



Senior Artists Initiative

Preserving The Artist's Heritage

A White Paper On
Planning Guidelines
For Visual Artists

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Introduction

Creativity and organization rarely go hand in hand in the daily lives of visual artists. Focusing on creating new works of art often distracts artists from the chores of organizing and inventorying their artwork, weeding out their weakest work, properly evaluating their body of work on hand, and creating an archive of information about their lives as artists. While those omissions might seem insignificant in the present, the undeniable fact is that at some point in the future those omissions, if not remedied, will become a formidable problem for the artist's heirs.

Let's face it. Eventually we are all going to die. With rare exception we will all have heirs, and the burden of remedying the artists' omissions will fall on them as a part of organizing and settling estates. That time consuming effort could not only delay estate settlements, but it also could result in devaluing of the artists' artworks and in diluting the artists' legacies.

Senior Artists Initiative is dedicated to helping artists to preserve their artistic heritage through its educational materials such as this white paper, its website (www.seniorartists.org), and its Inventory and Oral History Project through which selected senior artists are assisted in inventorying part of their artworks and video recording the story of their development as artists. Those videos and SAI's educational videos and podcasts can be accessed at the SAI website. SAI encourages all visual artists, young and old, to take advantage of the materials it provides.

Emerging and younger artists are well positioned to begin their organizational efforts and maintain them over the course of years. Older artists need to get to those tasks sooner rather than later or the worst case scenario, not getting to it at all, might result.

SAI makes its information available free of charge. As a 501(c)3, contributions to SAI are tax deductible. We encourage artists who benefit from our efforts to contribute so that SAI's work can continue, improve, and reach more artists.

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What Will Happen to Your Art After You Die?

by Jeffrey P. Fuller, ASA

What will happen to your art after you die? This is the question that many artists ask themselves. Many things can happen to the art after the artist's death, depending upon how well the artist has planned for this event. An artist creates works of art during an entire lifetime. Some of these works of art will be sold. Inevitably there is a collection of works of art in an artist's estate at the time of the artist's death. These works of art will become a part of the artist's estate.

A fair market value appraisal of all the works of art in the artist's estate must be completed so that proper estate taxes can be assessed to the estate. The executor of the estate will hire a certified art appraiser to appraise the fair market value of each work of art in the estate. The Internal Revenue Code defines fair market value as follows:

The fair market value is the price at which the property would change hands between a willing buyer and a willing seller, neither being under any compulsion to buy or sell and both having reasonable knowledge of relevant facts. The fair market value of a particular item of property includable in the decedent's gross estate is not to be determined by a forced sale price. Nor is the fair market value of an item of property to be determined by the sale price of the item in a market other than that in which such item is most commonly sold to the public, taking into account the location of the item whatever appropriate. (26CFR2.1 [Title 26 of the Code of Federal Regulations, chapter 1, part 2], section 20.2031-[b]).

An appraisal is the valuation of property by the estimate of an authorized person. The appraisal report should conform to the Uniform Standards of Professional Appraisal Practice promulgated by the Appraisal Standards of the Appraisal Foundation located in Washington, DC.

An appraiser is a disinterested third party witness who reports on the market. The appraiser's fee should be based upon an hourly rate or on a fixed fee, and never upon a percentage of the value of the estate.

To find a qualified appraiser, one may call a nationally recognized appraisal association such as the American Society of Appraisers in Washington, DC. One may also find an appraiser by means of personal reference or recommendation of local art institutions, or even by looking in the Yellow Pages under "Appraisers." Beware of unscrupulous individuals, however, who refer to themselves as appraisers in order to get a foot in the door.

Fair market value is a specific concept of value defined by the Federal Government. There are three approaches to value: the cost approach, the income approach, and the market data/sales comparison approach. More often than not it is the third approach, market data/sales comparison, which is used by the appraiser in estimating fair market value of works of art in an artist's estate. The appraiser will discuss in the appraisal report the most relevant market in which works of art by the artist are bought and sold.

