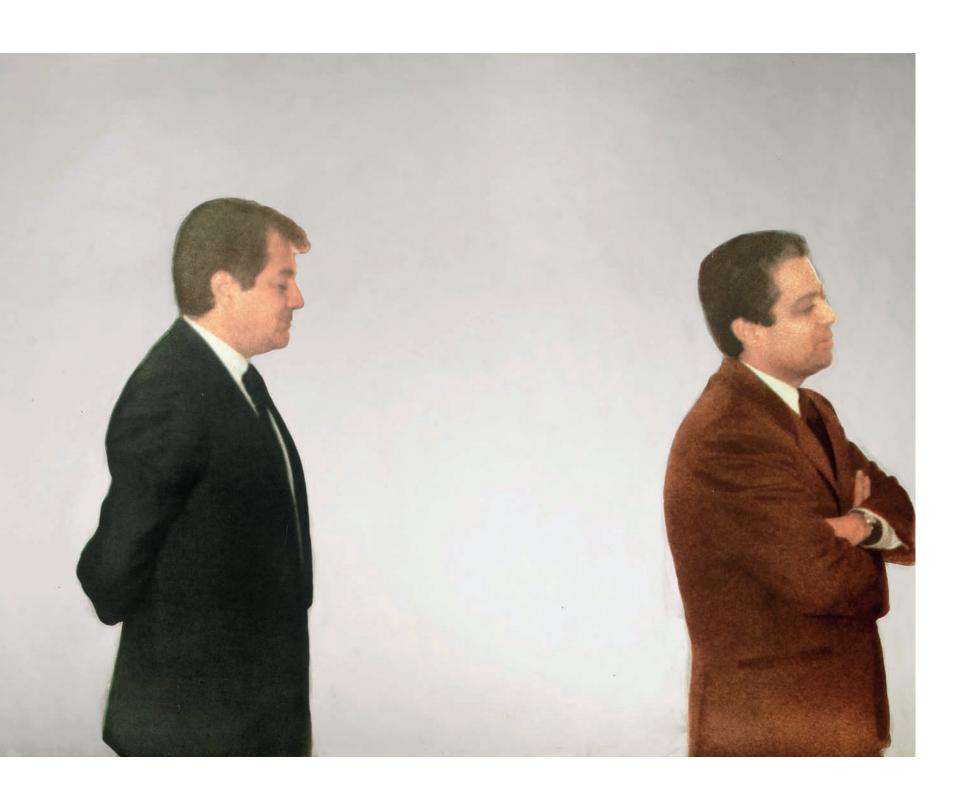
PROVENANCE Acquired directly from the artist

Pistoletto's *Quadri specchianti*, or mirror paintings, of the 1960s express Pistoletto's belief in art as a mediator, rather than originator, of thought and experience, while his actions of the later 1960s showed his determination to involve people and the spaces of everyday life in art. Nevertheless, a sense of the historical impact of centuries of Italian artistic tradition is often felt in Pistoletto's work. The artist grew up surrounded by Renaissance and Baroque art; his father was a picture restorer and, as a young adult, Pistoletto assisted him.

The mirror paintings seem to play on the trope of painting-as-window that has its origins in the Renaissance, and may also be seen to evoke illusionistic conceits of the period. The mirror works can be seen also in relation to Pistoletto's interest in performance art, which developed first in the mid-1960s with solo performances, and crystallised in the group The Zoo which the artist founded in 1967 with his partner, Maria Pioppi, and collaborators from a range of artistic disciplines. Underpinning the group's aims was the wish to include audiences in the performances. Between 1968 and 1970, Pistoletto carried out a series of theatrical events – conceived of as 'creative collaborations' and as a form of communication – in galleries and theatres, but also in less conventional spaces, including streets, squares, bars and discotheques.

Ritratto sigg. Lerre is a typical example of the mirror paintings. It comprises a mirrored surface made of highly polished steel. A life-sized image of two men wearing suits and appearing in partial profile has been attached to the mirror. Pistoletto began making mirror paintings in 1961, which over time have become his signature works. In the first examples, he used cut-out images of people painted onto tissue paper and applied to sheets of stainless steel that had been given a mirrored finish. In 1962 he started to use photographs of friends and relatives taken by a professional photographer. These he enlarged and copied onto tracing paper in black and white. During the 1970s, Pistoletto perfected a silkscreen process based upon a manual four-colour printing method.

The figures in the mirror paintings are generally shown with their backs to the viewer or appear in partial profile, as in *Ritratto sigg*. *Lerre*. However, the potential presence of the spectator's reflection within the frame urges an active engagement between the viewer and the image, and may even create the impression of a face-to-face encounter. Pistoletto's mirror paintings create possibilities for infinite multiplication and division of the image. However, the figures are not unchanging absolutes: their clothing and hairstyles necessarily have certain historical resonances.



19 MARTIN KIPPENBERGER 1953–1997

Mirror for Hang-Over Bud, 1990

Wood, metal, casting resin, aluminium foil. $145 \times 97 \times 23$ cm (57 1/5 x 38 1/5 x 9 1/5 in). This work is unique from a series of 7 plus 3 artist's proofs, each with a differently shaped lamp post.

Estimate £150,000-200,000 \$232,000-309,000 €178,000-238,000

PROVENANCE Galerie Gisela Capitain, Cologne

EXHIBITED Cologne, Galerie Gisela Capitain, *Martin Kippenberger: Unlangst verlangerte Originale*, Cologne, 1990–91; Munich, Kunstmuseum Daxer, *Martin Kippenberger*, 1991; Los Angeles, 1301PE Gallery, *MARTIN KIPPENBERGER: Forgotten Interior Design Problems in LA (El Pueblo de la Reina de Los Angeles*, 10. July–2 October 2004 (another example exhibited); *Martin Kippenberger*: London, Tate Modern, 8 February–14 May 2006; Düsseldorf, K21 Kunstsammlung Nordrhein-Westfalen, 10 June–10 September 2006 (another example exhibited); Brunswick, Kunstverein Braunschweig, *Martin Kippenberger: Multiples*, 28 February–4 May 2003 (another example exhibited)

LITERATURE K. Grasslin, ed., *Catalogue Raisonné, Kippenberger Multiples*, Cologne, 2003, p.92 (another from the edition illustrated); *Martin Kippenberger*, Tate Modern, London, 2006, p.103 (another from the edition illustrated)

Martin Kippenberger's premature death in 1997, at the age of 44, brought to an end one of the most versatile, prolific and controversial careers of the post-war period. Kippenberger, whose output included paintings, sculptures, drawings, installations, photography, multiples, posters, prints and artist's books, had a largely autobiographical approach, exploring anything and everything, from Germany's history to the mundane and the everyday.

The present lot, a wall-mounted oval mirror made of aluminium foil and framed with a bent retro-style gas lamp post, deals with what is arguably the most important and pertinent theme found Kippenberger's eclectic work: drink and alcoholism, a disease from which he suffered all his life and to which he eventually succumbed. Mirror for Hang-Over Bud is a variation on his acclaimed trademark sculpture series Street Lamp for Drunks, in which old-fashioned gas lamp posts, of the type seen on comic postcards, bend as if propping up a fall-down drunk. In these works, Kippenberger takes the notion of the bohemian painter, the self- destructive hedonist, and exaggerates it to ironic excess mocking not only himself but also his entire German culture. The reflective nature of the material used makes the work stand in as a comic analogue for the artist, yet beyond his own alcohol abuse, Mirror for Hang-Over Bud comments on the cycle of dependence and dysfunction that underlies the moralistic face of our contemporary society.



20 ROBERT RAUSCHENBERG 1925-2008

Address Unknown, 1998

Vegetable dye transfer on polylaminate. 158.8 \times 154.9 cm (62 1/2 \times 61 in). Signed and dated 'Rauschenberg 98' lower centre.

Estimate £250,000-350,000 \$386,000-541,000 €298,000-416,000 ‡

PROVENANCE Pace Wildenstein, New York; Collection of Mary Schiller Myers and Louis S. Myers

Robert Rauschenberg stands as one of the most inventive artists in American art. He was probably the first of his generation to chart a viable course out of Abstract Expressionism towards the formal integration of art and the reality of life. His approach to making art using discarded materials, everyday objects and appropriated images made redundant the distinctions between medium and genre, abstraction and representation, while his 'flatbed picture plane' changed forever the relationship between artist, image and viewer.

Throughout his career, Rauschenberg constantly experimented with new ways to construct a pictorial surface, from dye transfer to silkscreen and chemical imprint. The idea of combining and of noticing combinations of objects and images has remained at the core of Rauschenberg's work. Technically, 'Combines' refers to his work from 1954 to 1962, when the artist began collaging newsprint and photographic materials in his work and the impetus to combine both painting materials and everyday objects. This pioneering work altered the course of modern art.

As Pop Art emerged in the '60s, Rauschenberg turned away from three-dimensional combines and began to work in two dimensions, using magazine photographs of current events to create silk-screen prints. Throughout the '80s and '90s, Rauschenberg continued his experimentation, concentrating primarily on collage and new ways to transfer photographs. In the present lot *Address Unknown*, Rauschenberg has produced powerful accumulations of images that re-envisioned the relation of art to life while addressing the multiple reproducibility of images. Vegetable dye, newsprint and found photographic materials expanded this inventory of the external world, while exploring the limitations of mimetic effect.



21 MARTIN KIPPENBERGER 1953–1997

Badewanne (Bath tub), 1990 Wood, latex, cotton. $66.9 \times 111.8 \times 22.8$ cm ($26\,1/3 \times 44 \times 9$ in). This work is from an edition of 3.

 $\textbf{Estimate} \ \, \pounds 200,000-300,000 \quad \$309,000-463,000 \quad \pounds 238,000-357,000 \quad \ddagger$

PROVENANCE Galerie Gisela Capitain, Cologne; Thomas Amann Fine Art AG, Zurich; Spatium Gallery, Caracas

No subject was too insignificant or absurd for the controversial and ironic *effant terrible* of German contemporary art, Martin Kippenberger. Whether it was a trip to the dentist, his own drunken antics or even an old sock, Kippenberger tackled all subjects in his art equally and always with his typical comic and absurd slant.

The present lot, entitled Badewanne (Bathtub), is a latex sculpture of the negative space of a bath tub from which a clenched fist defiantly emerges from the water. The clenched fist, a highly charged motif immediately recognizable as a symbol of protest in relation to racial injustice, is subverted by Kippenberger. Like Maurizio Cattelan, a fellow art world prankster who must have been influenced by the present lot when he created his acclaimed performance entitled Mother at the 1999 Venice Biennale (in which a Fakir was buried with only his hands emerging in prayer from the ground), Kippenberger adroitly comments on our modern society with undeniable humour and wit. Perhaps this fist can be seen as the artist's hand thrusting up from the jaws of death in a darkly humorous last rite of refusal. Whatever the meaning or intent, Badewanne powerfully conveys the depth of Kippenberger's struggle to come to terms with himself and compulsion to stage that battle as a communicative act.

