



Modern and Contemporary East African Art

Tuesday 5 November 2013 at 7.30pm Villa Rosa Kempinski Hotel, Chiromo Road, Nairobi

Viewings at Villa Rosa Kempinski:

Sunday 3 November 11am to 7pm Monday 4 November 11am to 7pm Tuesday 5 November 11am to 7.30pm

Private Viewings can be arranged by appointment before these dates at our offices, 910 James Gichuru Road, Lavington, Nairobi.

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All buyers must register to bid prior to the sale and are requested to provide photographic proof of ID and if requested, a bank reference. Please see attached Registration and Bidding form at the back of this catalogue.

For those leaving Absentee bids, please provide details of lots on which you wish to place bids at least 24 hours prior to the sale.

This auction is subject to important Conditions of Sale as outlined in this catalogue and on our website. Please read these carefully.

There will be a buyers' premium of 17.4% on top of the hammer price.

The Sale will be conducted in Kenyan Shillings. Dollar estimates listed are at a rate TUS\$ to Ksh88.

Illustrations

Front cover: Lot 38, Anthony Okello *Masquerade – The Epilogue* Back cover: Lot 14, Jak Katarikawe, Untitled Inside front cover: Lot 4, Ahmed Abushariaa, *Untitled* Inside back cover: LH Lot 11, Samuel Wanjau, *Weaver Bird* RH Lot 10, Jackson Wanjau, *Untitled*





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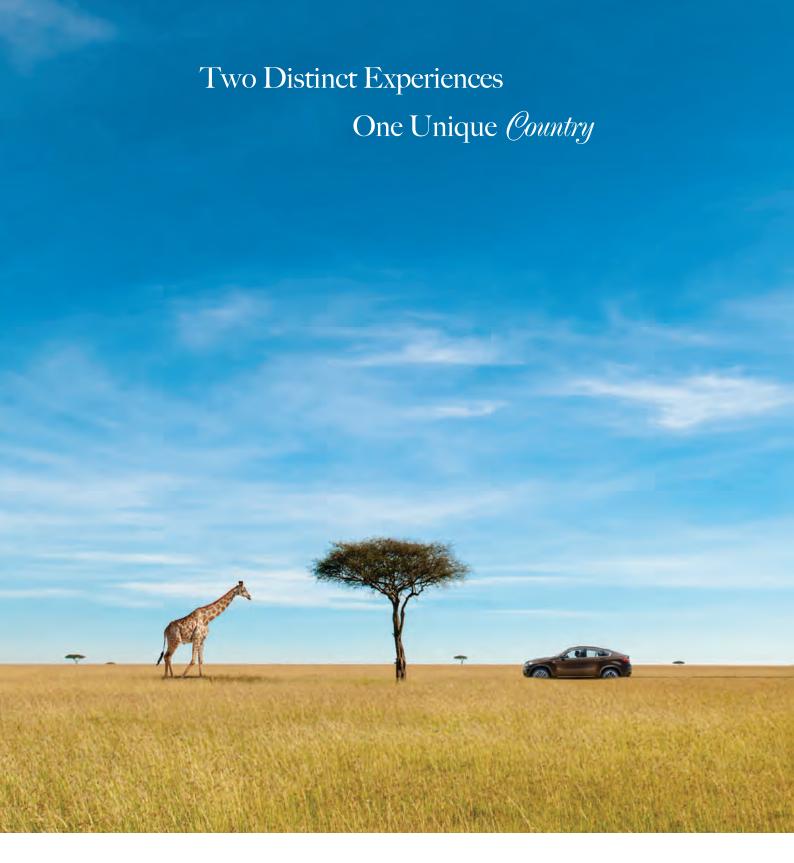
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The prestigious Kempinski legacy prides itself on creating unique and memorable journeys for travellers. Following this tradition we present the best of Kenya, through two distinct destinations. Villa Rosa Kempinski offers a taste of urban luxury, while Olare Mara Kempinski gives a glimpse into the rustic charms of the pridelands. We invite you to experience these exclusive offerings, each a blend of local culture and customs, as well as *European hospitality*.







Circle Art Agency provides expert consultancy services to art collectors, art institutions and creative professionals on contemporary East African art.

We currently...

- advise private clients who wish to make individual art purchases and ensure prices are at market value
- advise corporations on building an art collection for new or existing spaces, including the commissioning of site-specific work
- work with foundations, trusts and institutions wishing to engage with and negotiate the complexities of the regional art scene
- hold an annual Modern and Contemporary East African Art Auction in Nairobi
- present a series of exciting and unusual exhibitions in pop-up spaces around the city
- run a Collectors Club so that artists, curators and arts professionals can discuss their work and ideas with Kenyan collectors and enthusiasts.



LOT I

Wanyu Brush (Kenyan, born 1947)

Christ in the Manger, 1990

signed 'W. Brush' (lower right) watercolour on paper 58.5 × 76cm Ksh 150,000–180,000 US\$ 1,700–2,050

Provenance: Direct from artist

Wanyu Brush is one of the founding fathers of modern East African art, co-founding the Ngecha Art Group with fellow artists such as Sane Wadu. Part of Ruth Shaffner's stable of artists at Gallery Watatu, he was widely exhibited and collected in the 1980s and 1990s both locally and internationally. He is still active, working from his modest home in Ngecha.

Wanyu is best known for his bold, vivid canvases, often depicting scenes of human chaos. This delicate watercolour on paper, painted over 23 years ago, is contrary to his typical style, making it a rare and collectable find.



Simon Mpata (Tanzanian, 1942–1984)

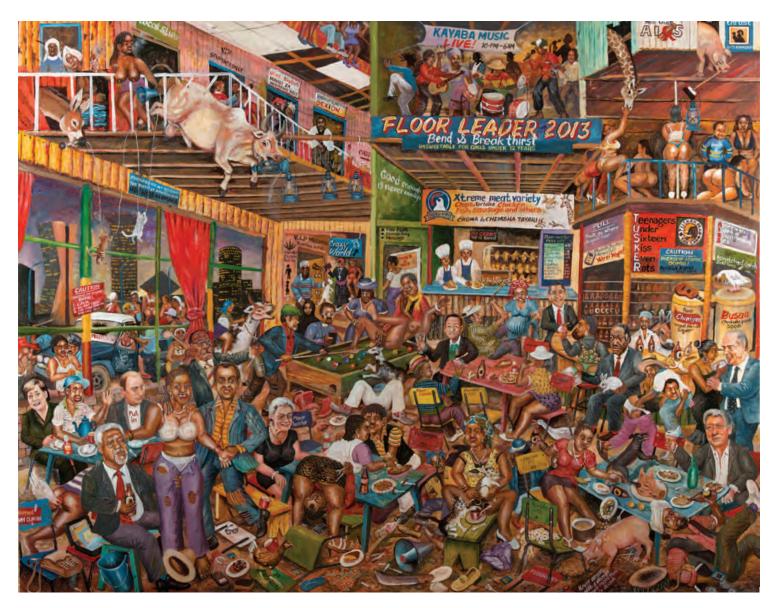
Untitled, circa 1981–3

signed 'S. G. MPATA' (middle right) enamel on board 60 × 60cm Ksh 120,000–170,000 US\$ 1,360–1,930

Provenance: Private Collection

Mpata is the youngest half-brother of Edward Saidi Tingatinga, originator of the Tingatinga art movement. Mpata learnt to paint from his brother and is generally viewed as the artist who kept his style the closest to Tingatinga's. After Tingatinga's death, Mpata refused to participate in training more painters and left Tanzania to open a studio in Nairobi where he lived and worked until his death in 1982.

His work has been extensively collected and shown in numerous exhibitions worldwide.





Joseph Bertiers (Kenyan, born 1963)

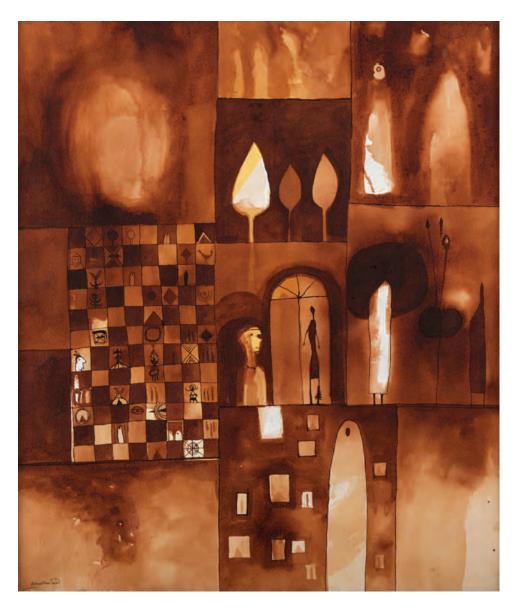
The World's Craziest Bar, 2013

signed 'Bertiers' (lower right) oil on Canvas 107 x 137.5cm Ksh 480,000–550,000 US\$ 5,450–6,250

Provenance: Direct from artist

Bertiers' detailed paintings and life sized sculptures of celebrities, and national and global events are characterised by his sharp wit and humour. Following two years of commercial sign-writing, Bertiers began to make his own artworks, selecting the pseudonym 'Bertiers', his real name is Joseph Mbatia, in an attempt to gain more serious attention from foreign collectors. In 2006, he was selected to participate in Dak'Art and won first prize at a national competition for contemporary art organised by Alliance Francaise and the Goethe Institut in

Nairobi and travelled to Germany for an exhibition in Hiedelberg. Recent exhibitions include a solo show at Fred's Gallery, London in 2011, who also took his work to the Basel Art Fair in 2011 and the Johannesburg Art Fair in 2012. Group exhibitions include, 'ARS, Africa in Kuovola', Kuovola Museum, Finland, 2012; 'Africa Now' organised by Thorup Art at the Round Tower, Denmark, 2008–9.



LOT 4

Ahmed Abushariaa (Sudanese, born 1966)

Untitled, 2012

signed (lower left) pen & ink on paper 67 × 57cm Ksh I 60,000–200,000 US\$ I,820–2,270

Provenance: Acquired direct from artist by Red Hill Art Gallery

Abushariaa studied Fine and Applied Arts at the University of Khartoum and left in the mid 1990s, initially working in Nairobi at Paa ya Paa (Arts Centre) and later in Cologne, Germany. He currently resides in Kampala, Uganda. He developed his style in the context of traditional and modern Sudan, influenced by Nubian culture, his Islamic faith, and the challenges of contemporary life in this context.

Abushariaa has exhibited extensively in East Africa and had solo exhibitions in Norway, Uganda, Germany, Kenya and Sudan and group exhibitions in Canada, Denmark, Monaco and UK. His work is held in the private collections of The African Museum of Art, Seoul and the art collection of the World Bank in Washington.





