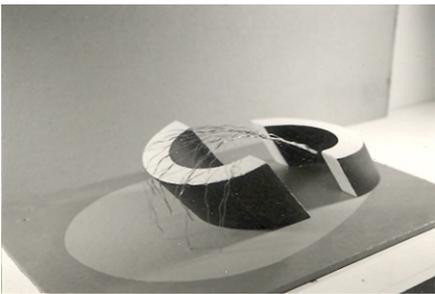
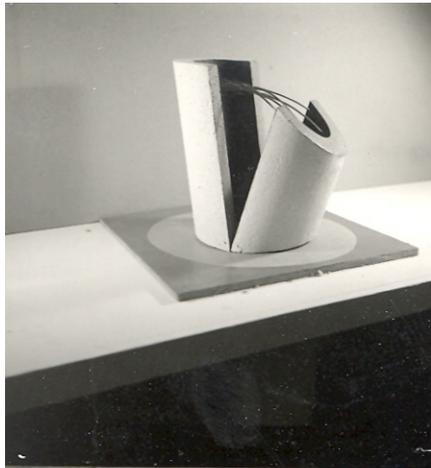


# The Fortunes of Public Art

In 1967 Kosso was commissioned by the Beverlywood Homes Association to create an artistic fountain in Circle Park on South Beverly Drive.

Kosso started with models to study the relations between the parts:

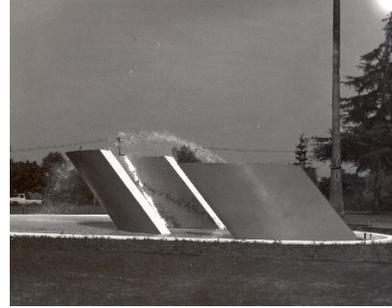


Interim Model

Final Model

The fountain was made of Gunite and named "Morningnight".





Morningnight in 1967



The 1967 Commissioning Board



Over the years the plumbing of the fountain was not maintained by the Association and the upper edge of the Gunitite deteriorated so the supportive iron bars leaked rust over the edge. Eventually the water flow was cut off leaving the fountain dry, rust stained, and neglected.



Kosso died in 1995 and in later years I developed a website [www.kossoeloul.net](http://www.kossoeloul.net) to commemorate his artistic achievements. Through that website, on July 20th, 2017 I received the following email from a resident of the neighborhood:

“I live in Beverlywood in Los Angeles, and there is a beautiful sculpture/fountain here made by Kosso in 1967. It is listed here on the website. The fountain has not been well cared for in recent years, and the homeowner association is discussing removing it. I am wondering if you have any representation here in the US that might get involved in helping us lobby for the preservation and maintenance of this wonderful piece.”

That note was followed by an email from another resident of the Association:

“Subject: One of the Kosso Eloul sculptures is in danger of being torn down. There is a cadre of concerned residents who want to make sure the fountain remains standing and this cadre considers the sculpture a gem in our community. So, we need to have contact with the artist's estate.”

Then on August 21<sup>st</sup> the story appeared in the Jewish Journal of Los Angeles [[http://jewishjournal.com/news/los\\_angeles/223388/neighbors-fight-preserve-sculpture-israeli-artist-beverlywood-park/](http://jewishjournal.com/news/los_angeles/223388/neighbors-fight-preserve-sculpture-israeli-artist-beverlywood-park/)]

Not being a legal heir to Kosso's works I directed the information to Rita Letendre, Kosso's 88-year-old widow. On September 25<sup>th</sup> Rita received the following mail from the lawyer representing the Association:

“Re: ***Beverlywood Homes Association***

Circle Park Statue of Kosso Eloul

Dear Ms. Letendre:

The undersigned has been retained to represent the Beverlywood Homes Association ("Association") with regard to its various legal issues. This letter is sent to you as the Executor for the Estate of Kosso Eloul. As you are aware, it is the intention of my client's Board of Directors to remove the fountain which the

Association had commissioned Mr. Eloul to create decades ago. I am informed that that this fountain cannot be removed without causing it substantial damage. While we do not believe that the provisions of California law, including Civil Code §989, apply to this situation, this letter is being sent to provide formal notice of the Association's intent to remove the fountain and its likely destruction during this process.

Rather than to debate whether Mr. Eloul's creation falls within the definition of "*fine art*," the Board of Directors has determined that it will provide you with the opportunity to remove this fountain, at your expense, within the next thirty (30) days. If you fail to remove it, the Association will do so and then dispose of the same.

Nothing contained herein, or omitted herefrom, shall be deemed a waiver or release of any right, known or unknown, in law or in equity, all of which may be possessed by the Association."

On December 21 2017, I received a note from the first neighborhood's resident:

"We've seen yellow "caution" tape surrounding the sculpture in recent days, and we're afraid the association plans to take it down soon. Several of us are quite upset about this, and we're not sure what we can do, since it's a privately-owned piece on privately owned land."

I replied:

"Since the Association commissioned the piece and paid Kosso for it they own it. That they had neglected its maintenance is their problem. The Lawyer's letter informs Rita that since its removal "may" cause substantial damage and they do not think that CA Civil Code §989 [I guess that is an entry that discusses preservation of Fine Art] cover *Morningnight* they are free to do with it as they wish. They invite Rita to remove the fountain at her own expense if she wants to keep it. What the Board really says is that they do not wish to enter a long legal fight about Fine Art and its public protection, hence the 30 days limit."

On December 23<sup>rd</sup> the resident sent a call to other interested Beverlywood members:

"Hello everyone.

we have a potential solution for the Kosso Eloul piece in Circle Park. Farrell Hirsch, of the Muckenthaler Center has expressed interest in preserving Morning Night if it can be relocated. Any thoughts on how we can get him in touch with the powers that be on this before it's too late?"

Then, on Jan. 6, 2018 I received the following from that resident:

"I'm sorry to tell you that unfortunately, we weren't able to save Kosso's piece. The foundation that I was lobbying to relocate it to their property visited several times with their consultants and determined that the cost of relocating it and repairing it could be around 100k, and that it was just more than they could do.

So, it will be taken down, and we are very sad. We needed to have been paying attention to maintaining it better many years ago to have avoided this, but at this point its condition has declined to the point where no one is willing to pay to restore it.

All I can say is that Kosso's fountain has meant a lot to those of us who lived near it, and it remains featured in our childhood pictures and memories, and these won't be erased."

When the resident visited Circle Park on January 18, 2018 the sculpture had been removed and was gone.