The appraiser may ask the executor of the estate for the artist's Schedules C (Business Profit and Loss), which the artist filed with his or her IRS Forms 1040 during the five years before the artist's death. The appraiser may also ask for the past five years. To find market data, the appraiser may contact the artist's galleries for records of any sales that may have been records for sales of works of art by the artist.

The appraiser will inspect every work of art in the artist's estate. Each work of art will be described in the schedule description section of the appraisal report. Various attributes of each work of art will be

noted by the appraiser, such as title or the work of art, description of the object, the date of execution, the medium/support, the size, where and how the work of art is signed, whether or not it is framed, the condition of the object, literature references where the work of art is cited, and an exhibition history. Lastly, after research, the appraiser will assign an estimate of fair market value to the work of art.

The appraiser will address the issue of blockage when appraising the fair market value of a large body of work by a single artist as of a given date of valuation. Blockage discounts of fair market value are common with the valuation of stocks. To arrive at an estimate of the blockage discount of fair market value of works of art in the estate, the appraiser may calculate the present value by using a unit sales, analysis implementing a discount cash flow analysis based on past sales of works by the artist.

Specific Tips for the Artist: To better position your works of art before their becoming part of your estate, a number of steps can be taken. Let someone you trust know much about your art before you die. If possible, prepare an oral history of your life and work. This can be done with a good friend asking questions about your life and art while the conversation is being tape-recorded. Another suggestion would be to make a videotape of yourself explaining the progress of your art throughout your life. Review a list of pertinent questions with a friend before taping. Then ask your friend to ask you those questions while the videotape is recording your answers. Watch the tape afterwards and add more to it if you wish. This may be the only document of its kind that will survive after you are gone.

It is not too late and never too soon to begin to sort through the art that you still own. Sort your art according to period executed and medium. Sign the works of art that should be signed. The works of art that you would rather not acknowledge should be discarded at this time so that inferior works will not remain within your estate. Again, do this with someone whom you trust who will become the executor of your estate or who will help the executor of your estate.

Inventory your work. A simple inventory system consists of a six-digit number beginning with the last two digits of the year in which the work of art was created. This is followed by a letter indicating the medium of the work of art, such as "P" for painting. This is followed by a three-digit number assigned consecutively to works of art made within the same year in the same medium. For example "98P001" would refer to the first painting created in 1998. This number can be written in pencil on the upper right hand corner of the back of each work of art.

Find art dealers to represent your work during your lifetime. To find an art dealer, look for those who exhibit works of art sympathetic in style to your own. Art dealers are in the business of selling art, which is what every artist hopes for his or her art. Keep track of your exhibitions and the collections in which you are represented. Assemble all of the reviews of your works of art. Compile a curriculum vitae of your life.

In brief: Find someone you trust to oversee your art after you have gone. Put all of your works of art in your possession in order now. If the works of art in your estate have been maintained and good records kept, it is a much simpler task for the appraiser, and a less expensive one for the estate. It will make it easier for the estate to continue the task of managing the body of art you leave behind. In this way, you will live through your art forever.



Estate Planning for Artists

By Robert H. Louis, Esq.

Many people postpone planning their estates, not wishing to confront issues of mortality; or, it may be that they believe the subject is so complex that no amount of effort will yield any useful results. They may shrug their shoulders and say, "I'll let my kids worry about it," not realizing the significant burden they are imposing on the next generation and the likelihood that far greater tax liabilities will be incurred by doing nothing.

Estate planning should not be considered a process impossible to understand and not worth the time spent. Much can be achieved with a few hours of work. The result will be that the burden on the next generation will be greatly lessened and the taxes imposed at death may be substantially reduced.