LOT 5 **Justus Kyalo** (Kenyan, born 1972) Paths of Rhythm Before Chaos, 2003–4

signed 'Justus Kyalo' LH painting signed upper middle RH painting signed lower right oil on canvas
Each canvas 119 x 98cm
Ksh 550,000–700,000
U\$\$ 6,250–7,950

Provenance: Direct from artist

Trained as an illustrator, Kyalo has become one of Kenya's most respected contemporary artists, who over the past decade has undertaken a rich visual journey towards abstraction. From loose figurative work, largely inspired by movement and dance, he has most recently painted pure, multi-layered colour fields that absorb and envelop the viewer.

Kyalo firmly views himself as an artist, rather than an 'African' artist: 'My work is inspired by a huge variety of media: music, colour, light, movies, fashion, sound and photography.'

His work is in many collections including KPMG, the French Embassy, Ford Foundation, Safaricom and the World Bank, Washington. He has exhibited widely in Kenya and across the continent, as well as in Europe and America.

This diptych was created from a body of works inspired by contemporary dance and music. The title originates from the name of a dance piece by choreographer and dancer Opiyo Okach. The two paintings resemble the formation of dancers working in duets within demarcated areas of a dance space and in his own words are 'getting chaotic with the rhythm'.



LOT 6 Behailu Bezibah (Ethiopian 1960) To The Market, 2013

signed 'BEHAILU' (lower right) oil on canvas 58.5×48.5 cm Ksh 40,000-50,000

US\$ 455-570

Provenance: Direct from artist

Since graduating from Addis Ababa University's School of Fine Arts in 1980, Bezibah has worked as an art teacher and become an advocate and provocateur for pushing a more contemporary approach to art in the city. His paintings reflect this drive for experimentation in their spontaneity and loose brushwork.

Bezibah has travelled widely, winning scholarships for artist residencies in the U.S., France, Ireland, Germany, South Africa and he has exhibited at the International Contemporary Art Fair in Madrid and at the Harn Museum of Art in Florida as well as having solo shows in Ethiopia and Germany.

He is currently lecturing on new media studies at the Addis Ababa School of Fine Art, Ethiopia.



LOT 7

Richard Kimathi (Kenyan 1971)

Mongooses (Kibera), 2009 signed 'Richard Kimathi' (lower left) oil on canvas 151 x 149cm Ksh 300,000–350,000 US\$ 3,400–4,000

Provenance: Private Collection

Kimathi is at the forefront of Kenya's "second generation" of post-independence artists, many of whom emerged from Kuona Trust in the mid 1990s. Kimathi employs an inventive and distinctive language with which he addresses contemporary issues. His paintings brim with relevance and subtle commentary. In this case the mongooses represent the huge populations in Nairobi trapped in informal, 'slum' housing,' a fence separates them from the outside world and although they might be able to escape through the holes, wider issues of discrimination and power make it safer and easier to remain.

Kimathi has had solo exhibitions in Kenya, the U.S. and Spain and his work is in several important private collections. He was selected to represent Kenya at the 2006 Dak'Art Biennale and he has attended residencies in Pakistan and the U.S.



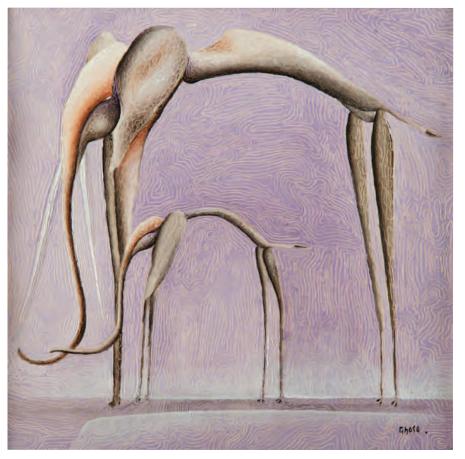
LOT 8

Peter Ngugi (Kenyan, born 1979)

Untitled, circa 1998/9

signed 'Ghose' (lower right) acrylic on canvas 30×30 cm Ksh 35,000-40,000 US\$ 400-460

Provenance: Private Collection



LOT 9

Peter Ngugi (Kenyan, born 1979)

Untitled, circa 1998/9 signed 'Ghose' (lower right) acrylic on canvas $30 \times 30 \text{cm}$ Ksh 35,000-40,000 US\$ 400-460

Provenance: Private Collection

Ngugi has developed his formal, stylised paintings over the past two decades of practicing as a full-time artist. Ngugi is self-taught and the two works featured in this sale are from a period when he was particularly influenced by Dali and other Surrealists and was drawing on their formal qualities to inform his local context. He also cites Edward Tingatinga's work as an inspiration for its pared-down and naive approach. Ngugi's work is rooted in Kenya – whether expressing political opinion, observing life on the streets or nature around him.

These small paintings are from a short period when he signed his work 'Ghose'.



LOT 10

Jackson Wanjau (Kenyan, born 1966)

Untitled, undated

unsigned

blue stone 51 x 20cm Ksh 150,000-180,000 US\$ 1,700-2,050

Provenance: Private Collection

Son of revered Kenyan sculptor Samuel Wanjau and older brother to sculptor Anthony, Jackson initially rejected following in his father's footsteps, and studied to be a primary school teacher. He continued to work alongside his father in his spare time and in 1994 decided to focus on his art practice.

The influence of his father's work is evident in Wanjau's technique of skillfully allowing a figure, an animal or a story to emerge whether carving from stone or wood. His sculpture is distinguished by the angles and distortion in the form and by his careful finishing and detail.



LOT II Samuel Wanjau (Kenyan, born 1938)

Weaver Bird, undated

unsigned blue stone 54×23 cm Ksh 250,000-300,000 US\$ 2.840-3.410

Provenance: Private Collection

Wanjau is undoubtedly one of Kenya's most revered and influential sculptors.

Born in Nyeri on the family farm, he left school to join a carvers' cooperative in Mombasa and later in Nairobi and when independence came he started producing curios for the tourist market. On meeting Elimo Njau of Paa Ya Paa (Arts Centre) he began to explore new styles and techniques and discovered a highly personal style that conveyed powerful emotion in the everyday figures and animals he carved.

Wanjau exhibited widely in East Africa and internationally including Sweden, Britain, Canada, the U.S. and Italy. His influence on the second generation of sculptors which include both his sons, Jackson and Anthony, has been profound. His work and career is emblematic of a time when artists were breaking away from the mass production of co-operatives and finding distinctive individual voices.



George Lilanga (Tanzanian, 1934–2005)

Nipeleke Hospitalini Mimi Naumwa Sana, before 1998

signed 'Lilanga' (lower left) oil on board 49 × 60cm Ksh 90,000–130,000 US\$ 1,020–1,480

Provenance: acquired from the artist's nephew

Lilanga's works were inspired by the spirit world of the Makonde tribe in southern Tanzania. He began training as a sculptor in 1961, making wood carvings in the traditional Makonde style. In 1970 he moved to Dar es Salaam where he encountered the Tingatinga school which had a profound effect on his work.

In 1978 he made his first trip to New York and the following year participated in a group exhibition of African artists in Washington. Infamous graffiti artist Keith Haring saw his paintings there and later acknowledged that this encounter had had a significant influence on his own work.

Today Lilanga is one of the region's most celebrated artists and features in many important private and institutional collections of African art.



LOT 13

Daudi Karungi (Ugandan, born 1979)

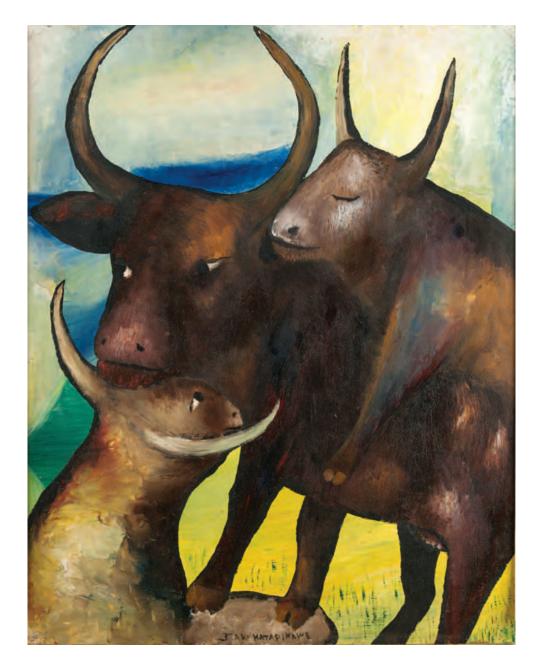
signed 'Daudi K/12' (lower right) acrylic on canvas 69×50 cm Ksh 50,000-70,000 US\$ 570-800

How about now?, 2012

Provenance: Direct from artist

Karungi graduated from the Margaret Trowell School of Industrial and Fine Arts at Makarere University, Uganda in the 1990s. He has subsequently become a well-known artist in Uganda and Founder of Afriart Gallery, Kampala. Karungi is particularly interested in issues of identity: "Africans are masters at the art of façade...My work is about the tension between these personas and the reality that lies beneath them."

Daudi has exhibited extensively in Kampala and abroad, most significantly as part of the exhibition A Light from Africa at Broome Street Gallery, New York in 2009, the New Grounds exhibition at Susan Elley Gallery, New York in 2008, and Crossing Africa East to West in Copenhagen, 2007. This painting was part of a series made for an exhibition at the Makarere Gallery entitled 'DAUDIMZILI: A Dichotomy of Creativity in 2012.'



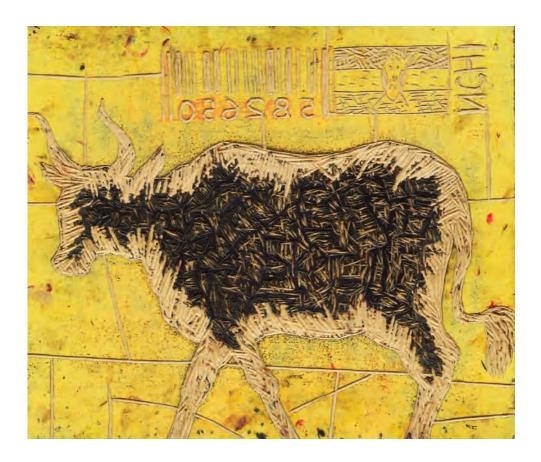
LOT 14

Jak Katarikawe (Kenyan, born 1938) Untitled, circa 1975–80

signed 'JAK KATARIKAWE' (lower middle) oil on canvas 64 × 51cm Ksh 750,000–900,000 US\$ 8,520–10,200

Provenance: Private Collection, originally from the Collection of Ruth Shaffner, acquired from her husband by the current owner.

