

Fabian VanCott



Scott R. Sabey

Email: ssabey@fabianvancott.com

Direct Line: 801.323.2204

Fax : 801.532.3370

215 South State Street
Suite 1200
Salt Lake City, Utah 84111-2323

Practice Areas:



Real Estate



Litigation, Trials & Appeals



Business Transactions & Corporate Law



Governmental Relations & Lobbying

Biography

Scott R. Sabey has over 20 years of experience in a practice centered on real estate development and related litigation. He works with clients in development of shopping malls, resort condominiums, water companies and hospitals as well as financing for large scale residential developments. In addition to assisting clients with transactions, Scott is also a litigator with experience in many areas of real estate law. He is a registered lobbyist and works on behalf of a number of local and national companies and associations. In complex cases, Scott is able to team with other Fabian VanCott attorneys with expertise in the firm's areas of core competency. He has served the legal profession as commissioner for the Utah State Bar, chair of the Real Property and Business Law sections of the bar and on the Utah Judicial Counsel. In the community, Scott is chairman of the Sandy City Planning Commission and has served on the city's Board of Adjustments. Scott received his law degree from Golden State University in San Francisco. He earned his bachelor's degree in Italian at Brigham Young University. Scott is licensed to practice in Utah's state and federal courts and the U.S. Supreme Court.

Professional

AV rated by Martindale-Hubbe. Pre eminent Peer Reviewed 5.0 out of 5.0.

Chair Member, Governmental Relations Committee, 1997-Present

Bar Commissioner for the Utah State Bar, 2004-2010

Professional (cont.)

Member, Judicial Council, 2006-2009

Recognized as "Legal Elite" in Real Estate, Utah Business Magazine, every year since 2006

Member, Judicial Council, Policy & Procedures Sub-Committee, 2006-2009

Bar Examiner, Real Property Question, 2001-2008, 2010 to present

2005 Amicus Curiae Award for service to the Courts

Recipient, 2005 Distinguished Committee of the Year Award (Governmental Relations)

Recipient, 2005 Real Property Practitioner of the Year Award

Officer, Business Law Section, Served for four years; Chair, 2003-2004

Needs of the Elderly Counseling, 2001-2004

Officer, Real Property Section, Served for four years; Chair, 1999-2000

Third District Pro-Tem Small Claims Judge; 1994-Present

Member, Bar Commission, Executive Committee; served two terms

Co-Chair, Governmental Relations Committee; served for eight years

Member, Annual Convention Committee

Member, Mid-Year Convention Committee

Utah State Bar Lobbyist

Organize, Host and Teach Bar Leadership Conference; served for two years

Member, Fitness and Character Appeals Board; served for two years

Member, Admissions Review Committee

Member, Supreme Court Rules Committee, Sub-Committee on Small Claims Rules and Procedures

Member, Committee to Redesign Court Web Page

Member, National 2012 General Merchandise Committee for Ducks Unlimited

Admitted to Utah State Bar and U.S. District Court, District of Utah, 1993; U.S. Supreme Court 2000

Representative Projects

REAL ESTATE DEVELOPMENT - Represents international, national, and local companies in a variety of developments including a 160 million dollar anchor shopping mall dealing with zoning issues, contracts, negotiations with the city, and litigation; a large 2 anchor strip mall development from inception, through zoning, approvals, construction, lease negotiations with local and national tenants, and landlord/tenant disputes; a foreign, international development company in a high-end Resort Condominium project at local ski resort.

Handled residential developments from 2 lots to multi-phase 700 plus lot subdivisions. Assisted in the creation, development and eventual \$22 million dollar sale of a water company to a municipality.

REAL ESTATE MANAGEMENT - Lease drafting, landlord/tenant disputes and rent collection in large anchor malls for Fortune 500 real estate company and in smaller community malls.

Landlord/tenant lease negotiations, disputes, and litigations with national drugstore chains, hamburger franchises, video rental, national banks, gas stations and bulk-lot sales franchises.

Lease drafting, landlord/tenant disputes and rent collection in various strip malls.

Negotiates and drafts build/lease agreements on out buildings and anchor spaces in shopping malls.

REAL ESTATE FINANCE - Represented a New York bank lending 7 plus million dollars for development of real estate project to virtually double the size of Tooele.

Application for 242HUD financing for the construction of a new critical access hospital.

Assisted clients in the successful creation and start-up of a number of mortgage companies, and has on-going representation of many of these companies.

REAL ESTATE LITIGATION - Involved in most aspects of real property litigation, including landlord/tenant, prescriptive easement, quiet title, boundary by acquiescence, zoning, and administrative representation of real estate companies/agents, title companies and general contractors before various state administrative agencies.

Successfully defended clients against claims of \$80 million dollars and \$147 million dollars.