"I am not a 'real' painter, nor a 'real' sculptor, I only look at all that from the outside and sometimes try my hand at it, trying to add my own particular spice. I'm not interested in provoking people, but only in trying to be consoling. I always think of the things I do, quite unambiguously, as truly living vehicles. Assuming roles is something that simply won't work for me, since I don't have a style. None at all. My style is where you the individual and where a personality is communicated through actions, decisions, single objects and facts, where the whole draws together to form a history." (M. Kippenberger, interviewed by Jutta Koehler, Flash Art, 1990)



PROPERTY FROM THE VALENCIA CONTEMPORARY ART COLLECTION

22 ALBERT OEHLEN b. 1954

Untitled, 1988

Oil, metallic paint and varnish on canvas. 200 \times 280 cm (78 3/4 \times 110 1/4 in). Signed and dated 'A. Oehlen 88' lower right.

Estimate £100,000-150,000 \$155,000-232,000 €119,000-178,000 ♠

PROVENANCE Galerie Bärbel Grässlin, Frankfurt

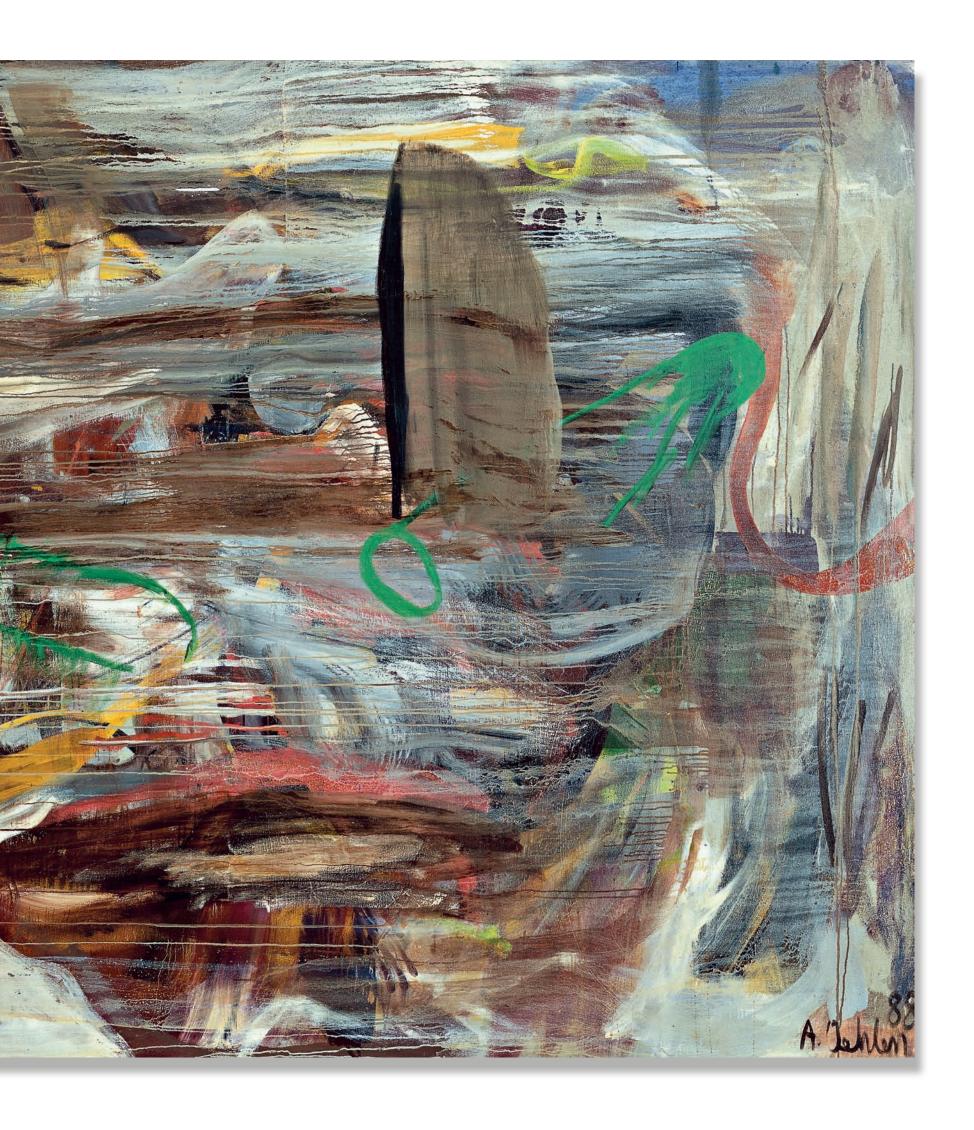
EXHIBITED Madrid, Galeria Juana de Aizpuru, *Martin Kippenberger – Albert Oehlen*, 1989; Miami, Museum of Contemporary Art, *Albert Oehlen: I Know Whom You Showed Last Summer*, 18 November 2005–8 January 2006

LITERATURE Martin Kippenberger – Albert Oehlen, exh. cat., Galeria Juana de Aizpuru, Madrid, 1989 (illustrated); Albert Oehlen: I Know Whom You Showed Last Summer, exh. cat., Museum of Contemporary Art, Miami, 2005 (illustrated)

With its monumental scale and vivid brushwork, this early untitled canvas from 1989 is a prime example of Albert Oehlen's artistic repertoire. Driven by an explosive collision of line, colour and form, Oehlen's highly layered composition lies on the cusp between abstraction and figuration. Behind its chaotic appearance lies an intense investigation of the possibilities and limits of painting.

Emerging with Martin Kippenberger in 1980s Germany, Oehlen created a painting and artistic style which confronted the evident rift between art, ideology and politics at the time. The stirring darkness of this unsettling composition challenges the preconceived notions and expectations of conventional abstract and figurative painting. Presenting the viewer with a web of unobtainable or definite information, Oehlen entangles his audience into the painting's surface encouraging the viewer to consider and reflect upon the juxtaposition between the two primary modes of expression available to a painter.





23 KAREL APPEL 1921–2006

Birds Over the Red Sea, 1957

Oil on canvas. 140 \times 203.2 cm (55 1/8 \times 80 in). Signed and dated 'K. Appel '57' lower right.

$\textbf{Estimate} \ \, \pounds 200,000-300,000 \quad \$309,000-463,000 \quad \&238,000-357,000 \quad \ddagger$

PROVENANCE Martha Jackson Gallery, New York; UB Anderson Gallery, Buffalo, New York

EXHIBITED New York, Martha Jackson Gallery, *Karel Appel: Painting and Creative Portraits*, 1–26 October 1957

"The duty of the artist is not to be calculating in any sense, so that he may be free himself of human emotions while carried by the universal forces of life. Only then does one not think about making art, or about styles, or directions. Something comes about, something happens." (Karel Appel, in Harry de Visser and Roland Hagenberg, eds., *Karel Appel – the complete sculptures*, New York, 1990)

Karel Appel is best remembered as a leading figure of the CoBrA art movement between 1949 and 1951. The strength of his paintings, and the vibrancy of his colour spectrum, lie in the way the paint is applied to the canvas, whether by palette knife or directly from the tube. The present lot, *Birds Over the Red Sea*, was painted in 1957 when Appel visited New York and was introduced to the avantgarde jazz movement lead by Miles Davis. His encounter with this new free-form music, and his exposure to the American Abstract Expressionists, enabled a more fluid and abstract style to permeate his work. In *Birds Over the Red Sea*, one can still see portions of figures recognisable from earlier paintings, but within a more vibrant and freed composition.





The artist, c. 1960

Victor Vasarely is known, along with Bridget Riley, as a leading practitioner of Op art. He created the current lot *Cassiopée II* in 1958, during his so-called Black & White period, which defined what was later to be known as Op art. The work is an outstanding example of his work at that time, a period when the artist established his binary concept, the Alphabet Plastique, as a visual language for the arts. The integration of the spectator into the work by interactively creating an illusion of movement on the flat surface, is laying the foundation for his trademark style that we now associate with him. Playing with optical illusions, he relied on the perception of the viewer who was considered the sole creator.

In 1955, the Denise René Gallery put on the pioneering show of kinetic art, *Le Movement*, at which Vasarely exhibited, along with Calder, Duchamp, Man Ray, Soto and Tinguely. At the same time, he published his 'Yellow Manifesto' in which he returned to the teachings of his Bauhaus training to outline his concept of plastic kinetics. For the artist, "painting and sculpture become anachronistic terms: it's more exact to speak of bi-, tri- and multidimensional plastic art. We no longer have distinct manifestations of a creative sensibility, but the development of a single plastic sensibility in different spaces."

"Movement does not rely on composition nor a specific subject, but on the apprehension of the act of looking, which by itself is considered as the only creator."

The painting presents our eyes with contradictory data as we read part of the field in terms of diagonals and other parts in terms of horizontals and verticals. The painting practically forces us to move backwards and forwards and as we do so, the field appears to move – expanding, contracting and undulating. The foundations for the Op art movement had been laid. As Vasarely stated: "I am certain to recognise the internal geometry of nature."

What Vasarely in effect created was an art programming language that allowed for endless permutations of forms and colours to create individual and unique works. With the *Folklore Planetaire* series Vasarely wanted to reach out through his universal language to transmit basic human values to the general public outside of the art establishment.

24 VICTOR VASARELY 1906–1997

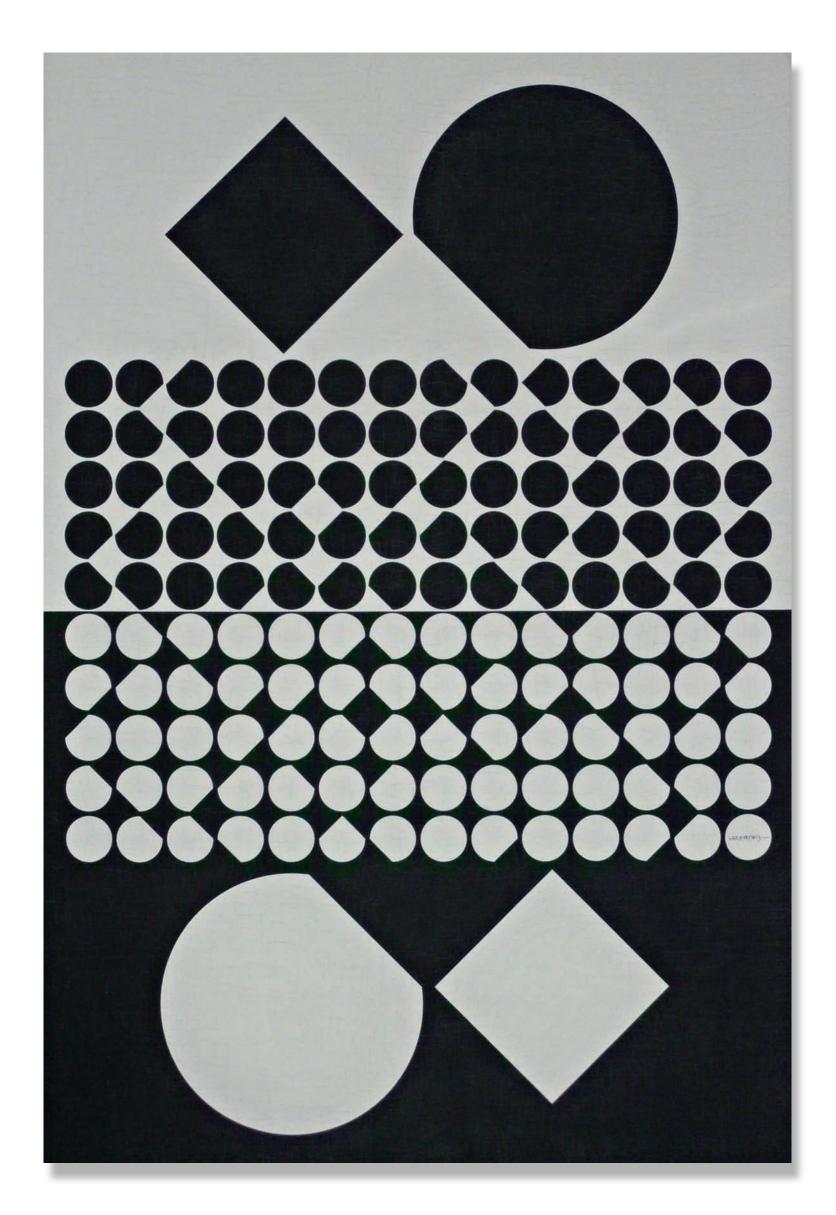
Cassiopée II NB, 1958

Acrylic on canvas. 195 \times 130 cm (76 4/5 \times 51 1/5 in). Signed 'Vasarely' lower right; signed, titled and dated 'Vasarely Cassiopée II NB 1958' on reverse. This work is accompanied by a certificate of authenticity.