Ugandan born Katarikawe has lived and worked in Nairobi for most of his life. He is a self-taught artist who gained huge exposure through Ruth Schaffner at Gallery Watatu in Nairobi. Today he is one of East Africa's most successful painters and perhaps one of its best known, widely collected both locally and internationally. Katarikawe spent much of his childhood in Uganda tending his father's animals and has consistently painted the drama and dreams of village life, where man and creature co-exist and converse, often on an equal footing. Katarikawe's work has been exhibited worldwide. His importance was acknowledged on publication of a catalogue by Joanna Agthe and Elsbeth Court in 2001 that accompanied a retrospective touring exhibition in Germany. A subsequent retrospective was held at the National Museums of Kenya in 2005 showing some of the extensive Katarikawe collection owned by Museum der Weltkulturen, Frankfurt.



Peterson Kamwathi (Kenyan, born 1980)

Nchi I Barcode (Nchi Yetu Series) 2004-5

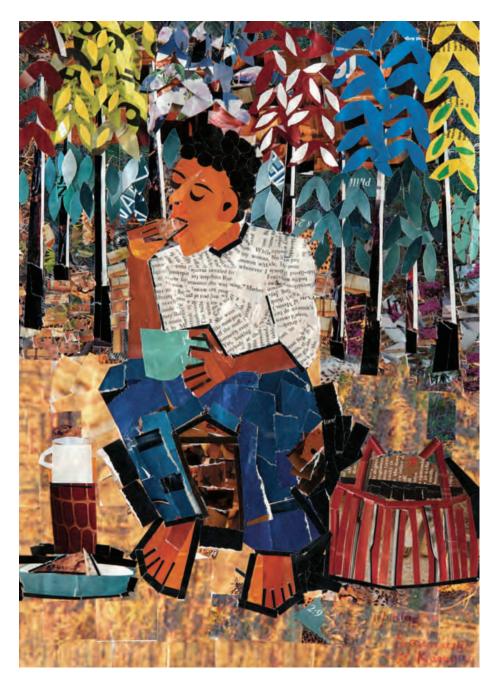
unsigned woodcut plate $40 \times 46 \text{cm}$ Ksh 100,000-150,000 US\$1,140-1,700

Provenance: Private Collection

Kamwathi has established a reputation as one of the region's most exciting and inventive artists, responding to the complex political and social issues around him. His work combines clear conceptual elements and rich content with technical mastery. He is an acknowledged master of the woodcut process.

Kamwathi has had several solo exhibitions, the most recent at the Frost Museum, Miami in 2013. He has participated in many international workshops and residencies including printmaking at the London Print Studio in 2006, Art Omi International artist residency, New York in 2009 and as a Civitella Ranieri fellow in 2012.

'Nchi yetu' is a series of six limited edition woodcuts created between 2004 and 2005 looking at what the artist considered then to be the constituent components of a nation: the people, the flag, the currency, the political party represented by hand signs icons, commerce represented by bar code icons and death represented by coffin icons. These components were presented as symbolic icons around the body of a cow or bull.



Rosemary Karuga

(Kenyan, born 1928)

Untitled, 1998

signed 'Rosemary Karuga' (lower right)
paper collage

 41×30 cm

Ksh 50,000-70,000

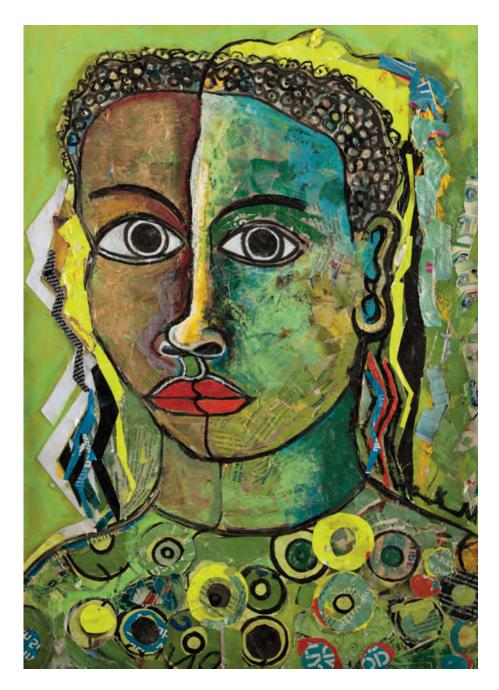
US\$ 570-795

Provenance: Private collection



Karuga was the first Kenyan woman to attend Makerere University in Uganda where she studied from 1950–52. On graduating she struggled to make a living as an artist and her principal profession was teaching. On retirement, she began creating collages that so impressed those who saw them that she began to gain profile illustrating books and then exhibiting, gaining particular renown in France. Her international reputation grew when she was part of a group show alongside El Anatsui and Ablade Glover at the Studio Museum in New York, 1990. She has since featured in many international exhibitions.

Karuga's technique remains consistent – using coloured paper, scissors and glue to create ingenious, characterful portraits of Kenyan daily life and fables.



Geoffrey Mukasa

(Ugandan, 1954–2009)

Lady in Green, before 2006

signed 'Mukasa' (centre left) mixed media on paper 60 x 45cm Ksh 250,000–300,000 US\$ 2,840–3,410

Provenance:

Acquired direct from the Estate by Red Hill Art Gallery

Mukasa spent part of his childhood in the King's palace in Buganda and left during the time of Idi Amin to study at Lucknow College of Arts and Crafts, India. This was a period when experimentation in formal content and subject mattered. Informed by both Indian and European aesthetics, Mukasa flourished. He was deeply influenced by celebrated Indian artist, M.F. Hussain and when he returned to Uganda had developed a style that was distinctly different from that of his peers from Makerere School of Fine Art: his works retained a raw energy and luminosity.

A concise draughtsman, Mukasa's deeply symbolic work frequently focuses on man's relationship with the environment and the interaction between humans, flora, and fauna. His work is widely collected, and frequently exhibited, both in Uganda and internationally. Publications include the recent – 'Mukasa Geoffrey – the artist's life in Uganda', AKA Gallery Kampala/Uganda published by Maria Fischer, Rose Kirumira, Paul Lubowa and Josephine Mukasa (2011).



Yony Waite (Kenyan)

Hippo's River, 2008

signed (lower right) acrylic on linen 52 x 69cm Ksh 200,000–250,000 US\$ 2,270–2,870

Provenance: Private Collection

Waite's long relationship with Kenya – she is a naturalized citizen – began in the 1960s when she arrived and felt an immediate affinity with its land and people. Waite studied art at the University of California with Richard Diebenkorn, and then in Japan she mastered a form of nature painting with ground charcoal under legendary artist, Sanshiro Ikeda. As seen in this painting, she drew on all these influences in her response to Kenya's wildlife and dramatic landscapes.

Alongside her work as an artist, Waite has been instrumental in establishing various art institutions in Kenya, most notably as a co-founder of Gallery Watatu in 1968 which was sold to Ruth Shaffner in 1984. She went on to establish Wilderbeeste Workshops and Mkonokono women's group in Lamu were she still lives.

Waite has a strong international following and has exhibited extensively in Japan, the U.S. and Kenya.



Edward Saidi Tingatinga (Tanzanian, 1932–1972)

Untitled

signed 'E.S.TINGATINGA' (lower centre) Enamel paint on board 61.5 x 60.5cm, Ksh 180,000–250,000 US\$ 2,045–2,850

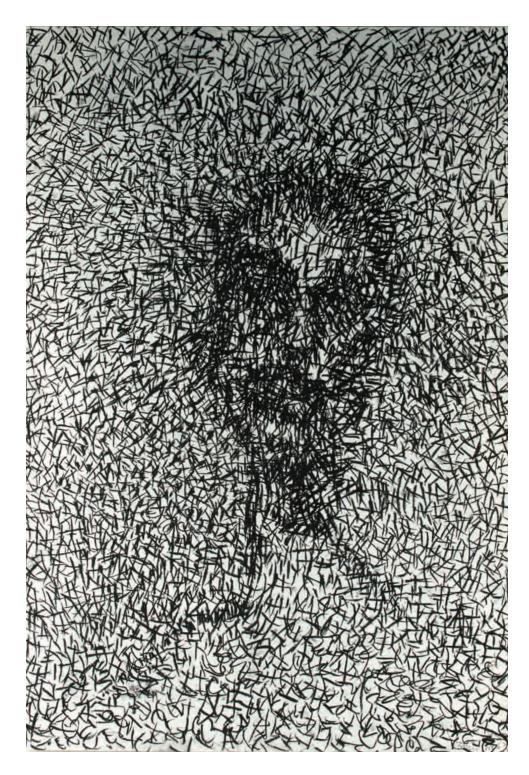
Provenance: Private Collection acquired before 1998 from George Lilanga's nephew

Tingatinga's art career lasted only four short years from 1968–72, but his impact on Tanzanian art has been profound and his legacy continues to build momentum.

The artist began practicing art out of necessity, finding that he could use enamel bicycle paint on ceiling board, cut into squares, and sell his work. He began displaying these pieces in stores across the city of Dar es Salaam and many expatriates, who lived in the area, noticed his unique and unusual style of painting and began collecting.

As his success grew, Tingatinga started to draw in close friends and family from the Makonde community to help him, firstly preparing boards and later guiding them to make their own paintings. His career was cut short when he was shot dead at the age of 40.

The Tingatinga style has now become a large industry in Tanzania, with co-operatives and small factories set up to meet the demand from local and international buyers but few original E.S.Tingatinga's come on the market.



Tonio Trzebinski (Kenyan, 1960–2001)

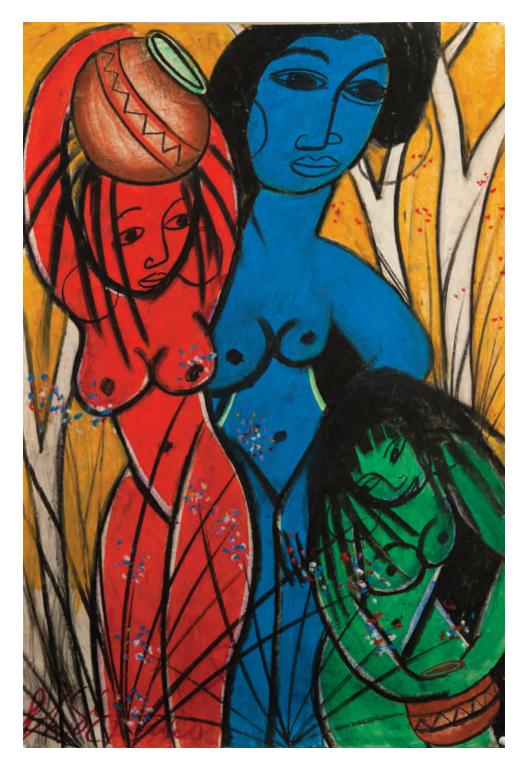
Untitled, no 6, 2000

signed 'Tonio' (lower right) charcoal on paper 100 × 75cm Ksh 1,300,000–1,500,000 US\$ 14,800–17,000

Provenance: The Artist's Estate

Trzebinski was born in Nairobi and trained at Byam Shaw School of Art, Chelsea School of Art and The Slade in London and represented both schools at the Royal Academy of Arts. Even before graduating he caught the eye of his tutors, winning "Student of the Year" at Byam Shaw and won a number of prestigious scholarships.