Foreclosure on a \$12 million dollar mining operation in central Utah.

Federal Multi-District Litigation (MDL-150), and federal patent infringement litigation.

REAL ESTATE COMPANIES - Formerly licensed with the State of Utah as a title agent, Scott continues to represent a significant number of title companies, lobby the State Department of Insurance and Division of Real Estate on behalf of the title industry, and teach continuing education classes to licensed escrow officers.

Having worked as a licensed real estate agent and written legal articles for five years in the Salt Lake Board of Realtor's Magazine, Scott has come to represent a large number of real estate companies, of both a local and national franchise nature. He has assisted in the sale of a number of real estate companies, from simple mergers to acquisitions priced at over 10 million dollars.

Representative Projects

LOBBY WORK - Represents world's largest film association in the motion picture industry.

Represents world's largest recording association in the record industry.

Represents world's largest video game software association.

Represents largest supplemental insurance company in the U.S.A. and Japan.

Represents the Utah State Bar.

Represents local title and mortgage companies.

Represented U.S. subsidiary of the largest beer maker in the world.

Represented largest on-line auction company in the world.

Represented largest on-line payment system in the world.

Education

J.D., Golden State University School of Law, San Francisco, California, May 1993; Dean's Honor List; Chairman, Graduation Committee

B.A., Humanities, Italian, Brigham Young University, Provo, Utah, May 1982

Diploma di Profitto, Universita Degli Studi Di Firenze, Florence, Italy, August 1981

Publications & Presentations

Presenter, "Utah Mechanics' Lien Law Pre & Post 2011 HB115 and HB260," sponsored by Salt Lake Home Builders Association, October 26, 2011

Presenter, "Utah Mechanics' Lien Law Pre & Post 2011 HB115 and HB260," sponsored by Salt Lake Home Builders Association, September 21, 2011

Instructor, Justice Court Judges' Course, 2004 to present

Instructor, Small Claims Judges' Course, 2000 to present

Instructor, Business Law Section CLE classes, 1999-2009

Instructor, Real Property Section CLE classes, 1996-2010

Program Conductor/Speaker, Attorney General's "SAFE AT HOME" presentations

Publications & Presentations (cont.)

Presenter, "Fundamentals in Real Estate Development in Utah," Lorman Seminar

Presenter, "Collecting on Small Claims Judgments," Lorman Seminar

Presenter, "Real Property Changes in Title Insurance Forms," NBI Seminar

Presenter, "Legislative Updates in Real Property," Attorney Title Guaranty Seminar

Presenter, "Common Problems in Representing Small Business Clients," Sterling Seminar

Brown v. Board of Education Presentations in High Schools

"We the People . . ." Presentations in High Schools

"Dialogue on Freedom" Presentations

Author, "Small Claims Judge Pro Tempore Bench Book," Administrative Office of the Courts

Co-Author, "Small Claims Court: A Conversation with Scott Sabey and Tim Shea," Utah Bar Journal, 75th Anniversary Special Issue, 2006

Author, "Controlled Business Agreements," Salt Lake Board of Realtor Magazine, September 2003

Author, "Partner's Pointers - Joint Defense Agreements," Partner's Pointers, November 12, 2002

Author, "UAR Forms Are There to Protect You," Salt Lake Board of Realtor Magazine, April 2002

Author, "So When Do You Deposit the Earnest Money?" Salt Lake Board of Realtor Magazine, October 2000

Author, "Why Worry About "Governmental Takings?" Salt Lake Board of Realtor Magazine, November 1999

Author, "Basics of Contract Law," Salt Lake Board of Realtor Magazine, May 1998

Author, "Mechanic's Liens," Salt Lake Board of Realtor Magazine, April 1998

Author, "Referring an Affiliate," Salt Lake Board of Realtor Magazine, March 1998

Author, "New Year's Resolutions/Simple 'To Do' List to Avoid Common Problems," Salt Lake Board of Realtor Magazine, January 1998

Author, "Joint Tenancy and Tenancy-in-Common," Salt Lake Board of Realtor Magazine, October 1997

Author, "Real Estate History 101," Salt Lake Board of Realtor Magazine, September, 1997

Author, "Principal/Agency Relationships," Salt Lake Board of Realtor Magazine, August 1997

Author, "Understanding Commercial Leases," Salt Lake Board of Realtor Magazine, July 1997

Publications & Presentations (cont.)