 $\textbf{Estimate} \ \, \pounds 100,\!000-150,\!000 \quad \$155,\!000-232,\!000 \quad \$119,\!000-178,\!000 \quad \ddagger$

PROVENANCE Galeria Siete Siete, Caracas

EXHIBITED Montevideo, Museo de Arte Moderno, Victor Vasarely, 1958; Buenos Aires, Museo Nacional de Bellas Artes, Victor Vasarely, 1958; Caracas, Museo de Bellas Artes, Victor Vasarely, 1959; Paris, Galerie Le Point Cardinal, Victor Vasarely, 1961; Naples Museum of Art, Florida, Victor Vasarely: Founder of Op-Art Retrospective, 2004 LITERATURE Robert C. Morgan, Vasarely, New York, 2004, plate no. 28, n.p. (illustrated)



25 ARNALDO POMODORO b. 1926

Disco con Sfera, 1997

Bronze. $37 \times 28.5 \times 28.5$ cm (14 1/2 \times 11 1/4 \times 11 1/4 in). Incised 'Arnaldo Pomodoro, 1987' on the base. This work is from an edition of 8 and is accompanied by a certificate of authenticity signed by the artist. This work is registered with the Archivio Arnaldo Pomodoro under number 730.

Estimate £60,000-80,000 \$92,700-124,000 €71,400-95,000 ♠

PROVENANCE Galleria d'Arte Moderna 'Il Castello', Milan

Arnaldo Pomodoro's captivating sculptures – half-mechanical, half-organic – hover between the realms of figuration and abstraction. Their burst-open forms could be the crystalline by-product of some strange reaction, a form of erosion, or the complex technological workings of a futuristic computer. Highly influenced, like his compatriot Lucio Fontana, by the space race – with its Sputnik satellites and images of the moon – Pomodoro has steadfastly dedicated a half century of artistic production to representing modernity.

The present lot *Sfera* belongs to his most acclaimed body work begun in the early 1960s. Spheres allowed Pomodoro to explore the sculptural qualities of the primary geometric forms, an exercise he replicated with columns, pyramids, discs and cubes. Often executed on the largest of scales as outdoor sculptures, many are now exhibited permanently in some of the world's most prominent public spaces, such as at the plaza of the United Nations Building in New York.

Pomodoro's ruptured forms carry the emotional weight of Abstract Expressionist canvases, and are declarations of the same artistic freedom to liberate art from its formal constraints; if Jackson Pollock reinvented painting and the role of the painter, then Arnaldo Pomodoro reinvented sculpture and the role of the sculptor. The sheen of the gleaming, highly reflective surface may reference Brancusi, but its insides, shredded with laser-like

precision, are the remnants of the violent gestures of the artist. Pomodoro himself talks of this influence and how to overcome it: "The perfection of form in Brancusi was so beautiful and mysterious: what can one do after Brancusi, or after Arp? Then at a certain moment I said to myself, really this perfection of the form in our time is inappropriate; it has to be destroyed. For me the 'destruction' element was my most important discovery, and the most authentic both in terms of myself and my times" (Arnaldo Pomodoro, quoted in Sam Hunter, *Arnaldo Pomodoro*, New York, 1982, p. 52).

Pomodoro has always insisted that the erosions or lacerations found in his work should be read as a form of writing. Having taught in Northern California during the 1960s, he was influenced by writers of the Beat Generation such as Jack Kerouac and Allen Ginsberg, with whom the artist was well acquainted. The marks left upon what was originally a pristine, shining surface are Pomodoro's form of writing, a lyrical calligraphy which speaks directly of his creative processes. Once completed, Pomodoro's spheres become an exploration of negative space with light allowed to pass through and fill the intricate shapes which the artist has etched out. As in the work of his peer Yves Klein, voids in the bronze become as important as – if not more important than – the remaining bronze. These gaps in the medium allow the viewer to enter an alternate world, one in which mysticism and the machine age are harmoniously combined.



26 BILL VIOLA b. 1951

Basin of Tears, 2005

Colour video diptych on plasma display mounted on wall. Overall: 102×122 cm $(40.2 \times 48 \text{ in})$. This work is from an edition of 5 and is accompanied by a certificate of authenticity.

Estimate £150,000-250,000 \$232,000-386,000 €178,000-298,000 Ω

PROVENANCE Haunch of Venison, London

EXHIBITED London, Haunch of Venison, *LOVE/DEATH: The Tristan Project*, 21 June–2 September 2006

LITERATURE LOVE/DEATH: The Tristan Project, exh. cat., Haunch of Venison, London, 2006, p. 17 (illustrated)

Bill Viola is acclaimed internationally as one of the world's leading contemporary artists. For over 30 years he has been at the forefront of developing the medium of video art, helping to establish it as an essential genre of contemporary visual art.

Viola's work focuses on universal human experiences, of birth, death and the unfolding of consciousness. While it often draws on the conventions of Western art, especially the medieval and Renaissance periods, the work is also informed by Viola's involvement with the spiritual traditions of Zen Buddhism as well as his studies of Christian mysticism and Islamic Sufism. Viola has expanded the content and historical reference points of video art, while simultaneously exploring the technological potentials of the medium, breaking boundaries and pushing video to its limits. He established himself as a true master with an unmistakable hand; through slow moving images and his detailed focus on human bodies, he creates visually fascinating and emotionally touching insights.

The present lot, *Basin of Tears*, forms one of the seven parts of *Purification*. In *Purification*, a man and a woman independently undertake the ritual preparations for symbolic sacrifice required for their transformation and rebirth. This process methodically unfolds in seven contiguous image sequences across a time span of fifty minutes. The individual sections are: 'The Approach'; 'The Arrival'; 'The Disrobing'; 'Ablutions'; 'Basin of Tears'; 'The Dowsing'; and 'Dissolution'.

In *Basin of Tears*, two videos are projected side by side on two adjacent screens mounted to the wall. This video diptych creates an incredible imagery, colours and the sensual quality of water are presented vividly, just like in an old master painting. Viewers find themselves in a transcendental atmosphere; through the slow pace, the large but still intimate size and the exclusion of any sound, Viola creates a truly fascinating artwork with a powerful visual effect. It seeks to engage the viewer in a visceral and emotional experience that goes to the roots of the human condition and its spiritual sources.



PROPERTY FROM THE VALENCIA CONTEMPORARY ART COLLECTION

27 MARLENE DUMAS b.1953

Equality, 1993

Oil on canvas. 55.1×40.4 cm (21 $3/4 \times 16$ in). Signed, titled and dated 'Marlene Dumas Equality 1993' on the reverse.

Estimate £80,000-120,000 \$124,000-185,000 €95,000-143,000 ♠

PROVENANCE Galerie Zeno X, Antwerp

LITERATURE Dominic van den Boogerd, Barbara Bloom & Mariuccia Casadio, eds., Marlene Dumas, London, 2001, p.65 (illustrated)

As a white South African, born and raised during the tumultuous apartheid years, Marlene Dumas has always been preoccupied in her work with questions of race and identity. The painting, *Equality*, is small in scale but executed with thick impastoed brushstrokes. It is a strong and poignant example of her haunting portraits, filled with multiple interpretations and meanings. Painted in 1993 along with two companion works titled *Justice* and *Liberty*, *Equality* represents the great virtue as embodied by a girl.

However, unlike the numerous heroic representations of the virtues found throughout the history of art, there is nothing virtuous about this girl. Her skin colour and purpose are both highly ambiguous, forcing the viewer to contemplate an unnerving scene where more questions are asked than answered. Perhaps this is the aftermath of a murder in which a young black girl donned a white mask in order to infiltrate white society and exact a form of revenge.

Beyond the title and subject matter, the work's date of execution, 1993, makes it clear that Dumas was exploring political ideologies. In the following year, South Africa held its first democratic elections and elected a black president. As one of the finest examples of Dumas' work, *Equality* presents the viewer with a certain unabashed psychological disparity between the real and the imaginary where morality, representation and social convention are questioned.



28 DAN COLEN b. 1979

Wouldn't it be Nice, 2006

Acrylic and oil on found framed canvas. 48.3 \times 36.8 cm (19 \times 14 1/2 in).