Initially Trzebinski worked from a studio in east London, however, he longed for his birthplace so in 1988 he returned to Kenya. His career continued to thrive and by the turn of the century his large, gestural works were finding themselves into many international private collections. He had solo shows at the Museo Baglio di Stefano, Sicily in 1996, Nairobi National Museum in 1997 and was breaking into the mainstream when he had a solo exhibition in London at Lefevre Contemporary Art in 1999 and the Peter Findlay Gallery, New York, 2001.



LOT 21

Charles Sekano (South African, born 1943)

Untitled and undated

signed 'C h Sekano' (lower left) oil pastel on paper 76 x 5 l cm Ksh 280,000–350,000 US\$ 3,180–3,980

Provenance: Private Collection

Charles Sekano is a South African artist who was forced to flee the apartheid regime, emigrating to Paris and then to Kenya where he worked as a visual artist and musician in Nairobi during the 1980s.

He was part of a select group of Gallery Watatu artists under the guidance of Ruth Schaffner.

His drawings and paintings celebrated the bohemian and multi-racial world of the Nairobi nightclubs that offered an escape from the oppression of the political regime of the time.

Charles Sekano is widely collected and he has exhibited in Kenya, Holland, Germany, Japan and the U.S. His works are in private collections across the world and in various museums including Volkekunde Museum, Frankfurt, and the Peabody Essex Museum, Massachusetts.





unsigned stoneware 34 × 19cm Ksh 200,000–300,000 US\$ 2,270–3,410

Provenance: Direct from artist



LOT 23 **Edward Ngenga** (Kenyan, born 1922)

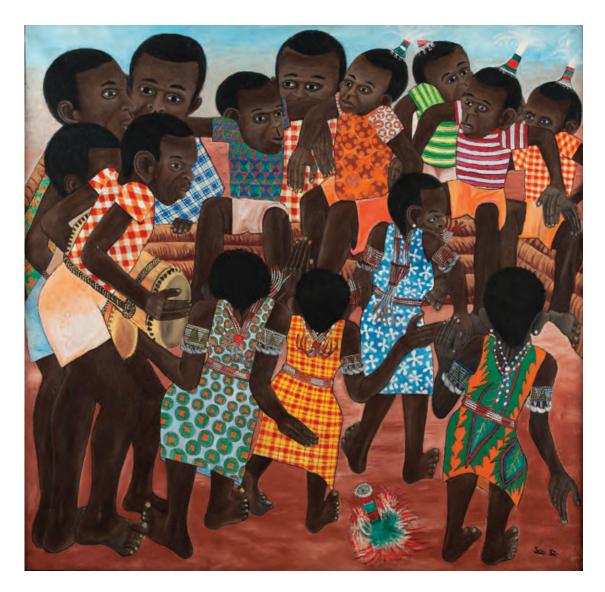
Vegetable/Fruit Hawker, 1968

unsigned terracotta 42 x 24cm Ksh 200,000–300,000 US\$ 2,270–3,410

Provenance: Direct from artist

Born more than 90 years ago, much of Njenga's work dates from the decades following independence and his sculptures, executed mostly in clay, display an instinctive social realism. Each of Njenga's sculptures are unique and serve as a visual memoir of everyday living in Nairobi and Eastleigh, where he worked as a social worker for many years. Njenga currently has a major retrospective exhibition of over 200 sculptures at the Nairobi National Museum, until January

2014. His intimate sculptures of local characters who have worked daily on Kenya's streets come alive as he describes their stories: here, The Nation newspaper vendor with his jaunty stride as he sells his papers to pedestrians and drivers and the almost extinct door-to-door vegetable hawker, with heavy baskets and even heavier expression.



LOT 24

Ancent Soi (Kenyan, born 1937)

Untitled, 1982

signed 'Soi' (lower right) acrylic on canvas 100 × 100cm Ksh 120,000–150,000 US\$ 1,360–1,700

Provenance: Private Collection.

Ancent Soi was born in Machakos, Kenya into a farming family. He came to Nairobi in 1965 and worked at the city market selling woodcarvings and paintings and soon began painting himself. He became a full-time artist and gained widespread popularity within the city.

In 1971, he achieved wider fame, winning a prestigious, continent-wide competition to design the Olympic poster for the Munich Olympics. He has since exhibited in the U.S., Japan, Germany and most recently in the UK alongside Camille Wekesa at the Deborah Gage Gallery, London in 2012 and at Nairobi Gallery, National Museums of Kenya in 2013. He remains one of Kenya's most celebrated artists.

Soi paints simple scenes of village life in a region that is fast changing. His messages are direct and uncluttered: "I paint to please myself. If other people like them, I am flattered but it is not very important."



Sane Wadu (Kenyan, born 1954)

World Trade Center: New York series, 1988

each painting individually signed 'Sane Wadu' lower right acrylic on paper $65\times276\text{cm}$ Ksh 530,000-650,000 US\$ 6,025-7,400

Provenance: Direct from artist

Sane Wadu gave up his teaching profession in the early 1980s to start painting and was one of Gallery Watatu's most successful artists and co-founder of the Ngecha Artists' Association. Considered eccentric by people who knew him as a teacher, he adopted the name Sane as a reaction to their attitude.

Wadu is still actively engaged with the Kenyan art scene, supporting young artists through The Sane Wadu Trust alongside his artist wife Eunice.

Renowned for his narrative paintings of people and animals in a distinctive, energetic style, Wadu is also an excellent printmaker: he has had solo exhibitions in New York and his work has been shown in the U.S. and Europe.

During a visit to New York in 1988, Wadu painted this highly unusual work on paper, inspired by his experience there. The artist has kept this work for 25 years. It is an exceptional piece and although it is being sold as a single entity, it could be displayed as six individual works.







LOT 26

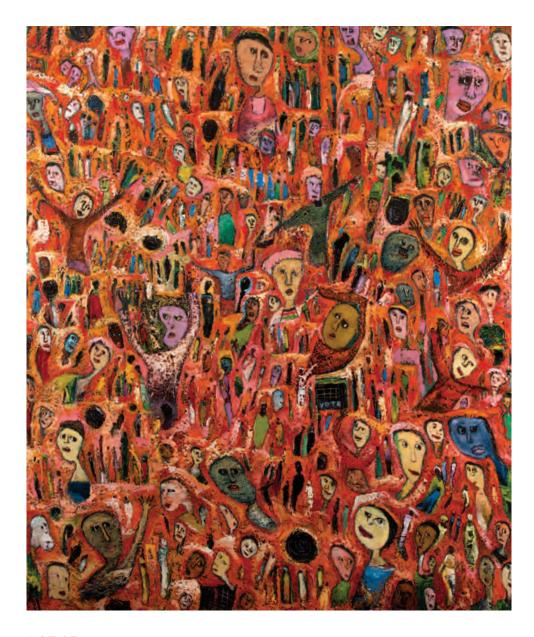
Fitsum Berhe Woldelibanos (Ethiopian, born 1979)

Read me or not, 2012

signed 'Fitsum Berhe Woldelibanos' (below) acrylic on canvas $140 \times 140 \text{cm}$ Ksh 220,000-300,000 US\$ 2,500-3,410

Provenance: Direct from artist

Fitsum was born in Ethiopia and graduated from the Asmara School of Arts in 2000 after taking courses in painting, sculpture and print making. He has lived in Kenya for the last 15 years. Frequently playing with stereotypes of the exoticised black male, his vibrant, gestural paintings have gathered an enthusiastic international following. His work has been exhibited extensively in Kenya, South Africa and Europe including Austria, Sweden and most recently in France.



Allan Githuka (Kenyan, born 1965)

Election Time, 2013

signed 'Githuka' (lower middle) oil on canvas 138 x 114cm, Ksh 80,000–100,000 US\$ 910–1,140

Provenance: Direct from artist

Githuka is a self-taught artist, raised within the "artist village" of Ngecha on the outskirts of Nairobi and inspired by its founders. Githuka paints the people, landscapes, rural scenes and day-to-day life. He produced some of his most powerful works during the post-election violence, depicting the chaos and anguish of people he had witnessed being killed or displaced.

In 2011 Githuka won the prestigious Ruth Hunt Wood Foundation award and spent a term as artist-in-residence in Kentucky, USA.

This work is typical of Githuka's sea-of-faces style and through further study we can identify the deep emotion within the multitude of human expressions and interactions.



LOT 28

Eltayeb Dawel Bait (Sudanese, born 1968)

The Spirit of Faces, 2011

signed on wooden frame (lower right) mixed media 150 x 150cm Ksh 680,000–800,000 US\$ 7,725–9,100

Provenance:
Direct from artist



Eltayeb grew up in Kosti on the White Nile in Sudan, which he left to study at the College of Fine and Applied Arts at the University of Sudan. His studies were interrupted when he was dismissed for political activities and he spent the following years living a nomadic existence in exile, struggling to make a living and continue his artistic practice. For the past few years El Tayeb has been living in Nairobi and is renowned for his inventive use of materials and compelling portraits.

This particular work shows him recycling carpenters boxes and cartons from around the city and etching multiple portraits on their surfaces in a variety of medium. These faces are a commentary on the variety and richness of the people he has encountered and, perhaps, the secrets held within their scratched and etched surfaces.

Eltayeb has exhibited widely including a solo show at TAD Gallery in Rome, 2003; a group show at Ensign Gallery in London in 2004. He exhibited at the Toronto Art Fair in 2006 and Monaco Art Fair in 2010. This year he is completing a large commission for PwC Towers in Nairobi and is part of a group exhibition in Madrid at the Gazzambo Gallery.



LOT 29

Professor Elias Njengo (Tanzanian, born 1936)

Halloween In An African Perspective, 2003

signed and dated 'E. Njengo' (lower right) oil on canvas 75.5 x 86.5cm Ksh 70,000-100,000 US\$ 795-1,140

Provenance: Private collection, acquired in 2006

Professor Njengo is one of Tanzania's best-known artists from the post independence era. He studied at Makarere University and has an MA from Concordian University, Montreal. He has been teaching at the department of Fine and Performing Arts, University of Dar es Salaam for many years where he has had a profound effect on a generation of artists. He is active on various committees including as a Trustee of Nafasi Art Space, where he supports future generations of artists.

Since the 1960s he has featured in countless group exhibitions internationally and his works can be seen in public institutions and spaces across Tanzania. He describes his works as semi-abstract, but based on his African identity.



