Writing a Will: What is a will? It is simply a statement of what you want done with whatever you own at the time of your death. It can be as simple as a letter of instructions. The important points are that it must clearly be a direction of what is to be done, and it must be signed and dated. In some states, there may be more required in the way of formalities, but generally this is what is needed to insure that your assets, including your art, go where you want them to go. It is probably a better idea to have a formal will drawn up, and for this you should consult a lawyer. Sample form wills are available on computer programs and in the local pharmacy, but this is too important a project to do without expert advice. A will drawn up by a lawyer will add some more formal language, but it will cover issues that you might not have thought of on your own, such as who will be your executor, the person who carries out the terms of your will, and who will be the guardian of minor children.

Will Substitutes: Not everything you own will necessarily pass by will. Certain assets may contain their own provisions determining where they go upon your death. A good example of this is life insurance. The proceeds of life insurance will go to the persons you name as your beneficiaries, on a document that is kept on file with the insurance company. Similarly, the beneficiary of any pension or profit-sharing plan benefits, or individual retirement account benefits, will be the persons you name on a beneficiary designation form filed with the plan administrator or financial institution holding the IRA.

Many people own property in joint names. Typically, a home owned by two people will be owned jointly, and this also occurs quite often with bank accounts and brokerage accounts. For most joint accounts, except those called "tenancies in common," the survivor will be entitled to the entire value of the asset when one of the owners dies.

These will substitutes must be reviewed to determine where the assets covered by them will go. They must also be considered along with the will to obtain a picture of the entire estate plan, where all of your assets will end up.

Death and Taxes: Most people pay federal and state income taxes during their lives, generally every year, and the Form 1040 and the tax rates are well known. Less well known is the fact that both the federal government and, in many cases, the state government will impose taxes at death on the value of all that the decedent owned, including the value of art. That is, even if you have paid income taxes on what you have accumulated during life, it will be subject to tax again at death.

Federal estate taxes are imposed at graduated rates, like income taxes, except that the highest rate is 50%. There is a threshold exemption, which is \$675,000 for 2000 and will gradually rise to \$3,500,000. Assets up to that amount may be passed free of federal estate tax. This may seem like a sufficiently high number to avoid tax in almost every case, but the tax is imposed on the value of IRAs and other

retirement accounts, the value of your home, and the proceeds of life insurance policies, in addition to stocks and bond, bank accounts, and art. The threshold may be exceeded when these assets are totaled.

Federal estate taxes have another very important offset: you may leave any amount to your spouse without the imposition of federal estate taxes on the transfer. Thus, it is possible to avoid all or nearly all tax on the death of the first spouse, simply by leaving everything to the survivor. This may not be the disposition you want of all of your assets, but it is a valuable deduction that can assist in planning to minimize taxes.

The combination of the threshold, usually called the lifetime exemption, and the marital deduction can produce very significant reductions or even the elimination of federal estate tax. By using trusts set up under a will and making sure that assets are owned in the optimum way, it is possible to provide for the survivor and pass on to the next generation that maximum amount possible under the federal tax system. While federal estate taxes are scheduled to be eliminated in 2010, and return in full in 2011 with a much lower exemption, neither of those events is likely to occur.

Many states still impose death taxes of their own. Pennsylvania imposes an inheritance tax on the assets owned at death, to the extent they do not pass to the surviving spouse. New Jersey exempts transfers to the surviving spouse and descendants. Florida imposes no inheritance tax, but, like almost every other state, imposes a state estate tax that takes advantage of the exemption in federal law for state death taxes. State estate taxes are usually referred to as sponge taxes or soak-up taxes. It is important to review what your state death tax liability would be in your state of residence. By the way, what is your state of residence? Some people live most of the time in one state, but try to claim they are actually residents of another state, like Florida, to avoid inheritance taxes. This is a technique that must be carried out with careful planning, to avoid claims by two (or more) states that taxes are owed to it.