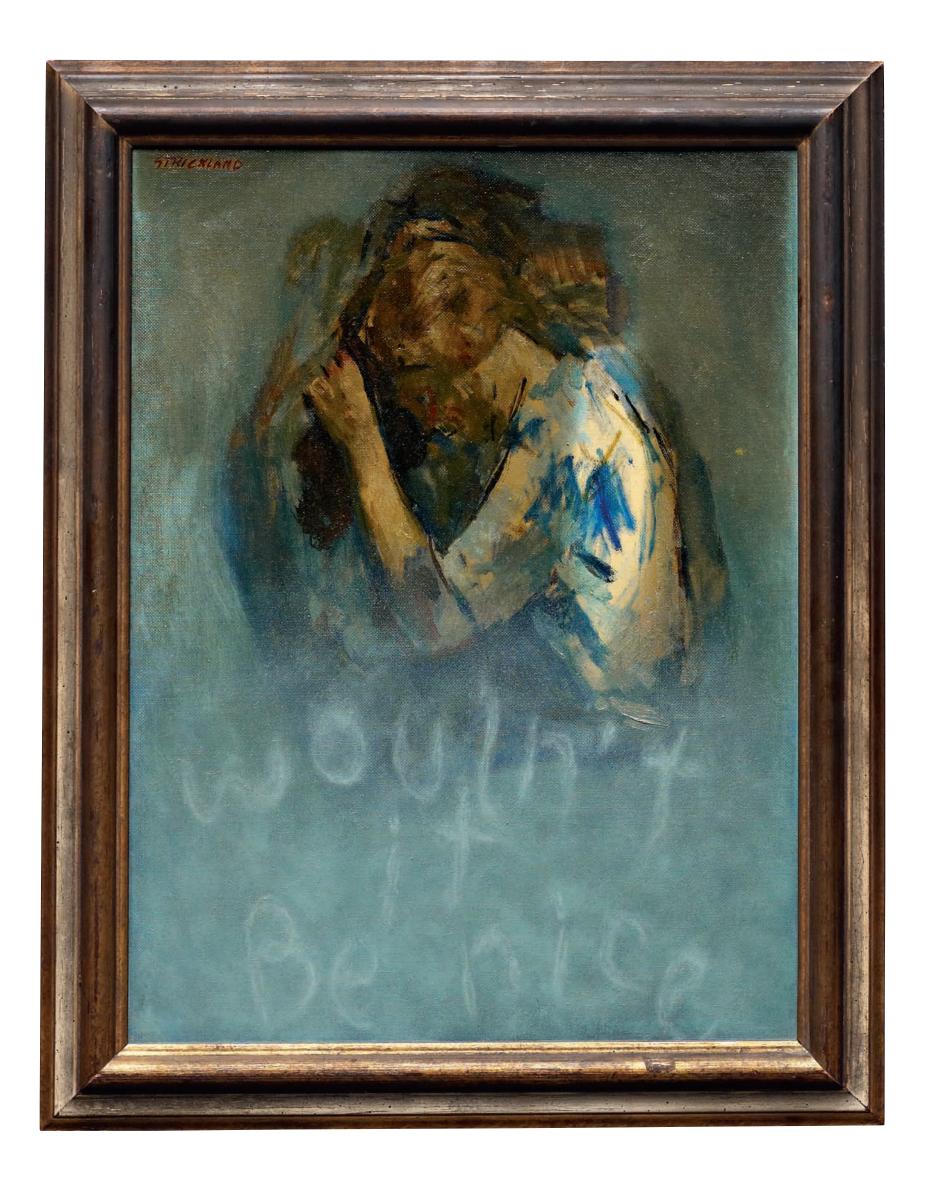
Estimate £20,000-30,000 \$30,900-46,400 €23,800-35,700 †

PROVENANCE Gagosian Gallery, New York

EXHIBITED New York, Gagosian Gallery, *Potty Mouth Potty War Pot Roast Pot Is a Reality Kick*, 2006

At just 31 years of age, Dan Colen is the current favourite of the contemporary art scene. His recent major exhibition at the Gagosian Gallery in New York was the most talked about show of the year – in fact, Colen has been one of the most talked about artists of the last five years. Along with Nate Lowman, Ryan McGinley and the late Dash Snow, he rejuvenated the New York art scene with his debauched and wild hard-partying antics. His work is as controversial as his lifestyle is, often incorporating swear words, representing faeces and generally displaying a teenage insouciance.

The present lot is an early work in which Colen defaces a found canvas of a Walt Disney-like scene in which a young girl sobs in the arms of a bear. Below the scene, which Colen has altered to look hallucinatory like, a lingering trail of smoke from snuffed candles curl into the phrase 'Wouldn't it be nice', the painting's title and a reference to the uplifting song by The Beach Boys. Suggesting ephemerality and transience, the tableau becomes however a paradox between the naïveté and innocence of the touching moment and the subversive implication of a tongue-in-cheek phrase written out in smoke.





29 MARTIN CREED b. 1968

Work no. 230 (Don't Worry), 2000-03

White neon. $15 \times 144 \times 4.5$ cm $(6 \times 57 \times 13/4 \text{ in})$. This work is from an edition of 3 and is accompanied by a certificate of authenticity signed by the artist.

Estimate £30,000-40,000 \$46,400-61,800 €35,700-47,600 ♠

PROVENANCE Cabinet Gallery, London

Martin Creed's art is characterized by a gentle but subversive wit and by a minimalism rooted in an instinctive anti-materialism. His often extremely self-effacing works, all titled by number, have been characterized as 'attempts to short-circuit the visually overloaded, choice saturated culture in which we live'. They also take their place in the honourable tradition within the avant-garde tradition of making work which appears to have no material value – which resists or defies commodification, even if in vain. Hence his conscious use of mundane and modest materials, his work however is always arresting and can be visually spectacular, as for example his neon works.

A central theme of Creed's work is the nature of art itself, the relationship between art and reality, art and life, a preoccupation of much modern art, and he explores the boundaries in interesting and unsettling ways. His *Work No. 143*, installed on the façade of Tate Britain

in 2000, set out in blue neon the equation 'the whole world + the work = the whole world'. This work could suggest that art makes no difference or even does not exist. This questioning comes from deep within the artist who has said 'I don't think of myself as an artist' and suggests the intensity of his reappraisal of what art is.

In 2001, Creed won the Turner Prize exhibition with *Work No. 227: The lights going on and off.* Nothing is added to the space and nothing is taken away, but at intervals of five seconds the gallery is filled with light and then subsequently thrown into darkness. Realizing the premise set out in *Work No. 230 (Don't Worry)*, Creed celebrates the mechanics of the everyday. Neon works are typical of Creed's gentle subversions of everyday reality or ideas. *Work No. 230 (Don't worry)* is certainly one of the most emblematic in his extensive list of works.

Despite the title, the work is intended to remind us to worry, also flashing on and off in a manner that is worrying in itself. Ultimately, however, Creed seems to want to do what art has always been supposed to do: "I want to make things. I'm not sure why, but I think it's got something to do with other people. I think I want to try to communicate with other people, because I want to say 'hello', because I want to express myself, and because I want to be loved" (Martin Creed, *Works*, London, 2010, p.7)

MORA R

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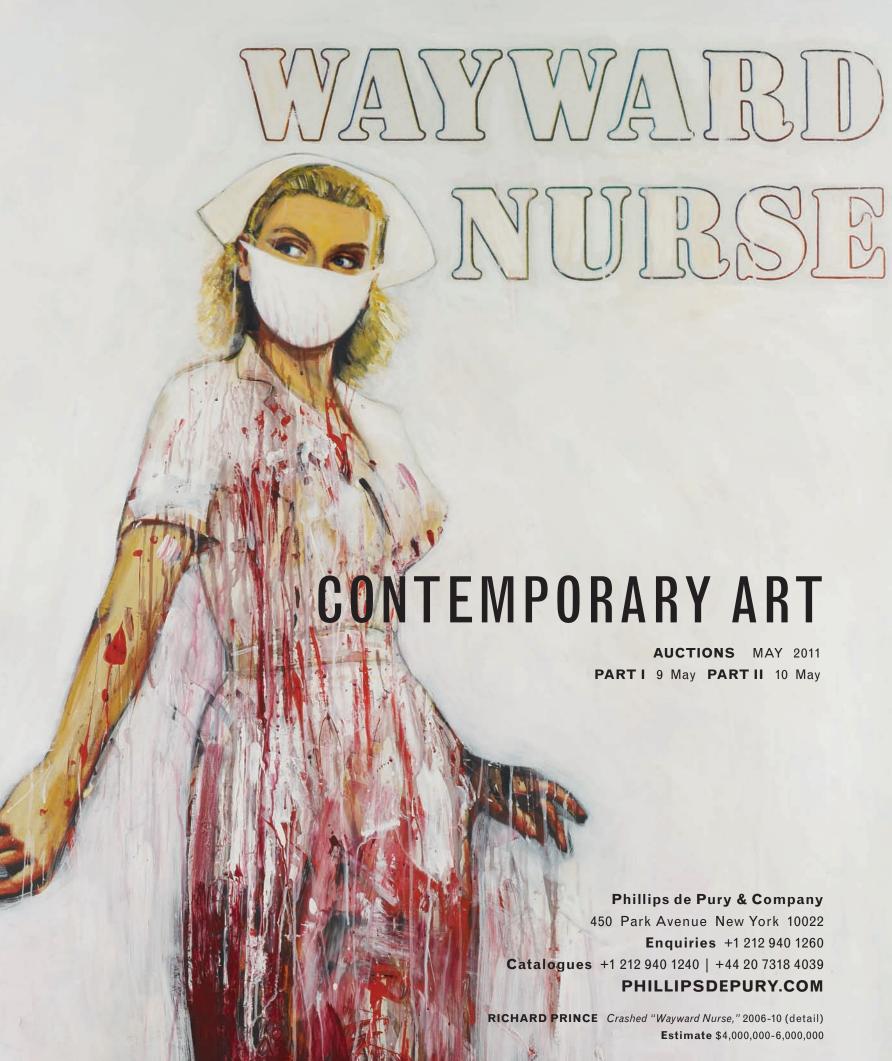
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If you cannot attend the auction, you may bid live on the telephone with one of our multilingual staff members. This service must be arranged at least 24 hours in advance of the sale and is available for lots whose low pre-sale estimate is at least £500. Telephone bids may be recorded. By bidding on the telephone, you consent to the recording of your conversation. We suggest that you leave a maximum bid, excluding the buyer's premium and VAT, which we can execute on your behalf in the event we are unable to reach you by telephone.

Absentee Ride

If you are unable to attend the auction and cannot participate by telephone, Phillips de Pury & Company will be happy to execute written bids on your behalf. A bidding form can be found at the back of this catalogue. This service is free and confidential. Bids must be placed in the currency of the sale. Our staff will attempt to execute an absentee bid at the lowest possible price taking into account the reserve and other bidders. Always indicate a maximum bid, excluding the buyer's premium and VAT. Unlimited bids will not be accepted. Any absentee bid must be received at least 24 hours in advance of the sale. In the event of identical bids, the earliest bid received will take precedence.

Employee Bidding

Employees of Phillips de Pury & Company and our affiliated companies, including the auctioneer, may bid at the auction by placing absentee bids so long as they do not know the reserve when submitting their absentee bids and otherwise comply with our employee bidding procedures.

Bidding Increments

Bidding generally opens below the low estimate and advances in increments of up to 10%, subject to the auctioneer's discretion. Absentee bids that do not conform to the increments set below may be lowered to the next bidding increment.

 UK£50 to UK£1,000
 by UK£50s

 UK£1,000 to UK£2,000
 by UK£100s

 UK£2,000 to UK£3,000
 by UK£200s

UK£3,000 to UK£5,000 by UK£200s, 500, 800 (i.e., UK£4,200, 4,500, 4,800)

 UK£5,000 to UK£10,000
 by UK£500s

 UK£10,000 to UK£20,000
 by UK£1,000s

 UK£20,000 to UK£30,000
 by UK£2,000s

UK£30,000 to UK£50,000 by UK£2,000s, 5,000, 8,000

UK£50,000 to UK£100,000 by UK£5,000s UK£100,000 to UK£200,000 by UK£10,000s

above UK£200,000 at the auctioneer's discretion

The auctioneer may vary the increments during the course of the auction at his or her own discretion.

3 THE AUCTION

Conditions of Sale

As noted above, the auction is governed by the Conditions of Sale and Authorship Warranty. All prospective bidders should read them carefully. They may be amended by saleroom addendum or auctioneer's announcement.