LOT 30

Mary Collis (Kenyan, born 1950)

False Bay Series, each painting is individually titled and dated, 2013

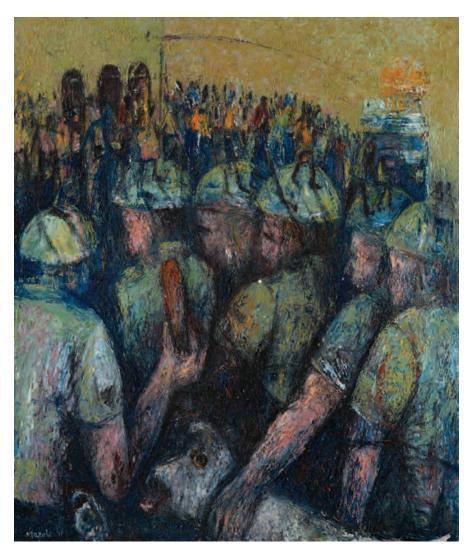
signed 'Collis' (verso) oil on canvas 25.5 x 25.5cm Ksh 180,000–200,000 US\$ 2,045–2,270

Provenance: Direct from artist

Mary Collis was born in Nairobi where she has lived all her life, recently she has spent time in Cape Town, South Africa where these atmospheric seascapes of False Bay were painted.

This is part of an ongoing series of small works painted from the same location on a daily basis that form a visual diary.

Over time Collis' painting has become increasingly abstract. Her work is mostly a response to her surroundings, the light and her feelings; she is a renowned colourist. Collis has had numerous solo exhibitions in Africa, Europe and the U.S. She is a founder of RaMoMa, the Museum of Modern Art in Nairobi, shortly to be reopened under the name MOCA.



LOT 31 Mazola Wa Mwashighadi (Kenyan, born 1964)

Selma Montgomery March, undated

signed 'Mazola' (lower left) oil on canvas $80 \times 80 \text{cm}$ Ksh 140,000-180,000 US\$ 1,590-2,050

Provenance: Direct from artist's daughter

Mwashighadi is a multimedia artist, born in Kenya and currently living and working in Kingston, Jamaica. A winner of the Commonwealth Art & Craft Award in 1996/7, he has had solo and group exhibitions in Africa, Europe and the Caribbean.

This powerful work is a commentary on the civil rights protest marches in the U.S.



Sebastian Kiarie (Kenyan, born 1971)

My House Help, 2011 signed 'Kiarie' (lower right) oil on canvas 148 × 144cm Ksh 300,000–350,000 US\$ 3,410–3,980

Provenance: Acquired direct from artist by Banana Hill Art Gallery

Sebastian Kiarie's career began in the early 1990s under the support of the Ngecha Village art community.

"As opposed to painting objects accurately and informatively, I paint with an intent to capture the essence and feeling of a given moment. I have an interest in personal mythologies, and symbolism is evident in my work, both in stylized figures and using colours subjectively."

Kiarie has exhibited in Germany, the U.S., U.K., Japan, Zambia, South Africa, South Korea and U.A.E.

This painting is typical of Kiaire's narrative style, pushing the viewer to their own interpretation of the subject's story.



LOT 33

Geoffrey Mukasa (Ugandan, 1954–2009)

Celebrations, circa 2006/07 signed 'Mukasa' (lower right) oil on canvas 180 × 150cm Ksh 1,000,000 –1,400,000 \$11,360–15,910

Provenance: Acquired direct from the Estate by Red Hill Art Gallery

Mukasa spent part of his childhood in the King's palace in Buganda and left during the time of Idi Amin to study at Lucknow College of Arts and Crafts, India. This was a period when experimentation in formal content and subject mattered. Informed by both Indian and European aesthetics, Mukasa flourished. He was deeply influenced by celebrated Indian artist, M.F. Hussain. Mukasa returned to Uganda with a style that was distinctly different from that of his peers from Makerere School of Fine Art. His works retained a raw energy and luminosity.

A concise draughtsman, his work – deeply symbolic – frequently focuses on man's relationship with the environment and the interaction between humans, flora, and fauna. Mukasa's work is widely collected, and frequently exhibited, both in Uganda and internationally. Publications include the recent – 'Mukasa Geoffrey – the artist's life in Uganda', AKA Gallery Kampala/Uganda published by Maria Fischer, Rose Kirumira, Paul Lubowa and Josephine Mukasa (2011).







LOT 34

Ephrem Solomon (Ethiopian, born 1983)

Left to right: The Poor Gambler; Untitled; The Gambler 4, 2013

signed 'Ephrem 2013' woodcut, paint and collage 60 × 62cm; 63 × 63cm; 62 × 62cm Ksh 300,000–400,000 US\$ 3,400–4,545

Provenance: Direct from artist

"In a world where newness has become a value in and of itself, I am more moved by the compliment that what I am doing technically feels like something from the past, while embodying something that is currently relevant".

Born in Addis Ababa, Solomon has specialised in traditional print making. Since graduating from Entoto Art School in 2009, he has participated in various international residencies and workshops including Wasanii international artists workshop, Kenya 2011. He has exhibited in East Africa, Dubai and Croatia.

With a very limited palette and pared-down composition, Solomon combines the tradition of woodcut and collage with graphic design and creates compelling contemporary work. He uses loaded and often repetitive symbols, such as chairs, shoes and tables to discuss sensitive political and social issues within Ethiopia.





LOT 35 Samuel Wanjau (Kenyan, born 1936) Dancing Warrior, circa 1978

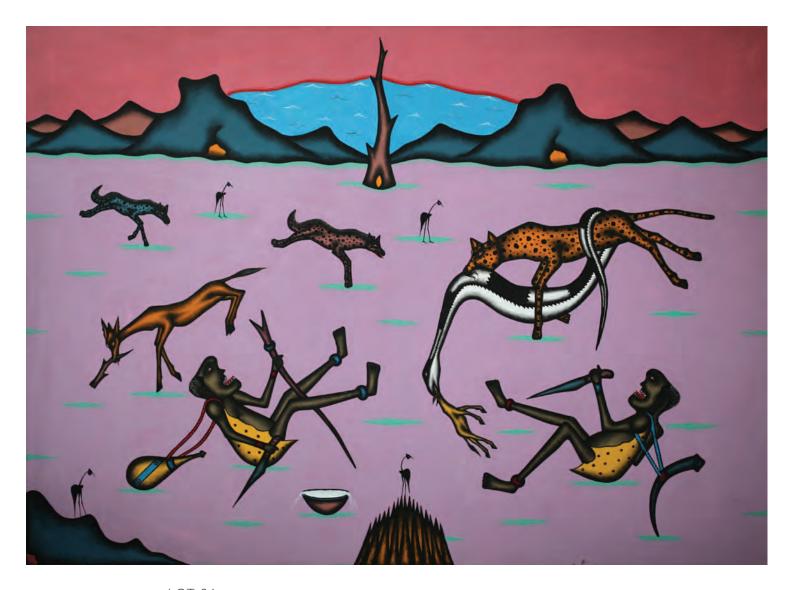
unsigned tropical hardwood $260 \times 31 \text{cm}$ Ksh 2,200,000-2,500,000 US\$ 25,000-28,500

Provenance: Private Collection

Wanjau is undoubtedly one of Kenya's most revered and influential sculptors.

Born in Nyeri on the family farm, he left school to join a carvers' cooperative in Mombasa and later in Nairobi and when independence came he started producing curios for the tourist market. On meeting Elimo Njau of Paa Ya Paa (Arts Centre) he began to explore new styles and techniques and discovered a highly personal style that conveyed powerful emotion in the everyday figures and animals he carved.

Wanjau exhibited widely in East Africa and internationally including Sweden, Britain, Canada, the U.S. and Italy. His influence on the second generation of sculptors which include both his sons, Jackson and Anthony, has been profound. His work and career is emblematic of a time when artists were breaking away from the mass production of co-operatives and finding distinctive individual voices.



LOT 36

Kivuthi Mbuno (Kenyan, born 1947)

Kamba Hunters, 2011

signed 'Kivuthi Mbuno' (lower right) acrylic on canvas 145 x 199cm Ksh 550,000–650,000 \$ 6250–7390

Provenance: Private Collection, acquired in 2011 direct from artist

Prior to becoming an artist, Mbuno worked as a cook in the safari industry in Kenya, which led him to travel into the interior of both Kenya and Tanzania exposing him to nature and the wildlife living there. These long treks, and his memories of the traditional life of his Wakamba ethnic group, are the inspiration for his paintings. His distinctive style using ink, color pencils, pastels, and more recently acrylic, leads the viewer into a fantastical natural world, sometimes hostile, sometimes harmonious.

Mbuno has exhibited widely, in museums and private galleries across Europe including the Saatchi Collection in London and the Center for African Art in New York.



LOT 37

Evarist Chikawe (Tanzanian, born 1974)

Talkertive 1/4, undated

signed E. Chikawe (lower right) woodcut print on paper 21 × 27cm Ksh 20,000–25,000 US\$ 230–285

Provenance: Direct from artist

Chikawe is an established artist based in Dar es Salaam and an active member of the arts community. He is passionate about his cultural background and his work frequently depicts cyclical activities such as harvest times and stories of village life as related by the elders. The work featured in this sale is a simple but visually compelling work where the title says it all. Chikawe believes "art is an effective medium to teach peace, preserve culture, educate people and express feelings". His work has been exhibited as part of the *Africa Now* exhibition in 2008 organised by Thorup

His work has been exhibited as part of the *Africa Now* exhibition in 2008 organised by Thorup Art, in Finland, Norway and Denmark, as well as frequently in Nairobi and his home country Tanzania.



LOT 38

Anthony Okello (Kenyan, born 1976)

Masquerade – The Epilogue, 2013

signed 'A. Okello' (lower right) oil on canvas 140 × 117cm Ksh 600,000–700,000 US\$ 6,820–7,950

Provenance: Direct from artist

"I do believe as an artist that the work must resonate with me first before it does to others"

Anthony Okello's works over the last 5 years have characteristically been allegorical compositions with a cast of animal and human forms playing out mythologies collected from local communities. In his recent series of work there is a move towards a more personal mythology. Okello was born in Kenya and studied art at the Buru Buru Institute of Fine Art before moving to Kuona Trust in 2004. His work is included in various private and corporate collections such as PwC and Afren PLC. His work has been published in 'World Art Collection – 1001 reasons to love the art' and he has exhibited in Kenya, India and France.

'Masquerade' was made after a recent move to the outskirts of Nairobi. He says it is a reflection not only of himself but of society, changing identities, pretence and the hiding of ones true self. This painting is the final one in his Masquerade series, showing deeper emotion than the earlier works, one of which was recently sold at Bonhams in London.