Planning Techniques to Lower Tax Liability: There are a number of techniques that may be employed to reduce the burden of death taxes. First, you can give assets away during your lifetime to family members. In doing so, you should be aware of the possible imposition of federal threshold exemption that will rise to \$1,000,000 in 2002. In addition, you may give up to \$10,000 per year to any number of persons without incurring gift tax or using up any of the lifetime exemption. If your spouse joins in the gift, the \$10,000 exemption will eventually rise with the cost of living. Gifts beyond these amounts use up part of your lifetime exemption and, if large enough, can result in the payment of gift tax currently. Payment of school tuition or medical expenses of another may be made without limit.

How do you give something away? You must intend to make a gift, and you must deliver the gift. You may not, for example, give away works of art but keep them in your home for the rest of your life. That will not be considered a completed gift. In making gifts, as well as in the valuation of art will be important, and the subject of valuation is discussed in Jeffrey Fuller's "What Will Happen to Your Art After You Die."

In addition to giving art and other assets to members of your family and to friends, you may also reduce your taxable estate by giving assets to charities. This may include, for example, giving art to a museum. If the museum accepts the work, its value will be out of your estate, just as any assets left in your will to charities will escape death taxes. In addition, you may take a deduction for income tax purposes for the value of assets given to charity. This creates a double benefit of reducing your income tax liability and your estate tax liability. This rule, is however, subject to a very important exception: you may not take an income tax deduction for the value of art you have created. Your deduction is limited to the usual nominal cost of the materials purchased in creating the art. By contrast, you may take an income tax deduction for the full value of art created by someone else and donated by you. This occasionally gives

rise to schemes to get around the limit on the income tax deduction by making various types of transfers. Sometimes this works, and sometimes it doesn't, depending on how it is done.

In Conclusion – Plan Ahead: There is no substitute for thinking about the disposition of your assets, including art, both during your life and afterward. The process of estate planning takes some time, but the reward is usually substantially reduced tax liability, and almost always a clearer idea of what one has and what will happen to it. The certainty and peace of mind this process can lead to justifies taking time and expending the effort to be prepared for the inevitable. You and your family and friends will benefit in many ways.



What Do Inheritors Do With Art Work?

By Anne Kaplan, SAI

Most artists are very resistant to sorting through their work in order to decide what to keep, what to throw away, what to give to institutions. This creates a dilemma after an artist's death, as it leaves painful decisions about the distribution of the work to the spouses, family members, or executors. Failure to sort through and distribute works during an artist's lifetime has resulted in work being stored for years; large numbers of the work going on the market and selling for very little; or the work just disintegrating in a damp, too hot or too cold basement or attic. If the deceased artist is of world renown, the spouse will probably have gallery and financial support to properly inventory and archive the work. Even in these cases, there can be a tremendous amount of work to be done and it often takes years to distribute the estate. *Artists' Estates, Reputations in Trust* by Magda Salvesen and Diane Cousineau, documents the stories of families of well known artists who have done this work. It is interesting to read but probably not helpful to those of us who were related to lesser known artists and who therefore have to find other avenues for distributing the estate.

One of the projects of Senior Artists Initiative is to work with selected artists over 55 years of age, helping them inventory their work and making a video documentary of their lives. In the process of this project, we encourage these living artists to organize their work, throw away what they think is not the best representation of their achievements, and begin to approach organizations about accepting art work for their collections. At this time, there is no tax advantage to giving the work away, but there are the enormous benefits of having the work in places selected by the artist and of adding to a resume museums or public institutions owning the artist's work. It is important for living artists to take responsibility for making these decisions and acting on them.

This does not, however, help the spouse, executor or children of artists who have died leaving a disorganized body of work for the survivors to sort through and disperse. Following is some advice to survivors of artists about the process of organizing and dispersing the work; but it is not a substitute for seeking professional advice about your situation.

