

August 12, 1970

Mr. John W. Rhoden  
23 Cranberry Street  
Brooklyn Heights  
New York, New York 11201

Re: Senior High School No. 40  
1<sup>st</sup> Art

Dear Sir:

In response to your letter of August 8, 1970, it is evident that there is a misunderstanding about the position of the General Contractor in regards to pick up and installation of your sculpture work.

The Contractor, John McShain, Inc., when asked further about your request, offered only to furnish a mechanic to assist you in making the installation at your expense. They decline to take on the responsibility of shipment and complete installation. It is our feeling that you can handle this part of your contract more efficiently, more economically, and more to your own satisfaction.

It appears that your insurance broker has an understanding of the insurance required and can furnish you the coverage you need. We urge you to obtain this coverage regardless of the method of shipment and details of erection so your contract with the City can be signed and the initial 10% payment made to you.

Please be assured that we will make every effort to assist you in obtaining local mechanics to help in the erection. All of the artists involved need this help and are proceeding with no difficulty.

I am anxious to visit you at your studio to examine the progress of your sculpture. The Contract requirement is that the work be examined at the time of each request for payment. Your next phase will come when you have "[b]--completed 50% of all things to be done" for an additional 25% of your total compensation. The original 10%, or subsequent payments, cannot be made, however; until the contract is signed.

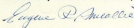
SMEALLIE, ORRICK AND JANKA, LTD.

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We trust you will be able to submit your insurance requirements soon.

Very truly yours,

SMEALLIE, ORRICK and JANKA, LTD.

A handwritten signature in cursive script that reads "Eugene R. Smeallie". The signature is written in dark ink and is positioned above the typed name.

Eugene R. Smeallie

ERS:pjg

cc: Mr. H. Newlin

September 12th, 1970

Smeallie, Orrick and Janka, Ltd.  
5820 York Road  
Baltimore, Maryland

RE: SENIOR HIGH SCHOOL NO. 40

Dear Sir,

Many thanks for your letter of August 12th in which you advised me with regard to the functions of the Contractor.

Enclosed please find the proper Insurance papers as required by agreement.

I trust that you will send me the Contract by return mail and as soon as you have the opportunity you will come to New York and see the work in progress.

Many thanks again and hoping to hear from you soon.

Sincerely,

John W. Rhoden