LOT 39

Eria 'Sane' Nsubuga (Ugandan, born 1979)

Christ at Golgotha, 2013

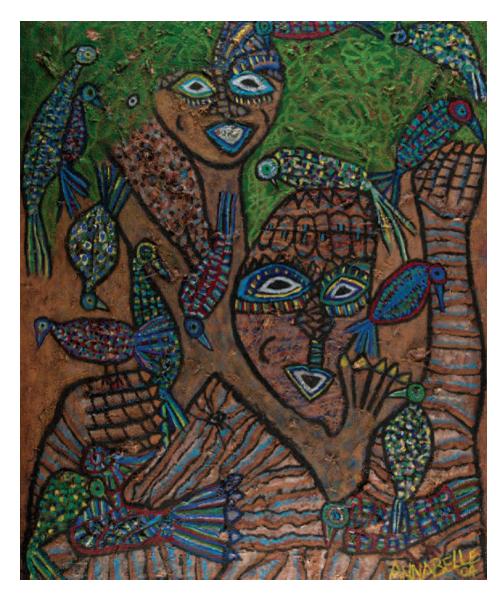
unsigned acrylic on canvas 100 x 100cm Ksh 95,000–120,000 US\$ 1,080–1,365

Provenance: Direct from artist

'Sane' graduated from Makerere University in 2008 with a MA in sculpture from the Margaret Trowell School of Industrial and Fine Arts. He currently lectures at the Department of Art and Design at the Ugandan Christian University in Mukono and practices in painting, illustration and sculpture.

Sane's first solo exhibition took place at AKA Gallery in 2002. Since then he has had a succession of solo exhibitions in Kampala and exhibited at the KLA ART 012 (Kampala Contemporary Art Festival) in 2012, Milan Triennale in 2007 and the Florence Biennale in 2011. He has participated in group exhibitions at the Rahuset Exhibition Hall in Copenhagen, the Art Museum in Shanghai and the Centre Pompidou in Paris.

'Christ at Golgotha' is a religious work that touches on the idea of a non European Christ or Christianity. Sane seeks to separate Christianity from Colonialism.



LOT 40

Annabel Wanjiku (Kenyan, born 1962)

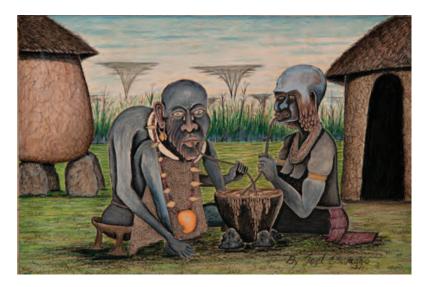
Mother Nature and her Babies, circa 2001

signed 'Annabel Wanjiku' (lower right) soil, ashes, charcoal and acrylic on jute 121 x 100cm Ksh 280,000–320,000 US\$ 3,180–3,630

Provenance: Direct from Artist by Red Hill Art Gallery

Wanjiku was one of Ruth Schaffner's most celebrated Gallery Watatu artists. She was initially discovered as part of the Ngecha Village arts co-operative and was mentored by Schaffner who considered her one of the most interesting female artists of her generation in Kenya.

Her homegrown, impasto technique of laying paint on canvas, involves mixing and creating her own paints using clay and natural pigments alongside traditional artist paint from her home in Nyeri. Her work has featured in group and solo exhibitions since 1988 in Kenya, Uganda, Germany and Japan. Wanjiku remains one of Nairobi's legends from the post-independence era.



LOT 41

Joel Oswaggo (Kenyan, born 1944)

'A man and his wife drinking their beer at the time of harvesting', undated

signed 'by Joel Oswaggo' (lower right) acrylic on canvas $18 \times 25 \text{cm}$ Ksh 50,000-70,000 US\$ 570-795

Provenance: Private Collection



LOT 42

Joel Oswaggo (Kenyan, born 1944)

Untitled, undated

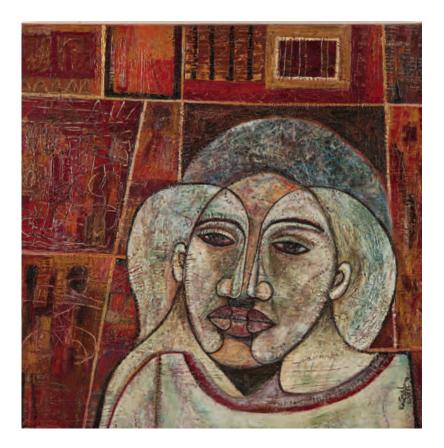
signed 'by Joel Oswaggo' (lower middle) acrylic on canvas $18 \times 25 \text{cm}$ Ksh 50,000-70,000 US\$ 570-795

Provenance: Private Collection

Oswaggo began drawing as a boy, intrigued by the illustrations he saw in schoolbooks and replicating them on the walls of his home. He grew up in a time of significant transition for the Luo people, with Western culture gaining increasing influence.

Oswaggo worked for a period as a sign-writer in Uganda where he developed his skills under the tutelage of Italian colleagues before returning home. He struggled to make a living until he was supported and promoted by Gallery Watatu owner, Ruth Schaffner who recognized the skill of his illustrations and the importance of his work as a commentary on local traditions, particularly those of his ethnic group.

These small paintings document scenes of village life in the past and are a record of a vanishing way of life.



LOT 43

Kamal Shah (Kenyan, born 1953)

Face to Face, 2011

signed 'Kamal Shah' (lower right) acrylic on canvas 50 × 50cm Ksh 110,000–140,000 US\$ 1,250–1,590

Provenance: Desai Collection

Shah was born and lives in Kenya and is of Indian origin. He studied English Literature and Fine Art followed by a postgraduate diploma in Textile Design at Leeds University, UK. His paintings and mixed media work draw on his African, Asian and European upbringing using motifs and references from all these cultures, often creating work that is spiritual in content or quality.

Shah is a renowned and popular artist in Nairobi and earlier this year exhibited his work at a group show entitled Sanctuary, Home Away, The Common Ground at the Brunei Gallery, SOAS, University in London.

This painting depicts a recurring theme in Shah's art, initially entitled the Interface series: each is a portrait of an individual identity but evokes subtle shifts in ethnicity – faces within faces.



LOT 44 **Paul Onditi** (Kenyan, born 1980)

Half Life, 2013

signed 'Wudg' (bottom right) mixed media on synthetic sheet 138 x 122cm Ksh 275,000–300,000 US\$ 3,125–3,410

Provenance: Direct from artist

Onditi's work examines the cyclical nature of human experience and behaviour, encapsulated in the oft touted expression 'what goes around, comes around'.

Typically his work depicts a lonely character called 'Smokey' who represents a blank state of mind. The artist works in muted hues using a reductive technique to navigate what he refers to as the dilemma of the human condition.

Onditi has exhibited both in Kenya and internationally including the exhibition 'Ernst and Young Action' at the Museum für Angewandte Kunst Frankfurt, 2010.

'Half Life' depicts a botched robbery ordeal and contains defaced Kenyan currency. The work was inspired by the successful Kenyan film, 'Nairobi Half Life'. It is one of a pair with the other sold in May 2013 at the Bonhams Charity Auction.



LOT 45

James Muriuki (born 1977)

Untitled, from the series Undefined Construction, 2012

signed 'James Muriuki' (on verso lower right) giclée print, mounted on aluminum and acrylic reverse 80×120 cm Ksh 150,000-170,000 US\$ 1,700-1,930

Provenance: Direct from artist

Muriuki began his artistic career with experimental snapshots whilst at university. A recurring subject for the artist is the transition of urban space.

Based in Nairobi, the city becomes his primary inspiration. His works explore ever-changing yet inter-dependent facets of the urban landscape, with architecture and construction providing strong visual and metaphorical dimensions.

At present the artist is experimenting with motion, video and mixed media. His work has been exhibited and collected in Kenya, South Africa, the U.S., Denmark, Spain and Germany. He is a founding member of 3Collect, an artist collective engaged with curatorial practice. These images are part of Muriuki's continuing engagement with a society in transition.



LOT 46

Ehoodi Kichapi (Kenyan, born 1982)

Benor or Beast of Burden, circa. 2009

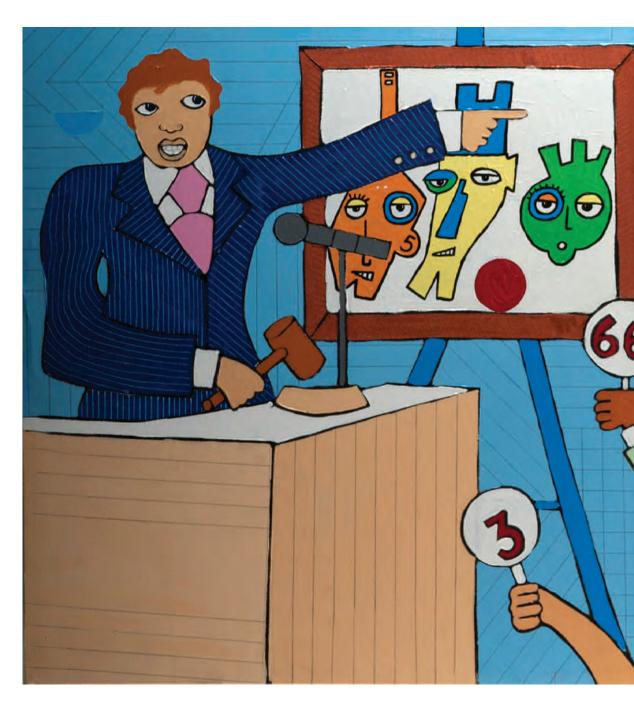
signed 'Jesse Ng'ang'a' (lower left) acrylic on canvas I I 0 × 80cm Ksh 200,000–220,000 US\$ 2,275–2,500

Provenance: Private Collection

Kichapi starting practicing as a cartoonist and over time in the process of teaching art to street children, taught himself to paint through vociferous reading, hard work and application. Ehoodi's work is frequently focused on depicting the human psyche. Alongside the late painter Jean-Michel Basquiat, he cites West African music, his own culture and everyday life in Kenya as his principal influences and themes.

Kichapi's work is in a number of private collections in Kenya and he frequently features in solo and group exhibitions. He was one of seven African artists who featured in an exhibition entitled 'Power and Rights', Contemporary Art from East and West Africa that toured Denmark in 2011/12.

This painting was reproduced in an article in January 2009 in 'The EastAfrican' and shown at the exhibition 'Elaborations' at RaMoMA, Nairobi in 2009.