In the Commonwealth of Pennsylvania, laws govern the distribution of a deceased artist's work and other assets if the artist has not provided for their disposition through a will or trust. If the artist had children, generally one half of the assets are given to the spouse and one half to the children. Most people, however, choose to have a will, so that they know how and to whom assets are to be passed. Assets, including art works, that pass to a spouse are free of inheritance taxes in Pennsylvania. If

children inherit, they are taxed at the current rate of 4.5 %. Transfers to other individuals may be taxed as high as 15%. Amounts passing to charity are free of tax. An estate in excess of \$2,000,000 (in 2006) might be subject to federal estate tax. A discussion of that tax is beyond the scope of this article, but if inheritance tax is to be paid, it is essential that an appraisal be made of the value of the artist's work. Taxing authorities will want to know the value of the assets transferred, and will not accept the family's or executor's estimates.

In the case where everything passes to the surviving spouse, and no inheritance tax due, an appraisal is still needed because it establishes the date of death value of the art works, which is the basis for determining income when the art works are later sold. This can save you taxes later, so it is important for the spouse to have an appraisal of the art works. It is essential to find a lawyer and an art appraiser familiar with artists' estates, as this is a specialized field. Before appraisal is made, any work that is damaged, of poor quality or otherwise needs to be disposed of should be removed and destroyed. It can also be helpful for artists to make gifts of work to children, friends, nonprofit institutions, etc, during their lifetime, and to remove those gifts from the artists' residences. A gift is not a gift unless it is in the possession of the recipient, and the transfer reduces the work to be dealt with.

Gifts made to charitable institutions after the death of the artist are eligible for charitable deductions for federal income tax purpose. Owners of the art works can deduct the fair market value of the work, and charitable deductions to recognized institutions can amount to up to 50% of the individual's adjusted gross income. There is no charitable contribution deduction for Pennsylvania personal income tax purposes. An appraisal needs to be made of those works being donated to charitable institutions at the time of the gift. It is often the case that elderly artists have not had recent sales of their works. An experienced art appraiser can estimate fair market value even in such instances.

The process of donating work to nonprofit institutions is somewhat time-consuming, but can involve the donors in interesting communication with museum directors, curators, and other decision makers. The artist may have had a fondness or connection for a particular institution, which might be very happy to receive work to be displayed throughout that institution. Museum directors and curators are usually willing to consider gifts of work when approached with slides or digital photographs of work, curriculum vitae, catalogs, etc., describing the artist's work and career. Good places to find museum information are in the *Art in America Annual Gallery Guide*, and in the *Official Museum Directory*, both usually available in libraries. If the artist did not have good quality slides or digital images of the work, arrange for that documentation, keeping the originals in your files and sending slide copies or CDs to the institutions; they are usually happy to return the images to you.

The Metropolitan Museum, Philadelphia Museum of Art, or the National Gallery are not the first places to go when seeking a home for art work. Smaller museums are often more likely to display the work and more interested in local artists. The first step is to write to the director, curator, or other appropriate person at the institution, sending information about the artist, slides or CD of available work, information about how to access the artist's web site if there is one, and how to be contacted. The response might be immediate or might take weeks. When there is a positive response to the offer of gifts of work, the work needs to be appraised, and then sent to the institution. There is usually a selection committee that must give final approval to these gifts, and those committees may meet only two or three times a year, so it is important to inquire when a final decision will be made. The institution to which you are donating works of art will send you a deed of gift. Generally this document must be signed by the donor and returned to the institution. The date of this deed of gift becomes the effective date of the gift, and accordingly the year in which the donor has made the gift.

It is the donor's obligation to find an art appraiser to set the fair market value of the gift. Look at the IRS website, to see their Form 8283 and instructions for that form. Depending upon the value, you may need to have an art appraiser value the gift. In that case, the appraiser will include the appropriate

information in the IRS Form 8283 Section B, Parts I and III. You then send Form 8283 to the receiving institution, which will acknowledge receipt of the gift by signing Section B, Part IV and returning the form to you. This form (with appraisal when necessary) is included with your income tax forms.