Interested Parties Announcement

In situations where a person allowed to bid on a lot has a direct or indirect interest in such lot, such as the beneficiary or executor of an estate selling the lot, a joint owner of the lot or a party providing or participating in a guarantee on the lot, Phillips de Pury & Company will make an announcement in the saleroom that interested parties may bid on the lot.

Consecutive and Responsive Bidding

The auctioneer may open the bidding on any lot by placing a bid on behalf of the seller. The auctioneer may further bid on behalf of the seller up to the amount of the reserve by placing consecutive bids or bids in response to other bidders.

4 AFTER THE AUCTION

Payment

Buyers are required to pay for purchases immediately following the auction unless other arrangements have been agreed with Phillips de Pury & Company in writing in advance of the sale. Payments must be made in pounds sterling either by cash, cheque drawn on a UK bank or wire transfer, as noted in Paragraph 6 of the Conditions of Sale. It is our corporate policy not to make or accept single or multiple payments in cash or cash equivalents in excess of the local currency equivalent of US\$10,000.

Credit Cards

As a courtesy to clients, Phillips de Pury & Company will accept Visa, MasterCard and UK-issued debit cards to pay for invoices of £50,000 or less. A processing fee will apply.

Collection

It is our policy to request proof of identity on collection of a lot. A lot will be released to the buyer or the buyer's authorized representative when Phillips de Pury & Company has received full and cleared payment and we are not owed any other amount by the buyer. After the auction, we will transfer all lots to our fine art storage facility located near Wimbledon and will so advise all buyers. If you are in doubt about the location of your purchase, please contact the Shipping Department prior to arranging collection. We will levy removal, interest, storage and handling charges on uncollected lots.

Loss or Damage

Buyers are reminded that Phillips de Pury & Company accepts liability for loss or damage to lots for a maximum of five days following the auction.

Transport and Shipping

As a free service for buyers, Phillips de Pury & Company will wrap purchased lots for hand carry only. We do not provide packing, handling or shipping services directly. However, we will coordinate with shipping agents instructed by you in order to facilitate the packing, handling and shipping of property purchased at Phillips de Pury & Company. Please refer to Paragraph 7 of the Conditions of Sale for more information.

Export and Import Licences

Before bidding for any property, prospective bidders are advised to make independent enquiries as to whether a licence is required to export the property from the United Kingdom or to import it into another country. It is the buyer's sole responsibility to comply with all import and export laws and to obtain any necessary licences or permits. The denial of any required licence or permit or any delay in obtaining such documentation will not justify the cancellation of the sale or any delay in making full payment for the lot.

Endangered Species

Items made of or incorporating plant or animal material, such as coral, crocodile, ivory, whalebone, rhinoceros horn or tortoiseshell, irrespective of age, percentage or value, may require a licence or certificate prior to exportation and additional licences or certificates upon importation to any country outside the European Union (EU). Please note that the ability to obtain an export licence or certificate does not ensure the ability to obtain an import licence or certificate in another country, and vice versa. We suggest that prospective bidders check with their own government regarding wildlife import requirements prior to placing a bid. It is the buyer's sole responsibility to obtain any necessary export or import licences or certificates as well as any other required documentation. The denial of any required licence or certificate or any delay in obtaining such documentation will not justify the cancellation of the sale or any delay in making full payment for the lot.

IMPORTANT NOTICES

Items sold under temporary admission

We wish to draw your attention to changes recently made to items sold under temporary admission (originally called temporary importation). The cancelling or refunding of applicable VAT is now subject to items being exported from the European Union within 30 days of payment, rather than 90 days from the date of sale as previously required. For up-to-date information on this matter, please see the 'VAT and Other Tax Information for Buyers' section below.

Identification of business or trade buyers

As of January 2010 in the UK, Her Majesty's Revenue & Customs have made it an official requirement for auction houses to hold evidence of a buyer's business status, due to the revised VAT rules regarding buyer's premium for lots with symbols for businesses outside the UK.

- Where the buyer is a Non-EU business, we require evidence of the business status by means of the company identification, Certificate of Incorporation, Articles of Association, or government-issued documents showing that the company exists.
- \bullet Where the buyer is an EUVAT registered business, we require the above as well as the business's VAT registration number in the form of a government-issued document or paperwork from the local EU tax/VAT office showing the VAT number.

These details can be scanned and emailed to us, or alternatively they can be faxed or mailed.

If these requirements are not met, we will be unable to cancel or refund any applicable VAT.

VAT AND OTHER TAX INFORMATION FOR BUYERS

The following paragraphs provide general information to buyers on the VAT and certain other potential tax implications of purchasing property at Phillips de Pury & Company. This information is not intended to be complete. In all cases, the relevant tax legislation takes precedence, and the VAT rates in effect on the day of the auction will be the rates charged. It should be noted that, for VAT purposes only, Phillips de Pury & Company is not usually treated as agent and most property is sold as if it is the property of Phillips de Pury & Company. In the following paragraphs, reference to VAT symbols shall mean those symbols located beside the lot number or the pre-sale estimates in the catalogue (or amending saleroom addendum).

1 PROPERTY WITH NO VAT SYMBOL

Where there is no VAT symbol, Phillips de Pury & Company is able to use the Auctioneer's Margin Scheme, and VAT will not normally be charged on the hammer price.

Phillips de Pury & Company must bear VAT on the buyer's premium. Therefore, we will charge an amount in lieu of VAT at 20% on the buyer's premium. This amount will form part of the buyer's premium on our invoice and will not be separately identified.

2 PROPERTY WITH A † SYMBOL

These lots will be sold under the normal UK VAT rules, and VAT will be charged at 20% on both the hammer price and buyer's premium.

Where the buyer is a relevant business person in the EU (non-UK) or is a relevant business person in a non-EU country then no VAT will be charged on the buyer's premium. This is subject to Phillips de Pury & Company being provided with evidence of the buyer's VAT registration number in the relevant Member State (non-UK) or the buyer's business status in a non-EU country such as the buyer's Tax Registration Certificate. Should this evidence not be provided then VAT will be charged on the buyer's premium.

3 PROPERTY WITH A § SYMBOL

Lots sold to buyers whose registered address is in the EU will be assumed to be remaining in the EU. The property will be invoiced as if it had no VAT symbol. However, if an EU buyer advises us that the property is to be exported from the EU, Phillips de Pury & Company will re-invoice the property under the normal VAT rules.

Lots sold to buyers whose address is outside the EU will be assumed to be exported from the EU. The property will be invoiced under the normal VAT rules. Although the hammer price will be subject to VAT, the VAT will be cancelled or refunded upon export. The buyer's premium will always bear VAT unless the buyer is a relevant business person in the EU (non-UK) or is a relevant business person in a non-EU country, subject to Phillips de Pury & Company receiving evidence of the buyer's VAT registration number in the relevant Member State (non-UK) or the buyer's business status in a non-EU country such as the buyer's Tax Registration Certificate. Should this evidence not be provided VAT will be charged on the buyer's premium.

4 PROPERTY SOLD WITH A \ddagger OR Ω SYMBOL

These lots have been imported from outside the EU to be sold at auction under temporary admission. Property subject to temporary admission will be offered under the Auctioneer's Margin Scheme and will be subject to import VAT of either 5% or 20%, marked by \ddagger and Ω respectively, on the hammer price and an amount in lieu of VAT at 20% on the buyer's premium. Anyone who wishes to buy outside the Auctioneer's Margin Scheme should notify the Client Accounting Department before the sale.

Where lots are sold outside the Auctioneer's Margin Scheme and the buyer is a relevant business person in the EU (non-UK) or is a relevant business person in a non-EU country then no VAT will be charged on the buyer's premium. This is subject to Phillips de Pury & Company receiving evidence of the buyer's VAT registration number in the relevant Member State (non-UK) or the buyer's business status in a non-EU country such as the buyer's Tax Registration Certificate. Should this evidence not be provided VAT will be charged on the buyer's premium.

5 EXPORTS FROM THE EUROPEAN UNION

The following types of VAT may be cancelled or refunded by Phillips de Pury & Company on exports made within three months of the sale date if strict conditions are met:

- The amount in lieu of VAT charged on the buyer's premium for property sold under the Auctioneer's Margin Scheme (i.e., without a VAT symbol).
- The VAT on the hammer price for property sold under the normal VAT rules (i.e., with a † or a § symbol).

The following type of VAT may be cancelled or refunded by Phillips de Pury & Company on exports made within 30 days of payment date if strict conditions are met:

• The import VAT charged on the hammer price and an amount in lieu of VAT on the buyer's premium for property sold under temporary admission (i.e., with a \ddagger or a Ω symbol) under the Auctioneer's Margin Scheme.

In each of the above examples, where the appropriate conditions are satisfied, no VAT will be charged if, at or before the time of invoicing, the buyer instructs Phillips de Pury & Company to export the property from the EU. If such instruction is received after payment, a refund of the VAT amount will be made.

Where the buyer carries purchases from the EU personally or uses the services of a third party, Phillips de Pury & Company will charge the VAT amount due as a deposit and refund it **if the lot has been exported within the timelines specified below** and either of the following conditions are met:

- For lots sold under the Auctioneer's Margin Scheme or the normal VAT rules, Phillips de Pury & Company is provided with appropriate documentary proof of export from the EU within three months of the date of sale. Buyers carrying their own property should obtain hand-carry papers from the Shipping Department to facilitate this process.
- For lots sold under temporary admission, Phillips de Pury & Company is provided with a copy of the correct paperwork duly completed and stamped by HM Revenue & Customs which shows the property has been exported from the EU via the UK within 30 days of payment date. It is essential for shippers acting on behalf of buyers to collect copies of original import papers from our Shipping Department. HM Revenue & Customs insist that the correct customs procedures are followed and Phillips de Pury & Company will not be able to issue any refunds where the export documents do not exactly comply with governmental regulations. Property subject to temporary admission must be transferred to another customs procedure immediately if any restoration or repair work is to be carried out.

Buyers carrying their own property must obtain hand-carry papers from the Shipping Department, for which a charge of £20 will be made. The VAT refund will be processed once the appropriate paperwork has been returned to Phillips de Pury & Company. Phillips de Pury & Company is not able to cancel or refund any VAT charged on sales made to UK or EU private residents unless the lot is subject to temporary admission and the property is exported from the EU within 30 days of payment date. Any refund of VAT is subject to a minimum of £50 per shipment and a processing charge of £20.

Buyers intending to export, repair, restore or alter lots under temporary admission should notify the Shipping Department before collection. Failure to do so may result in the import VAT becoming payable immediately and Phillips de Pury & Company being unable to refund the VAT charged on deposit.

6 VAT REFUNDS FROM HM REVENUE & CUSTOMS

Where VAT charged cannot be cancelled or refunded by Phillips de Pury & Company, it may be possible to seek repayment from HM Revenue & Customs ('HMRC'). Repayments in this manner are limited to businesses located outside the UK and may be considered for example for Import VAT charged on the hammer price for lots sold under temporary admission.

All claims made by customers located in another member state to the UK will need to be made under a new mechanism from 1 January 2010. The process prior to 1 January 2010 is no longer in operation.