Author, "Rights and Privileges of Real Estate Licensees," Salt Lake Board of Realtor Magazine, March 1997

Author, "Contract Deadlines/Coulter & Smith v. Russell," Salt Lake Board of Realtor Magazine, June 1997

Author, "The Benefits and Legal Burdens of Being a Professional," Salt Lake Board of Realtor Magazine, February 1997

Author, "Why Bother With Section 1.3 of the REPC?" Salt Lake Board of Realtor Magazine, January 1997

Author, "Abrogation Clause/Maynard v. Wharton," Salt Lake Board of Realtor Magazine, November, 1996

Author, "Title Policies and ALTA Forms," Salt Lake Board of Realtor Magazine, March 1996

Author, "Environmental Hazards and Utah's Negligence Standard," Salt Lake Board of Realtor Magazine, May 1995

Author, "The Enemy of My Enemy is My Friend/Joint Defense Agreements," Utah State Bar Journal

Author, "Boundary by Acquiescence: Carter v. Hanrath" Salt Lake Board of Realtor Magazine

Author, "Water Rights," Salt Lake Board of Realtor Magazine

Author, "Procuring Cause" - Consolidated Realty, 930 P2d 268 FN8 Salt Lake Board of Realtor Magazine

Author, "The Double Contract Rears Its Head Again," Salt Lake Board of Realtor Magazine

Author, "Should You Accept That Invitation to Go Golfing?: RESPA Violations," Salt Lake Board of Realtor Magazine

Author, "When Does an Interest in Real Property Pass With a Real Estate Purchase Contract" Ciet v. Kaufman, 271 Utah Adv Rep. 5 Salt Lake Board of Realtor Magazine

Author, "Don't Be Caught Quakin' In Your Boots: Disclosure of Geologic Conditions," Salt Lake Board of Realtor Magazine

Author, "Professionalism," Salt Lake Board of Realtor Magazine

Author, "Does a 'Deed' by Any Other Name Still Smell as Sweet?" Salt Lake Board of Realtor Magazine

Author, "The REPC's Abrogation Clause: Your Client's Potential Snake-in-the-Grass," Salt Lake Board of Realtor Magazine

Author, "Real Estate 'Agent' of Whom?" Salt Lake Board of Realtor Magazine

Publications & Presentations (cont.)

Author, "Hatfields v. McCoys/Property Line Disputes," Salt Lake Board of Realtor Magazine

Author, "What Title Insurance Company Does My Client Need?/(or, "Who Did I Last Play Golf With")," Salt Lake Board of Realtor Magazine

Author, "Property Disclosure," Salt Lake Board of Realtor Magazine

Author, "Arbitration/Mediation - Costs & Differences," Salt Lake Board of Realtor Magazine

Author, "Selling/Buying Real Estate in an Estate/Trust," Salt Lake Board of Realtor Magazine

Author, "Selling/Buying Real Estate in a Divorce," Salt Lake Board of Realtor Magazine

Author, "Conflicts" b/n Sec. 8.3 and 10.2 Salt Lake Board of Realtor Magazine

Author, "Dual Agency," Salt Lake Board of Realtor Magazine

Author, "Forced Representation," Salt Lake Board of Realtor Magazine

Author, "Professional Conduct - Licensing of Convicted Felons, Bankruptcy of Brokers," Salt Lake Board of Realtor Magazine

Author, "Dangers for the FSBO," Salt Lake Board of Realtor Magazine

Author, "Limited Agency Dangers," Salt Lake Board of Realtor Magazine

Author, "E&O Insurance," Salt Lake Board of Realtor Magazine

Author, "Report to the Utah State Bar Commission of the Small Claims Task Force"

Author, "Protecting Your Clients From Identity Theft," Salt Lake Board of Realtor Magazine

Author, "Partner's Pointers - The Three Prongs of Successful Rainmaking"

Author, "Professionalism," Salt Lake Board of Realtor Magazine

Author, "Title Insurance Options," Salt Lake Board of Realtor Magazine

Community Service

Chairman, Sandy City Planning Commission, 2007-Present

Sandy City Board of Adjustment, 2007-2008

Chairman/Member, Duck's Unlimited (DU) Committee, 2003-2008

Community Service (cont.)

Committee on Law & Aging, Pro Bono Honor Roll, 2006-2007

Co-Chair, Utah Access to Justice Planning Council, 2004-2007

Variety Club Tent of Utah, Chief Barker, 2005-2006

Member, Pheasants Forever Committee, 2002- 2006

Volunteer, 2002 Winter Olympics

Camp Kostopulos, 1999-2006

Judge, Trial Advocacy/Moot Court Competitions, 1996-1998

Brought national "WebWiseKids" Program to 75 Utah Schools

Young Lawyer Division Mentoring Marathon

Volunteer, Attorney General's Regional Exchange Effort (AGREE) Committee

Volunteer, Legal Aid Society of Utah

Volunteer and Board Member, "Give Kids Their Dreams," a Non-Profit Utah Corporation

Volunteer, Needs Of The Elderly

Fund raising for KCPW

Headed Salt Lake/Torino Sister City Application

Scout Merit Badge Counselor