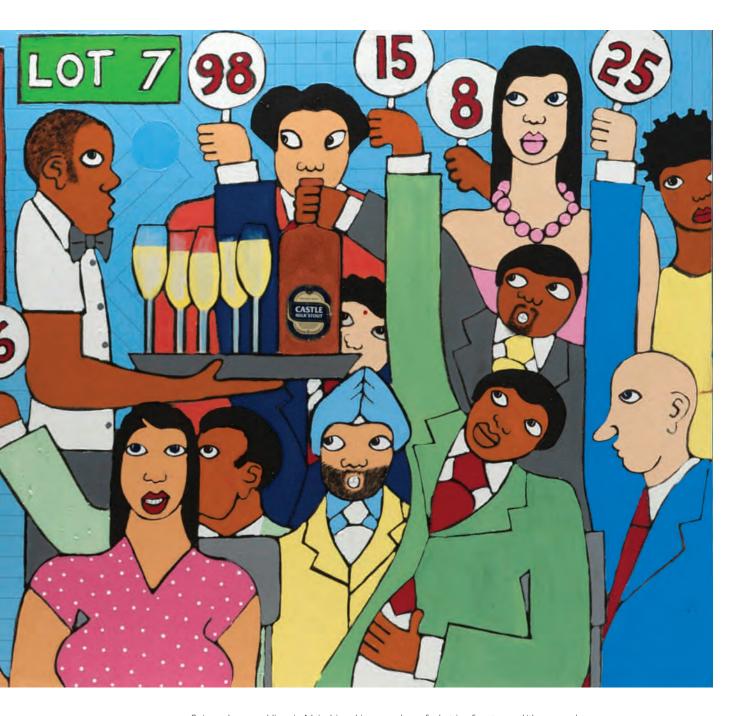
LOT 47

Michael Soi (Kenyan, born 1972)

Auction, 2013

signed 'SOI' (verso) acrylic on canvas 100 × 200cm Ksh 100,000–140,000 US\$ 1,140–1,590

Provenance: Direct from artist



Soi was born and lives in Nairobi and is a member of what is often termed 'the second generation' of Kenyan artists that emerged through Kuona Trust in the late 90s. In 1996, after graduating from Buru Buru Institute of Fine Art in Nairobi, he began his career as a sculptor and over the years refined his own visual and artistic vocabulary through painting.

Soi's art began to receive local and international recognition, particularly in the diaspora, as he developed an aesthetic vocabulary allied to social commentary. A recent series called 'China loves Africa' has been widely collected. He is currently working on a series of paintings that revolve around Nairobi's sex industry and the denial that around these establishments.

His work has been collected by the Casoria Museum of Contemporary Art, Naples, Standard Chartered Bank (UK) and private collectors including ICC's Luis Moreno Ocampo and writer, Michela Wrong and lawyer Atsango Chesoni.

'Auction' was painted in August 2013 to celebrate this auction.

NOTICE TO BIDDERS

By Placing a Bid at or before the auction, the bidder agrees to be bound by the terms herein.

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- Circle Art Agency acts as agent for the Seller and, therefore, the contract of sale is made between the Seller and the Buyer.
- 2. Buyers are responsible for satisfying themselves concerning the condition of the property and the matters referred to in the catalogue entry. This can be done by, for example, a personal inspection and examination of the property in which they are interested, a consultation with the artist or any other authority on the subject (if known to the buyer) and/or a review of past-sales amounts for similar items, where available. To facilitate in this process, Circle Art Agency Ltd provides free viewings of the consigned lots prior to the auction and condition reports of individual works on request.
- 3. Neither Circle Art Agency Ltd nor the seller provides any guarantee in relation to the property, which is sold in "as is" condition to the buyer. This pertains to, but is not limited to, the condition of the work, the authorship and authenticity of the work and any descriptive or historical detail about the work that is disclosed verbally or printed in the catalogue or elsewhere. In good faith to the buyer, signed declarations by the seller warrant the following: (a) the seller is the owner of the item, or is properly authorized by the owner to sell the item. (b) The seller can and shall, in accordance with the conditions set upon him by Circle Art Agency Ltd, transfer possession to the buyer with good and marketable title to the item, free from any third party rights, claims or potential claims (including without limitation, by governments or governmental agencies). (c) The seller has provided Circle Art Agency Ltd in writing with all information concerning the item's provenance and has notified Circle Art Agency Ltd in writing of any concerns expressed by third parties concerning its ownership, condition, authenticity, attribution and export or import history. (d) The seller has paid or will pay all taxes and duties potentially due to her on the sale proceeds of the item.
- 3. (a) All statements by Circle Art Agency Ltd made orally or printed in the catalogue entries, the condition reports or elsewhere are statements of opinion and not to be relied on as statements of fact. Such statements do not constitute a representation, warranty or assumption of liability by us of any kind. (b) References to damage and restoration are for guidance only and absence to such references does not imply that an item is free from defects or restoration, nor does a reference to particular defects imply the absence of any others
- 3. (b) The Seller does not make or give and does not agree to make or give any contractual promise, undertaking, obligation, guarantee, warranty, or representation of fact, or undertake any duty of care, in relation to any Descript of the Lot or any Estimate in relation to it, nor of the accuracy or completeness of any Description of Estimate which may have been made by or on behalf of the Seller including by Circle Art Agency Ltd. No such Description or Estimate is incorporated into this Contract for Sale.

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4. (a) A prospective buyer must complete and sign a bidder registration form, provide identification. Circle Art Agency Ltd may require the production of bank or other financial references. Following this process they will be allocate a numbered bidding paddle. (b) A prospective, registered Buyer can authorize a third-party to act as agent in the bidding process if the Buyer is unable to attend the auction. This arrangement, if such is to occur, must be conveyed in writing to Circle Art Agency Ltd and approved by the same. (c) Circle Art

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- 5. When making a Bid, a Bidder is accepting personal liability to pay the Purchase Price, including the Buyer's Premium and all applicable taxes. The Buyers' Premium, common practice in all international auction houses, is in this case 15% of the hammer price +VAT on this 15%. This equals 17.4% of the hammer price. This does not apply if the Bidder is acting as agent on behalf of an identified third party acceptable to Circle Art Agency Ltd and this has been explicitly agreed in writing or by email to Circle Art Agency Ltd before the commencement of the sale. In respect of this situation Circle Art Agency Ltd will only consider the principal liable for payment. Conditions in paragraph 4 apply to both the agent bidder and the principal for the Bid to be valid.
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- 7. Reserve sale prices, indicated by the owner, are included for all lots. The Reserve is the confidential minimum price for the lot. If bidding for a particular lot ends below the reserve, the lot will not be sold. The Reserve will not exceed the low estimate printed in the catalogue. The auctioneer may open the bidding on any lot below the reserve and may continue to bid on behalf of the seller up to, and strictly limited to, the amount of the reserve, either by placing consecutive bids or by placing bids in response to other Bidders.
- 8. The auctioneer has the right at his absolute and sole discretion to refuse any bid, to advance the bidding in such a manner as he may decide, to withdraw or divide any lot, to combine any two or more lots and, in the case of error or dispute, and whether during or after the sale, to determine the successful bidder, to continue the bidding, to cancel the sale or to reoffer and resell the item in dispute. If any dispute arises after the sale, our sale record is conclusive.
- 9. Subject to the auctioneer's discretion, the highest bidder accepted by the auctioneer will be the Buyer. The auctioneer will indicate that the highest bid has been accepted with a strike of his hammer (hereafter referred to as the 'hammer price'). This same strike of the hammer symbolically and legally establishes the contract for sale between the seller and buyer. Risk and responsibility for the lot (including frames or glass where relevant) passes to the buyer at the expiration of seven calendar days from the date of the sale or on collection by the Buyer if earlier.

The Sale will be conducted in Kenyan Shillings.

Dollar estimates listed are at a rate TUS\$ to Ksh88.

After the Sale

- 10. In addition to the hammer price, the Buyer agrees to pay Circle Art Agency Ltd the Buyer's premium (this becomes the 'purchase price'), together with any applicable value added tax (VAT). The buyer's premium is 15% of the hammer price. The VAT, subject to Kenyan law is 16% of the buyer's premium. The total the bidder pays on hammer price is thus 17.4%.
- II. Immediately following the sale, the Buyer must confirm his or her name and permanent address and, if applicable, the details of the bank from which payment will be made. The Buyer must pay the full amount due (comprising the hammer price, buyer's premium and VAT) immediately after the sale. The Buyer will not acquire title to the lot until all amounts due to Circle Art Agency Ltd from the Buyer have been received in good cleared funds even in circumstances where the lot has been released to the buyer.
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- 14. Risk in the Lot passes to you when it is knocked down to you on the fall of the Auctioneer's hammer in respect of the Lot. The Seller will not be responsible thereafter for the Lot prior to you collecting it from Circle Art Agency Ltd. You will indemnify the Seller and keep the Seller fully indemnified from and against all claims, proceedings, costs, expenses and losses arising in respect of any injury, loss and damage caused to the Lot after the fall of the Auctioneer's hammer until you obtain full title. Title to the Lot remains and is retained by the Seller until the Purchase Price and all other sums payably by you to Circle Art Agency Ltd in relation to the Lot have been paid in full to, and received in cleared funds by, Circle Art Agency Ltd.
- 15. Although Circle Art Agency Ltd shall use reasonable efforts to take care when handling, packing and shipping a purchased lot, we are not responsible for the acts or omissions of third parties whom we might retain for these purposes. Similarly, where we may suggest other handlers, packers or carriers if so requested, we do not accept responsibility or liability for their acts or omissions.
- 16. Unless otherwise agreed by Circle Art Agency Ltd in writing, the fact the buyer wishes to apply for an export license does not affect his or her obligation to make payment within seven days nor our right to charge interest or storage charges on late payment. Circle Art Agency Ltd is unable to undertake the procedure on behalf of the buyer but can refer them to a suitable agent.
- 17. If the buyer fails to make payment in full in good cleared funds within the time required by paragraph 12 above, we shall be entitled in our absolute discretion to exercise one or more of the following rights or remedies (in addition to asserting any other rights or remedies available to us by law):
- (a) to charge interest at such rate we shall reasonably decide; (b) to hold the defaulting buyer liable for the total amount due and to commence legal proceeding for its recovery together with interest, legal fees and cost to the fullest extent permitted under applicable law; (c) to cancel the sale; (d) to resell the property publicly or privately on such terms as we shall think fit; (e) to pay the seller an amount up to the net proceeds payable in respect of the amount bid by the defaulting buyer; (f) to set off against any amounts which

- we may owe the buyer in any other transactions, the outstanding amount remaining unpaid by the buyer; (g) to reject at any future auction any bids made by or on behalf of the buyer or to obtain a deposit from the buyer before accepting any bids; (h) to exercise all the rights and remedies of a person holding security over any property in our possession owned by the buyer, whether by way of pledge, security interest or in any other way, to the fullest extent permitted by the law of the place where such property is located. The Buyer will be deemed to have granted such security to us and we may retain such property as collateral security for such Buyer's obligations to us; (i) to take such other action as we deem necessary or appropriate. If Circle Art Agency Ltd resells the property under paragraph (d) above, the defaulting buyer shall be liable for payment of any deficiency between the total amount originally due to us and the price obtained upon resale as well as for all costs, expenses, damages, legal fees and commissions and premiums of whatever kind associated with both sales or otherwise arising from the default. If Circle Art Agency Ltd pays any amount to the Seller under paragraph (e) above, the buyer acknowledges that Circle Art Agency Ltd shall have all of the rights of the Seller, however arising, to pursue the Buyer for such amount
- 18. Where purchases are not collected within seven calendar days from the date of sale, whether or not payment has been made, Circle Art Agency Ltd shall be permitted to remove the property to, an insured and managed third party warehouse at the Buyer's expense. Circle Art Agency Ltd is only liable to release the items after payment in full has been made of all the additional costs incurred, whether for removal, storage, handling, insurance and/or any other activity that warrants charges. This includes payment of all other amounts due to Circle Art Agency Ltd, in respect of the purchase price and any applicable taxes.