If you are located in an EU member state other than the UK you will now need to apply for a refund of UK VAT directly to your local tax authority. This is done via submission of an electronically based claim form which should be accessed through the website of your local tax authority. As a result, your form may include VAT incurred in a number of member states. Furthermore, from 1 January 2010 you should only submit one form per year, rather than submitting forms throughout the year.

Please note that the time limits by which you must make a claim have been extended. When making a claim for VAT incurred in another EU member state any claim will still be made on a **calendar year basis** but must now be made no later than **30 September** following that calendar year. This effectively extends the time by which claims should be made by three months (e.g. for VAT incurred in the year 1 January to 31 December 2010 you should make a claim to your local tax authority no later than 30 September 2011). Once you have submitted the electronic form to your local tax authority it is their responsibility to ensure that payment is obtained from the relevant member states. This should be completed within four months. If this time limit is not adhered to you may receive interest on the unpaid amounts.

If you are located outside the EU you should apply for a refund of UK VAT directly to HMRC (the rules for those located outside of the EU have not changed). Claim forms are only available from the HMRC website. Go to http://www.hmrc.gov.uk/index.htm, and follow



PHOTOGRAPHS

AUCTION 19 MAY 2011 LONDON

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PHILLIPSDEPURY.COM

CANDIDA HÖFER Rijksmuseum Amsterdam III, 2004 Estimate £25,000 – 35,000

Quick Links, then Find a Form. The relevant form is VAT65A. Completed forms should be returned to:

HM Revenue & Customs
VAT Overseas Repayment Directive
Foyle House
Duncreggan Road
Londonderry
Northern Ireland
BT48 7AE

(tel) +44 2871 305100 (fax) +44 2871 305101

You should submit claims for VAT to HMRC no later than **six months** from the end of the 12 month period ending **30 June** (e.g. claims for the period 1 July 2009 to 30 June 2010 should be made no later than 31 December 2010).

Please note that refunds of VAT will only be made where VAT has been incurred for a business purpose. Any VAT incurred on articles bought for personal use will not be refunded.

7 SALES AND USE TAXES

Buyers from outside the UK should note that local sales taxes or use taxes may become payable upon import of lots following purchase. Buyers should consult their own tax advisors.

CONDITIONS OF SALE

The Conditions of Sale and Authorship Warranty set forth below govern the relationship between bidders and buyers, on the one hand, and Phillips de Pury & Company and sellers, on the other hand. All prospective buyers should read these Conditions of Sale and Authorship Warranty carefully before bidding.

1 INTRODUCTION

Each lot in this catalogue is offered for sale and sold subject to: (a) the Conditions of Sale and Authorship Warranty; (b) additional notices and terms printed in other places in this catalogue, including the Guide for Prospective Buyers, and (c) supplements to this catalogue or other written material posted by Phillips de Pury & Company in the saleroom, in each case as amended by any addendum or announcement by the auctioneer prior to the auction.

By bidding at the auction, whether in person, through an agent, by written bid, by telephone bid or other means, bidders and buyers agree to be bound by these Conditions of Sale, as so changed or supplemented, and Authorship Warranty.

These Conditions of Sale, as so changed or supplemented, and Authorship Warranty contain all the terms on which Phillips de Pury & Company and the seller contract with the buyer.

2 PHILLIPS de PURY & COMPANY AS AGENT

Phillips de Pury & Company acts as an agent for the seller, unless otherwise indicated in this catalogue or at the time of auction. On occasion, Phillips de Pury & Company may own a lot, in which case we will act in a principal capacity as a consignor, or may have a legal, beneficial or financial interest in a lot as a secured creditor or otherwise.

3 CATALOGUE DESCRIPTIONS AND CONDITION OF PROPERTY

Lots are sold subject to the Authorship Warranty, as described in the catalogue (unless such description is changed or supplemented, as provided in Paragraph 1 above) and in the condition that they are in at the time of the sale on the following basis.

- (a) The knowledge of Phillips de Pury & Company in relation to each lot is partially dependent on information provided to us by the seller, and Phillips de Pury & Company is not able to and does not carry out exhaustive due diligence on each lot. Prospective buyers acknowledge this fact and accept responsibility for carrying out inspections and investigations to satisfy themselves as to the lots in which they may be interested.

 Notwithstanding the foregoing, we shall exercise such reasonable care when making express statements in catalogue descriptions or condition reports as is consistent with our role as auctioneer of lots in this sale and in light of (i) the information provided to us by the seller, (ii) scholarship and technical knowledge and (iii) the generally accepted opinions of relevant experts, in each case at the time any such express statement is made.
- (b) Each lot offered for sale at Phillips de Pury & Company is available for inspection by prospective buyers prior to the auction. Phillips de Pury & Company accepts bids on lots on the basis that bidders (and independent experts on their behalf, to the extent appropriate given the nature and value of the lot and the bidder's own expertise) have fully inspected the lot prior to bidding and have satisfied themselves as to both the condition of the lot and the accuracy of its description.
- (c) Prospective buyers acknowledge that many lots are of an age and type which means that they are not in perfect condition. As a courtesy to clients, Phillips de Pury & Company may prepare and provide condition reports to assist prospective buyers when they are inspecting lots. Catalogue descriptions and condition reports may make reference to particular imperfections of a lot, but bidders should note that lots may have other faults not expressly referred to in the catalogue or condition report. All dimensions are approximate. Illustrations are for identification purposes only and cannot be used as precise indications of size or to convey full information as to the actual condition of lots.
- (d) Information provided to prospective buyers in respect of any lot, including any pre-sale estimate, whether written or oral, and information in any catalogue, condition or other report, commentary or valuation, is not a representation of fact but rather a statement of opinion held by Phillips de Pury & Company. Any pre-sale estimate may not be relied on as a prediction of the selling price or value of the lot and may be revised from time to time by Phillips de Pury & Company at our absolute discretion. Neither Phillips de Pury & Company nor any of our affiliated companies shall be liable for any difference between the pre-sale estimates for any lot and the actual price achieved at auction or upon resale.

4 BIDDING AT AUCTION

- (a) Phillips de Pury & Company has absolute discretion to refuse admission to the auction or participation in the sale. All bidders must register for a paddle prior to bidding, supplying such information and references as required by Phillips de Pury & Company.
- (b) As a convenience to bidders who cannot attend the auction in person, Phillips de Pury &

Company may, if so instructed by the bidder, execute written absentee bids on a bidder's behalf. Absentee bidders are required to submit bids on the 'Absentee Bid Form', a copy of which is printed in this catalogue or otherwise available from Phillips de Pury & Company. Bids must be placed in the currency of the sale. The bidder must clearly indicate the maximum amount he or she intends to bid, excluding the buyer's premium and value added tax (VAT). The auctioneer will not accept an instruction to execute an absentee bid which does not indicate such maximum bid. Our staff will attempt to execute an absentee bid at the lowest possible price taking into account the reserve and other bidders. Any absentee bid must be received at least 24 hours in advance of the sale. In the event of identical bids, the earliest bid received will take precedence.

- (c) Telephone bidders are required to submit bids on the 'Telephone Bid Form', a copy of which is printed in this catalogue or otherwise available from Phillips de Pury & Company. Telephone bidding is available for lots whose low pre-sale estimate is at least £500. Phillips de Pury & Company reserves the right to require written confirmation of a successful bid from a telephone bidder by fax or otherwise immediately after such bid is accepted by the auctioneer. Telephone bids may be recorded and, by bidding on the telephone, a bidder consents to the recording of the conversation.
- (d) When making a bid, whether in person, by absentee bid or on the telephone, a bidder accepts personal liability to pay the purchase price, as described more fully in Paragraph 6 (a) below, plus all other applicable charges unless it has been explicitly agreed in writing with Phillips de Pury & Company before the commencement of the auction that the bidder is acting as agent on behalf of an identified third party acceptable to Phillips de Pury & Company and that we will only look to the principal for such payment.
- (e) Arranging absentee and telephone bids is a free service provided by Phillips de Pury & Company to prospective buyers. While we undertake to exercise reasonable care in undertaking such activity, we cannot accept liability for failure to execute such bids except where such failure is caused by our wilful misconduct.
- (f) Employees of Phillips de Pury & Company and our affiliated companies, including the auctioneer, may bid at the auction by placing absentee bids so long as they do not know the reserve when submitting their absentee bids and otherwise comply with our employee bidding procedures.

5 CONDUCT OF THE AUCTION

- (a) Unless otherwise indicated by the symbol ●, each lot is offered subject to a reserve, which is the confidential minimum selling price agreed by Phillips de Pury & Company with the seller. The reserve will not exceed the low pre-sale estimate at the time of the auction.
- (b) The auctioneer has discretion at any time to refuse any bid, withdraw any lot, re-offer a lot for sale (including after the fall of the hammer) if he or she believes there may be error or dispute and take such other action as he or she deems reasonably appropriate.
- (c) The auctioneer will commence and advance the bidding at levels and in increments he or she considers appropriate. In order to protect the reserve on any lot, the auctioneer may place one or more bids on behalf of the seller up to the reserve without indicating he or she is doing so, either by placing consecutive bids or bids in response to other bidders.
- (d) The sale will be conducted in pounds sterling and payment is due in pounds sterling. For the benefit of international clients, pre-sale estimates in the auction catalogue may be shown in US dollars and/or euros and, if so, will reflect approximate exchange rates. Accordingly, estimates in US dollars or euros should be treated only as a guide.
- (e) Subject to the auctioneer's reasonable discretion, the highest bidder accepted by the auctioneer will be the buyer and the striking of the hammer marks the acceptance of the highest bid and the conclusion of a contract for sale between the seller and the buyer. Risk and responsibility for the lot passes to the buyer as set forth in Paragraph 7 below.
- (f) If a lot is not sold, the auctioneer will announce that it has been 'passed', 'withdrawn', 'returned to owner' or 'bought-in'.
- (g) Any post-auction sale of lots offered at auction shall incorporate these Conditions of Sale and Authorship Warranty as if sold in the auction.

6 PURCHASE PRICE AND PAYMENT

- (a) The buyer agrees to pay us, in addition to the hammer price of the lot, the buyer's premium, plus any applicable value added tax (VAT) and any applicable resale royalty (the 'Purchase Price'). The buyer's premium is 25% of the hammer price up to and including £25,000, 20% of the portion of the hammer price above £25,000 up to and including £500,000 and 12% of the portion of the hammer price above £500,000.
- (b) VAT is payable in accordance with applicable law. All prices, fees, charges and expenses set out in these Conditions of Sale are quoted exclusive of VAT.