Any individual can give up to a maximum of \$12,000 in gifts to any individual, annually, without using up any of the individual's lifetime gift tax exemption. Additional gifts up to a total of \$1,000,000 during life result in no gift tax. Thereafter, gift tax would be payable. But remember that there is no gift tax for gifts made to charitable institutions. Once an individual has received a gift of art work, the recipient can then in turn pass that work on to non-profit institutions after having had the work in their possession for a reasonable period (6 to 8 months minimum) and can then deduct the value of that gift as a charitable contribution, following the same instructions above as to filing Tax Form 8283.

It seems complicated the first year an inheritor goes through this process. It becomes more routine through practice. So, to summarize, inheritors of art work need to:

1. Find an estate lawyer and a reputable art appraiser who are familiar with artists' estates.
2. With the help of an artist friend or knowledgeable person, go through the art work and dispose or put aside that work that is damaged, flawed, or of minor value.
3. If the work has not been documented or if the documentation is of poor quality, make slides or digital photographs of work to be distributed. Keep the originals in your files.
4. Approach non-profit institutions to ascertain interest in receiving the artist's work. Allow six months for this process. It takes time for institutions to make these decisions.
5. Use a tax preparer who is familiar with regulations concerning art work as a charitable deduction.

This is a slow process but there is satisfaction in finding good repositories for the art work you have inherited.



Plan Ahead

By Stephen Tarantal. SAI

What can artists do when they are alive? Organize, Edit, and Disperse = PLAN

Organize

It is important to have a good record of your work:

- Make a visual image if possible, a photo (Polaroid or slide) or a drawing or sketch of the piece.
- Sign and title the work.
- Describe it: size, medium, where signed, edition.
- Note when it was made: date each work.
- Assign an inventory number on the art and your file card (See Jeffrey Fuller's recommendations.)

- Keep an exhibition record: where and when the piece was exhibited.
- Do you now where it is located? Who owns it? Was it sold, or given as a gift of trade?
- If sold, what as the price? Documenting the first should not be difficult. It is the subsequent changes of hands that is more difficult. Appraise as you go, keep good records of the value of your art.
- Cultivate a mailing list of collectors of your work, and collections you are in; maintain contact with these people.

Different methods of organizing major work:

- 3 x 5 cards with Polaroid attached to one side and information on the other, chronologically filed;
- Slide documentation, installation shots;
- Large file cards with slide slots and information;
- Drawings/sketches of major pieces and a master list by year;
- Organized portfolios of works on paper, drawings, prints, etc., by year;
- Computer programs can be useful – scan images in latest version of ClarisWorks, FileMaker Pro, or Adobe software.

Your gallery as a resource in record keeping:

- If you have been represented by a gallery or a number of galleries, they should be helpful in organizing records of your work because they should have records of sales and when specific work was brought in and let out to exhibitions, etc. It is a good idea to check in with your gallery regularly to get an update on activities. Generally, it is not a good policy to rely on others to keep your records. Use the gallery to cross-reference and update your records.
- Another possibility is to do an oral history of your work chronologically covering your professional careers, the nature of your work, when and where you showed your work, naming exhibitions, places, and major changes in your work. This obviously requires planning.

Edit

There is a need for a critical eye in weeding out work to reduce the estate for tax purposes:

- Save only the best work. There have been examples of estates being taxed on work that is marginally significant or even damaged over time.
- People work differently. There might be natural times within the cycle of your work when it would make sense to stop and take stock of what you have done, either after an exhibition when you are cleaning up and getting ready for new work, or when a particular series of work concludes. Others might be guided by the regimen of the calendar. But the main issue is to regularly discard unimportant work and work that is in bad shape.
- If you haven't done this over the years, then you probably have an attic and/or basement full of work, and it would make sense to take inventory and edit. Tackle this in small steps; otherwise you won't do it. Perhaps segmenting work by medium or by date is a manageable approach. Ask a friend, spouse, or coworker to help with this process.

Disperse

Placing works of art: If you can't keep it, try to place it.