Limited Warranty

- 19. Circle Art Agency Ltd agrees to refund the purchase price in the circumstances of the Limited Warranty set out in paragraph 19 below. Apart from any of those circumstances, neither the seller nor Circle Art Agency Ltd including any of its officers, employees or agents, are responsible for the correctness of any statement of any kind concerning any lot, whether written or oral. This includes any errors or omissions in description or for any faults or defects in any lot.
- 20. Subject to the terms and conditions of this paragraph Circle Art Agency Ltd warrants for a period of two years from the date of the sale that any property described in headings as Direct from Artist, in this catalogue (as such description may be amended by any saleroom notice or announcement) which is stated without qualification to be the work of a named artist, is authentic and not a forgery. Circle Art Agency Ltd is neither responsible for omission or errors of such information below the heading. The warranty is subject to the following: (a) It does not apply where the catalogue description or saleroom notice corresponded to the generally accepted opinion of scholars or experts at the date of the sale or fairly indicated that there was a conflict of opinions. (b) The benefits of the warranty are not assignable and shall apply only to the original Buyer of the lot as shown on the invoice originally issued by Circle Art Agency Ltd. (c) The Buyer's sole and exclusive remedy against Circle Art Agency Ltd and the seller is the cancellation of the sale and the refund of the original purchase price paid for the lot. Neither Circle Art Agency Ltd nor the seller will be liable for any special, incidental or consequential damages, including, without limitation, loss of profits nor of interest. (d) The Buyer must give written notice of claim to us within two years from the date of the auction. The Buyer is required to obtain the written opinions of two recognised experts in the field, mutually acceptable to

Circle Art Agency Ltd and the Buyer, before Circle Art Agency Ltd decides whether or not to cancel the sale under the warranty. (e) The buyer must return the lot to Circle Art Agency Ltd in the same condition as at the time of the sale.

Other Conditions

- 21. (a) The copyright in all images, illustrations and written material produced by or for Circle Art Agency Ltd relating to a lot is and shall remain at all times the property of Circle Art Agency Ltd and shall not be used by anyone without our prior written consent. (b) Circle Art Agency Ltd and the Seller make no representation or warranty that the Buyer of a property will acquire any copyright or other reproduction rights in it.
- 22. If any part of these Conditions of Sale is found by any court to be invalid, illegal or unenforceable, that part shall be discounted and the rest of the conditions shall continue to be valid to the fullest extent permitted by law.

Governing Law

23. This agreement shall be governed by Kenyan law and the parties agree to

APPENDIX

List of Definitions

Definitions and Glossary

Where these Definitions and Glossary and incorporated, the following words and phrases used have (unless the context requires) the meanings given to them below. The Glossary is to assist you to understand words and phrases which have a specific legal meaning with which you may not be familiar.

- "Auctioneer" the representative of Circle Art Agency Ltd conducting the Sale
- "Bidder" a person who has completed a bidding form
- "Bidding Form" our Bidding Registration Form, our Absentee Bidding Form or our Telephone Bidding Form
- "Circle" Circle Art Agency Ltd or its successors or assigns. Circle is also referred to in Buyer's Agreement, the conditions of Business and the Notice to Bidders by the words "we", "us" and "our".
- "Business" includes any trade, Business and Profession.
- "Buyer" the person to whom a lot is knocked down by the Auctioneer. The Buyer is also referred to in the Contact for Sale and the Buyers Agreement by the words "you" and "your".
- $\hbox{\it ``Buyer's Agreement''} \ the \ contract \ entered \ into \ by \ Circle \ Art \ Agency \ Ltd \ with \ the \ Buyer$
- "Buyer's Premium" the sum calculated on the Hammer Price at the rate stated in the Notice to Bidders.
- "Catalogue" the Catalogue relating to the relevant Sale, including any representation of the Catalogue published on our Website.
- "Commission" the Commission payable by the seller to Circle Art Agency Ltd calculated at the rates stated in the Contract Form.
- "Condition Report" a report on the physical Condition of a Lot provided to Bidder or potential Bidder by Circle on behalf of the Seller.
- "Condition of Sale" the Notice to Bidders, Contract for Sale, Buyer's Agreement and Definitions and Glossary.
- "Consignment Fee" a fee payable to Circle Art Agency Ltd by the Seller calculated at the rates set out in the Conditions of Business.
- "Contract Form" the Contract Form, or vehicle Entry Form, as applicable, signed by or on behalf of the Seller listing the Lots to be offered for sale by Circle Art Agency Ltd.
- "Description" any statement or representation in any way descriptive of the Lot, including statement or representation relating to its authorship, attribution,

condition, provenance, authenticity, style, period, age, suitability, quality, origin, value, estimated selling price (including the Hammer Price).

- "Entry" a written statement in the Catalogue identifying the Lot and its Lot number which may contain description and illustration(s) relating to the Lot.
- "Estimate" a statement of our opinion of the range within which the hammer is likely to fall.
- "Expenses" charges or Expenses charged or payable by Circle Art Agency Ltd in respect of the Lot including Legal Expenses, banking charges and Expenses incurred as a result of an electronic transfer of money, charges and Expenses for loss and damage, cover, insurance, Catalogue and other reproductions and illustrations, any custom duties, advertising, packing or shipping costs, reproduction rights' fees, taxes, levies, cost of testing, searches or enquiries, preparation of the Lot for Sale, storage charges, removal charges or costs of collection from the Seller as the Seller's agents or from a defaulting Buyer, plus VAT if applicable.
- "Hammer Price" the price in the currency in which the Sale is conducted at which a Lot is knocked down by the Auctioneer:
- "Loss and Damage Warranty" means the warranty described in paragraph 8 of the Conditions of Business.
- "Lot" any item consigned to Circle Art Agency Ltd with view to its Sale at Auction or by private treaty (and reference to any Lot will include, unless the context otherwise requires reference to individual items comprised in a group of two or more items offered for sale as one Lot).
- "Notional Charges" the amount of commission and VAT which would have been payable if the Lot had been sold at the Notional Price.
- "Notional Fee" the sum on which the Consignment Fee payable to Circle Art Agency Ltd by the Seller is based and which is calculated according to the formula set out in the Conditions of Business.
- "Notional Price" the latest in time of the average of high and low Estimates given by us to you or stated in the Catalogues or, if no such Estimates have been given or stated, the Reserve applicable to the Lot.
- "Notice to Bidders" the notice printed at the back or front of our Catalogue "Purchase Price" the aggregate of the Hammer Price and the VAT on the Hammer Price.
- "Reserve" the minimum price at which a Lot may be sold (whether at auction or by private treaty)
- "Sale" the Auction Sale at which a Lot is to be offered for Sale by Circle Art Agency Ltd.
- "Sale Proceeds" the net amount due to the Seller from the Sale of a Lot, being the Hammer Price less the Commission, any VAT chargeable thereon, Expenses and any other amount due to us in whatever capacity and whatsoever arising.
- "Seller" the person who offers the Lot for Sale named on the Contract Form. Where the person so named identifies on the form another person acting as his agent, or where the person named on the Contract Form acts as an agent for a principal (whether such agency is disclosed to Circle Art Agency Ltd or not), Seller includes both the agent and the principal who shall be jointly or severally liable as such. The Seller is also referred to in the Conditions of Business by the words "you" and "your".
- "Standard Examination" a visual examination of a Lot by a non-specialist member of Circle Staff.
- "VAT" value added tax at the prevailing rate at the date of the Sale
- "Website" Circle's website at circleartagency.com
- "Withdrawal Notice" the Seller's written notice to Circle Art Agency Ltd revoking Circle Art Agency's instruction to sell a lot
- "Without Reserve" where there is no minimum price at which a Lot may be sold (whether at auction or by private treaty)



Registration and Bidding Form

(Attendee/Absentee/Telephone Bidding) please circle your bidding method above.

PADDLE NO (office use only)

This sale is conducted in accordance with Circle Art Agency's Conditions of Sale and bidding and buying at the Sale will be regulated by these Conditions. You should read the Conditions in conjunction with the Sale Information relating to this Sale which set out the charges payable by you on the purchases you make and other terms relating to bidding and buying at the Sale.

Payments

In accordance with our Conditions of Business, successful bidders must pay a Buyer's Premium of 17.4% on top of the final Hammer Price.

Notice to Bidders

Clients are requested to provide photographic proof of ID. We may also request that you provide a bank reference.



If you are not attending the auction in person, please provide details for the Lots on which you wish to bid at least 24 hours prior to the sale. Bids will be rounded down to the nearest increment. Please refer to the Notice to Bidder in the catalogue for further information relating to Circle Art Agency executing telephone or absentee bids on your behalf. Circle Art Agency will endeavour to execute these bids on your behalf but will not be liable for any errors or failing to execute bids.

General Bid Increment:

10,000-200,000 Ksh	by 10,000
200,000-500,000 Ksh	
500,000-1 million Ksh	by 50,000
I million-2 million Ksh	by 100,000
2 million-5million Ksh	by 200/500/800,000s
5million-10million Ksh	by 500,000s

The auctioneer has discretion to split any bid at any time.

Title		First Name						
Last Name								
Address								
Post code/Zip Code								
Telephone (A)			Telephone (B)					
Pref. no, if telephone bidding incl country code								
Email address								
Tel or Absentee (T/A)	Lot no.	Brief Description		MAX bid in Ksh/\$ (excluding 17.4% premium)				
BY SIGNING THIS FORM YOU AGREE THAT YOU HAVE READ AND UNDERSTAND OUR CONDITIONS OF SALE AND WISH TO BE BOUND BY THEM.								
Your signature								
Date:								

Please email or hand in the complete Auction Registration form and requested information to:

Circle Art Agency, 910 James Gichuru Road, Nairobi, Kenya

Tel: 0705 622 614/0722 672932/0722 603324 Email: info@circleartagency.com

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www.circleartagency.com