- c) If the Artist's Resale Right Regulations 2006 apply to the lot, the buyer agrees to pay to us an amount equal to the resale royalty provided for in those regulations and we undertake to the buyer to pay such amount to the artist's collection agent. In circumstances where (i) we are on notice that the resale royalty is payable or (ii) we have not been able to ascertain the nationality of the artist, we will identify the lot with the symbol \triangle next to the lot number and will invoice the resale royalty to the buyer. If we subsequently determine that the nationality of the artist does not entitle him/her to the resale royalty on the lot, we will arrange a refund to the buyer of the amount of the royalty paid to us. If, after a sale in which we did not collect the resale royalty on a particular lot, we become aware that information provided to us prior to the auction concerning an artist's nationality was incorrect and the artist is entitled to the resale royalty on the lot, the buyer shall pay the resale royalty to us upon receipt of an invoice.
- (d) Unless otherwise agreed, a buyer is required to pay for a purchased lot immediately following the auction regardless of any intention to obtain an export or import licence or other permit for such lot. Payments must be made by the invoiced party in pounds sterling either by cash, cheque drawn on a UK bank or wire transfer, as follows:
- (i) Phillips de Pury & Company will accept payment in cash provided that the total amount paid in cash or cash equivalents does not exceed the local currency equivalent of US\$10,000.
- (ii) Personal cheques and banker's drafts are accepted if drawn on a UK bank and the buyer provides to us acceptable government-issued identification. Cheques and banker's drafts should be made payable to "PDEPL LTD". If payment is sent by post, please send the cheque or banker's draft to the attention of the Client Accounting Department at Howick Place, London SW1P 1BB and ensure that the sale number is written on the cheque. Cheques or banker's drafts drawn by third parties will not be accepted.
- (iii) Payment by wire transfer may be sent directly to Phillips de Pury & Company. Bank transfer details will be provided on the Invoice for purchased lots.
- (e) As a courtesy to clients, Phillips de Pury & Company will accept Visa, MasterCard and UK-issued debit cards to pay for invoices of £50,000 or less. A processing fee will apply.
- (f) Title in a purchased lot will not pass until Phillips de Pury & Company has received the Purchase Price for that lot in cleared funds. Phillips de Pury & Company is not obliged to release a lot to the buyer until title in the lot has passed and appropriate identification has been provided, and any earlier release does not affect the passing of title or the buyer's unconditional obligation to pay the Purchase Price.

7 COLLECTION OF PROPERTY

- (a) Phillips de Pury & Company will not release a lot to the buyer until we have received payment of its Purchase Price in full in cleared funds, the buyer has paid all outstanding amounts due to Phillips de Pury & Company or any of our affiliated companies, including any charges payable pursuant to Paragraph 8 (a) below, and the buyer has satisfied such other terms as we in our sole discretion shall require, including completing any anti-money laundering or anti-terrorism financing checks. As soon as a buyer has satisfied all of the foregoing conditions, he or she should contact us at +44 (0) 207 318 4081 or +44 (0) 207 318 4082 to arrange for collection of purchased property.
- (b) The buyer must arrange for collection of a purchased lot within five days of the date of the auction. After the auction, we will transfer all lots to our fine art storage facility located near Wimbledon and will so advise all buyers. Purchased lots are at the buyer's risk, including the responsibility for insurance, from (i) the date of collection or (ii) five days after the auction, whichever is the earlier. Until risk passes, Phillips de Pury & Company will compensate the buyer for any loss or damage to a purchased lot up to a maximum of the Purchase Price paid, subject to our usual exclusions for loss or damage to property.
- (c) As a courtesy to clients, Phillips de Pury & Company will, without charge, wrap purchased lots for hand carry only. We do not provide packing, handling, insurance or shipping services. We will coordinate with shipping agents instructed by the buyer, whether or not recommended by Phillips de Pury & Company, in order to facilitate the packing, handling, insurance and shipping of property bought at Phillips de Pury & Company. Any such instruction is entirely at the buyer's risk and responsibility, and we will not be liable for acts or omissions of third party packers or shippers.
- (d) Phillips de Pury & Company will require presentation of government-issued identification prior to release of a lot to the buyer or the buyer's authorized representative.

8 FAILURE TO COLLECT PURCHASES

- (a) If the buyer pays the Purchase Price but fails to collect a purchased lot within 30 days of the auction, the buyer will incur a late collection fee of £50, storage charges of £10 per day and pro rated insurance charges of 0.1% of the Purchase Price per month on each uncollected lot. Additional charges may apply to oversized lots.
- (b) If a purchased lot is paid for but not collected within six months of the auction, the buyer authorizes Phillips de Pury & Company, upon notice, to arrange a resale of the item by

auction or private sale, with estimates and a reserve set at Phillips de Pury & Company's reasonable discretion. The proceeds of such sale will be applied to pay for storage charges and any other outstanding costs and expenses owed by the buyer to Phillips de Pury & Company or our affiliated companies and the remainder will be forfeited unless collected by the buyer within two years of the original auction.

9 REMEDIES FOR NON-PAYMENT

(a) Without prejudice to any rights the seller may have, if the buyer without prior agreement fails to make payment of the Purchase Price for a lot in cleared funds within five days of the auction, Phillips de Pury & Company may in our sole discretion exercise one or more of the following remedies: (i) store the lot at Phillips de Pury & Company's premises or elsewhere at the buyer's sole risk and expense; (ii) cancel the sale of the lot, retaining any partial payment of the Purchase Price as liquidated damages; (iii) reject future bids from the buyer or render such bids subject to payment of a deposit; (iv) charge interest at 12% per annum from the date payment became due until the date the Purchase Price is received in cleared funds; (v) subject to notification of the buyer, exercise a lien over any of the buyer's property which is in the possession of Phillips de Pury & Company and instruct our affiliated companies to exercise a lien over any of the buyer's property which is in their possession and, in each case, no earlier than 30 days from the date of such notice arrange the sale of such property and apply the proceeds to the amount owed to Phillips de Pury & Company or any of our affiliated companies after the deduction from sale proceeds of our standard $vendor's\ commission,\ all\ sale-related\ expenses\ and\ any\ applicable\ taxes\ thereon;\ (vi)\ resell$ the lot by auction or private sale, with estimates and a reserve set at Phillips de Pury & $Company's \ reasonable \ discretion, it being \ understood \ that \ in \ the \ event \ such \ resale \ is \ for$ less than the original hammer price and buyer's premium for that lot, the buyer will remain liable for the shortfall together with all costs incurred in such resale; (vii) commence legal proceedings to recover the hammer price and buyer's premium for that lot, together with interest and the costs of such proceedings; or (viii) release the name and address of the buyer to the seller to enable the seller to commence legal proceedings to recover the amounts due and legal costs.

(b) The buyer irrevocably authorizes Phillips de Pury & Company to exercise a lien over the buyer's property which is in our possession upon notification by any of our affiliated companies that the buyer is in default of payment. Phillips de Pury & Company will notify the buyer of any such lien. The buyer also irrevocably authorizes Phillips de Pury & Company, upon notification by any of our affiliated companies that the buyer is in default of payment, to pledge the buyer's property in our possession by actual or constructive delivery to our affiliated company as security for the payment of any outstanding amount due. Phillips de Pury & Company will notify the buyer if the buyer's property has been delivered to an affiliated company by way of pledge.

(c) If the buyer is in default of payment, the buyer irrevocably authorizes Phillips de Pury & Company to instruct any of our affiliated companies in possession of the buyer's property to deliver the property by way of pledge as the buyer's agent to a third party instructed by Phillips de Pury & Company to hold the property on our behalf as security for the payment of the Purchase Price and any other amount due and, no earlier than 30 days from the date of written notice to the buyer, to sell the property in such manner and for such consideration as can reasonably be obtained on a forced sale basis and to apply the proceeds to any amount owed to Phillips de Pury & Company or any of our affiliated companies after the deduction from sale proceeds of our standard vendor's commission, all sale-related expenses and any applicable taxes thereon.

10 RESCISSION BY PHILLIPS de PURY & COMPANY

Phillips de Pury & Company shall have the right, but not the obligation, to rescind a sale without notice to the buyer if we reasonably believe that there is a material breach of the seller's representations and warranties or the Authorship Warranty or an adverse claim is made by a third party. Upon notice of Phillips de Pury & Company's election to rescind the sale, the buyer will promptly return the lot to Phillips de Pury & Company, and we will then refund the Purchase Price paid to us. As described more fully in Paragraph 13 below, the refund shall constitute the sole remedy and recourse of the buyer against Phillips de Pury & Company and the seller with respect to such rescinded sale.

11 EXPORT, IMPORT AND ENDANGERED SPECIES LICENCES AND PERMITS

Before bidding for any property, prospective buyers are advised to make their own enquiries as to whether a licence is required to export a lot from the United Kingdom or to import it into another country. Prospective buyers are advised that some countries prohibit the import of property made of or incorporating plant or animal material, such as coral, crocodile, ivory, whalebone, rhinoceros horn or tortoiseshell, irrespective of age, percentage or value. Accordingly, prior to bidding, prospective buyers considering export of purchased lots should familiarize themselves with relevant export and import regulations of the countries concerned. It is solely the buyer's responsibility to comply with these laws and to obtain any necessary export, import and endangered species licences or permits. Failure to obtain a licence or permit or delay in so doing will not justify the cancellation of the sale or any delay in making full payment for the lot.

12 DATA PROTECTION

(a) In connection with the management and operation of our business and the marketing and supply of auction related services, or as required by law, we may ask clients to provide personal information about themselves or obtain information about clients from third parties (e.g., credit information). If clients provide us with information that is defined by law as 'sensitive', they agree that Phillips de Pury & Company and our affiliated companies may use it for the above purposes. Phillips de Pury & Company and our affiliated companies will not use or process sensitive information for any other purpose without the client's express consent. If you would like further information on our policies on personal data or wish to make corrections to your information, please contact us at +44 20 7318 4010. If you would prefer not to receive details of future events please call the above number.

(b) In order to fulfil the services clients have requested, Phillips de Pury & Company may disclose information to third parties such as shippers. Some countries do not offer equivalent legal protection of personal information to that offered within the European Union (EU). It is Phillips de Pury & Company's policy to require that any such third parties respect the privacy and confidentiality of our clients' information and provide the same level of protection for client information as provided within the EU, whether or not they are located in a country that offers equivalent legal protection of personal information. By agreeing to these Conditions of Sale, clients agree to such disclosure.

13 LIMITATION OF LIABILITY

(a) Subject to sub-paragraph (e) below, the total liability of Phillips de Pury & Company, our affiliated companies and the seller to the buyer in connection with the sale of a lot shall be limited to the Purchase Price actually paid by the buyer for the lot.

(b) Except as otherwise provided in this Paragraph 13, none of Phillips de Pury & Company, any of our affiliated companies or the seller (i) is liable for any errors or omissions, whether orally or in writing, in information provided to prospective buyers by Phillips de Pury & Company or any of our affiliated companies or (ii) accepts responsibility to any bidder in respect of acts or omissions, whether negligent or otherwise, by Phillips de Pury & Company or any of our affiliated companies in connection with the conduct of the auction or for any other matter relating to the sale of any lot.

(c) All warranties other than the Authorship Warranty, express or implied, including any warranty of satisfactory quality and fitness for purpose, are specifically excluded by Phillips de Pury & Company, our affiliated companies and the seller to the fullest extent permitted by law.

(d) Subject to sub-paragraph (e) below, none of Phillips de Pury & Company, any of our affiliated companies or the seller shall be liable to the buyer for any loss or damage beyond the refund of the Purchase Price referred to in sub-paragraph (a) above, whether such loss or damage is characterised as direct, indirect, special, incidental or consequential, or for the payment of interest on the Purchase Price to the fullest extent permitted by law.