- Reduce inventory by distributing your work (in your lifetime) to people and institutions where you would like to have your work located. It is easier for you to determine the disposition of your work when you are alive than to have someone else do it during a stressful time (at your death). If the estate is appraised and the Pennsylvania inheritance taxes are paid within a 3-month time period after death, there is a percentage reduction in the taxes, but this is usually a difficult time to make decisions, especially if no provisions or planning have occurred. You need to consider the people who will inherit your work.

- While everyone would enjoy placing their work in major museums, there are other opportunities to place work in nonprofit organizations of all types and at all levels, depending on the nature of your work, subject matter, etc., matching your work with schools, hospitals, senior centers, nursing homes, zoos, or charities such as auctions for Philadelphia Volunteer Lawyers for the Arts, the Print Club, MANNA, the Philadelphia Committee to End Homelessness, to name a few. I am aware of the great pleasure senior artists have gotten from people in these organizations who are very responsive to their work.
- You can give gifts of your work valued up to \$10,000 annually to friends, family, and institutions and thus pass on art to the next generation without tax.

PLAN: In my discussions with senior artists, inevitably 90% of the people lament that they don't have time to organize their work. Get someone to help out – perhaps a family member, friend, or a student intern who could help you and learn how to organize their own work at the same time. Most haven't thought about the consequences of their work after they are gone. Some have thought about it and have contacted a family member or friend to put in charge of dispersing their work, but with no plan this will most likely be a major headache.

Think about ways to reduce your taxable estate. During your lifetime you can give gifts, or establish a fund as part of a larger foundation or institution. Be aware not only of the value of your work but of your personal art collections. Artists often trade with other artists and these assets will part of your estate; however you can give these art works by other artists to non-profit institutions and take a tax deduction for their value. If you know where you want your art to be, place it there now.



Approaching Museums

By Dr. Michael W. Schantz

Museums are highly structured organizations, governed by policies and a defining mission, with their own unique way of conducting business. As nonprofit entities, they have a privileged tax status that subjects them to certain ethical standards not similarly applied to profit enterprises. The acquisition of art is a primary mission of a museum and this activity, in particular, is governed by strict procedures and legal obligations. The following items may be of interest to the artist who wishes to interact with a museum with thoughts of placing works into its permanent collection, either through purchase, gift, or bequest. They are in no particular order.

- Museums want to know in advance that art is being bequeathed to them. Despite the wishes of the artist as stated in his or her will, there is no legal obligation on the part of the museum to accept a work of art unless some prior agreement has been made.
- It is important to know the specific collecting area of a museum you wish to approach. Many museums have a narrow acquisition focus, which may preclude them from accepting a particular gift or bequest, which is not consonant with their mission.
- Unless there is a special relationship with a particular museum's curator (that is, the person directly in charge of the collections) it is advisable to contact the director's office first, preferably in writing followed by a phone call. Museum directors are executives who appreciate not being surprised by an unscheduled visit or an inopportune phone call. Advance warning gives them an

opportunity to discuss and review an inquiry with the appropriate staff, prior to a conversation with the artist.

- Museums prefer to have as much detailed background information on a work of art as possible, beyond the basic title and date. Does the work have an exhibition record? Did it undergo conservation? Is there something special about the technique or fabrication? Under what circumstances was it created?
- The condition of the work of art is a factor. Many museums will not accept works of art, which are not in good condition and therefore would incur conservation expense.
- Generally, museums that are in the business of exhibiting the work of local artists will also be most interested in purchasing art from, or in receiving a gift from, a local artist.
- Even for those museums that may be interested in acquiring examples of an artist's work, there may be a limit to the extent that they can do so; that is to say, space and resource limitations restrict the number of works they can accept. It is unlikely, for example, that a museum will accept the responsibility for housing the entire estate of an artist.
- Keep in mind that all works of art acquired by a museum must first be approved by the board of trustees before they become part of the permanent collection. Works of art are important assets and the trustees, as stewards of a public institution, are ultimately responsible for their care and management.

Neither a curator nor a director can independently guarantee that a work will be entered into the permanent collection.