(e) No provision in these Conditions of Sale shall be deemed to exclude or limit the liability of Phillips de Pury & Company or any of our affiliated companies to the buyer in respect of any fraud or fraudulent misrepresentation made by any of us or in respect of death or personal injury caused by our negligent acts or omissions.

14 COPYRIGHT

The copyright in all images, illustrations and written materials produced by or for Phillips de Pury & Company relating to a lot, including the contents of this catalogue, is and shall remain at all times the property of Phillips de Pury & Company and, subject to the provisions of the Copyright, Designs and Patents Act 1988, such images and materials may not be used by the buyer or any other party without our prior written consent. Phillips de Pury & Company and the seller make no representations or warranties that the buyer of a lot will acquire any copyright or other reproduction rights in it.

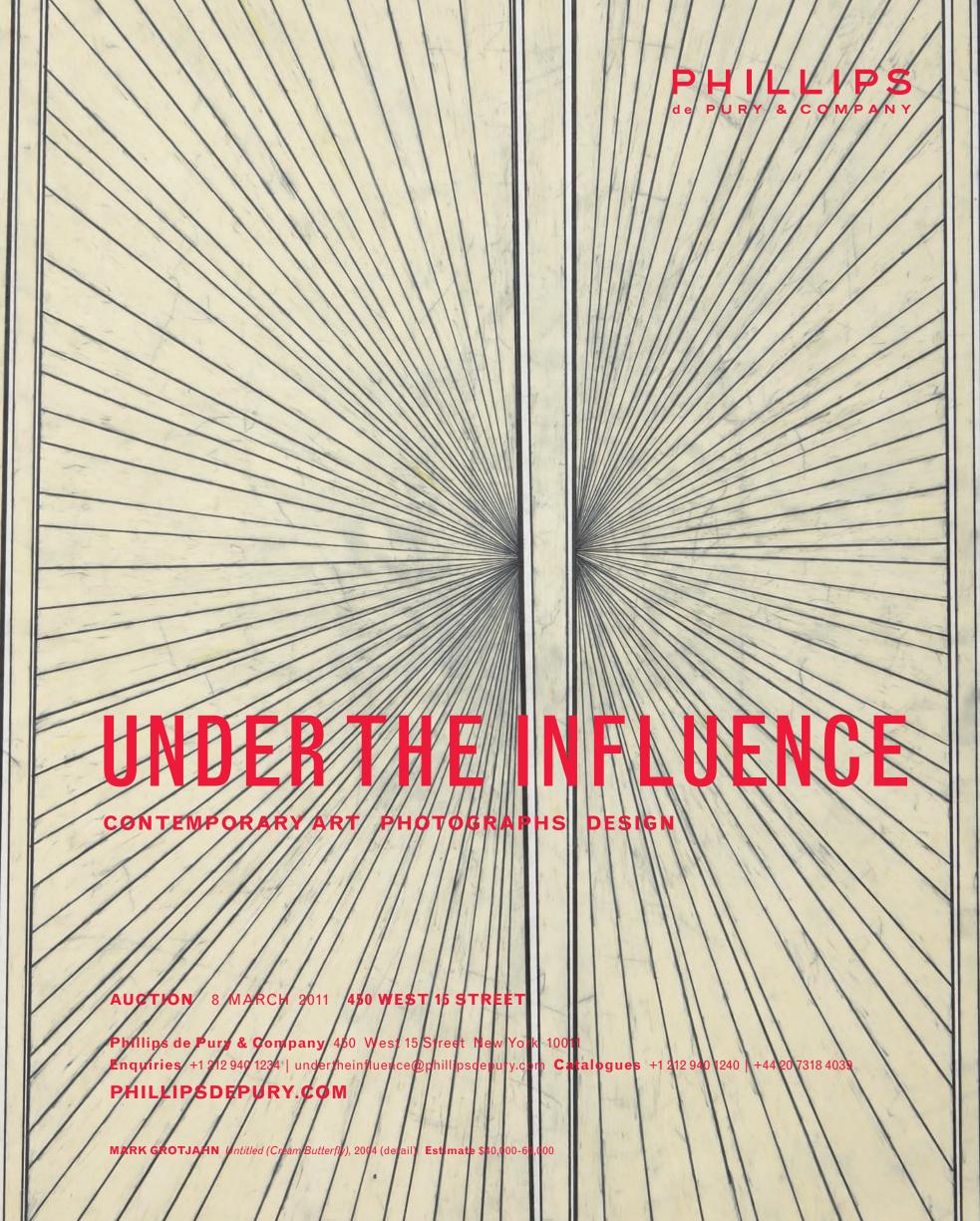
15 GENERAL

(a) These Conditions of Sale, as changed or supplemented as provided in Paragraph 1 above, and Authorship Warranty set out the entire agreement between the parties with respect to the transactions contemplated herein and supersede all prior and contemporaneous written, oral or implied understandings, representations and

(b) Notices to Phillips de Pury & Company shall be in writing and addressed to the department in charge of the sale, quoting the reference number specified at the beginning of the sale catalogue. Notices to clients shall be addressed to the last address notified by them in writing to Phillips de Pury & Company.

(c) These Conditions of Sale are not assignable by any buyer without our prior written consent but are binding on the buyer's successors, assigns and representatives.

(d) Should any provision of these Conditions of Sale be held void, invalid or unenforceable



for any reason, the remaining provisions shall remain in full force and effect. No failure by any party to exercise, nor any delay in exercising, any right or remedy under these Conditions of Sale shall act as a waiver or release thereof in whole or in part.

(e) No term of these Conditions of Sale shall be enforceable under the Contracts (Rights of Third Parties) Act 1999 by anyone other than the buyer.

16 LAW AND JURISDICTION

- (a) The rights and obligations of the parties with respect to these Conditions of Sale and Authorship Warranty, the conduct of the auction and any matters related to any of the foregoing shall be governed by and interpreted in accordance with English law.
- (b) For the benefit of Phillips de Pury & Company, all bidders and sellers agree that the Courts of England are to have exclusive jurisdiction to settle all disputes arising in connection with all aspects of all matters or transactions to which these Conditions of Sale and Authorship Warranty relate or apply. All parties agree that Phillips de Pury & Company shall retain the right to bring proceedings in any court other than the Courts of England.
- (c) All bidders and sellers irrevocably consent to service of process or any other documents in connection with proceedings in any court by facsimile transmission, personal service, delivery by mail or in any other manner permitted by English law, the law of the place of service or the law of the jurisdiction where proceedings are instituted at the last address of the bidder or seller known to Phillips de Pury & Company.

AUTHORSHIP WARRANTY

Phillips de Pury & Company warrants the authorship of property in this auction catalogue for a period of five years from date of sale by Phillips de Pury & Company, subject to the exclusions and limitations set forth below.

- (a) Phillips de Pury & Company gives this Authorship Warranty only to the original buyer of record (i.e., the registered successful bidder) of any lot. This Authorship Warranty does not extend to (i) subsequent owners of the property, including purchasers or recipients by way of gift from the original buyer, heirs, successors, beneficiaries and assigns; (ii) property created prior to 1870, unless the property is determined to be counterfeit (defined as a forgery made less than 50 years ago with an intent to deceive) and has a value at the date of the claim under this warranty which is materially less than the Purchase Price paid; (iii) property where the description in the catalogue states that there is a conflict of opinion on the authorship of the property; (iv) property where our attribution of authorship was on the date of sale consistent with the generally accepted opinions of specialists, scholars or other experts; or (v) property whose description or dating is proved inaccurate by means of scientific methods or tests not generally accepted for use at the time of the publication of the catalogue or which were at such time deemed unreasonably expensive or impractical to
- (b) In any claim for breach of the Authorship Warranty, Phillips de Pury & Company reserves the right, as a condition to rescinding any sale under this warranty, to require the buyer to provide to us at the buyer's expense the written opinions of two recognized experts approved in advance by Phillips de Pury & Company. We shall not be bound by any expert report produced by the buyer and reserve the right to consult our own experts at our expense. If Phillips de Pury & Company agrees to rescind a sale under the Authorship Warranty, we shall refund to the buyer the reasonable costs charged by the experts commissioned by the buyer and approved in advance by us.
- (c) Subject to the exclusions set forth in subparagraph (a) above, the buyer may bring a claim for breach of the Authorship Warranty provided that (i) he or she has notified Phillips de Pury & Company in writing within three months of receiving any information which causes the buyer to question the authorship of the lot, specifying the auction in which the property was included, the lot number in the auction catalogue and the reasons why the authorship of the lot is being questioned and (ii) the buyer returns the lot to Phillips de Pury & Company in the same condition as at the time of its auction and is able to transfer good and marketable title in the lot free from any third party claim arising after the date of the auction.
- (d) The buyer understands and agrees that the exclusive remedy for any breach of the Authorship Warranty shall be rescission of the sale and refund of the original Purchase Price paid. This remedy shall constitute the sole remedy and recourse of the buyer against Phillips de Pury & Company, any of our affiliated companies and the seller and is in lieu of any other remedy available as a matter of law. This means that none of Phillips de Pury & Company, any of our affiliated companies or the seller shall be liable for loss or damage beyond the remedy expressly provided in this Authorship Warranty, whether such loss or damage is characterized as direct, indirect, special, incidental or consequential, or for the payment of interest on the original Purchase Price.





DESIGN VIENNA AND THE WIENER WERKSTÄTTE

AUCTION 3 MARCH 2011 6PM 450 PARK AVENUE

VIEWING 22 February – 3 March 2010

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DÉSIRÉE DOLRON Xteriors VI, 2005 (detail) **Estimate** \$40,000-60,000

SALE INFORMATION

AUCTION

Evening Sale: Thursday 17 February 2011, 7pm Valencia Contemporary Art Day Sale: Friday 18 February 2011, 2pm Day Sale: Friday 18 February 2011, 4pm

VIEWING

Saturday 5 February 2011, 10am–6pm
Sunday 6 February 2011, 12pm – 6pm
Monday 7 February 2011, 10am–6pm
Tuesday 8 February 2011, 10am–6pm
Wednesday 9 February 2011, 10am–6pm
Thursday 10 February 2011, 10am–6pm
Friday 11 February 2011, 10am–6pm
Saturday 12 February 2011, 10am–6pm
Sunday 13 February 2011, 12pm – 6pm
Monday 14 February 2011, 10am–6pm
Tuesday 15 February 2011, 10am–6pm
Wednesday 16 February 2011, 10am–6pm
Thursday 17 February 2011, 10am–6pm

VIEWING & AUCTION LOCATION

Howick Place, London SW1P 1BB

WAREHOUSE & COLLECTION LOCATION

110-112 Morden Road, Mitcham, Surrey CR4 4XB

SALE DESIGNATION

When sending in written bids or making enquiries, please refer to these sales as UK010111 or Contemporary Art Evening Sale and UK010211 or Contemporary Art Day Sale

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Back cover Peter Fischli & David Weiss, 4 Hostessen (4 Stewardesses), 1988, Lot 9 (detail)
Inside back cover Günther Uecker, Mutation, 2006, Lot 5 (detail)
Opposite Anselm Reyle, Untitled, 2005, Lot 14 (detail)

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