

# SCOTT R. SABEY

Attorney / Partner | Salt Lake

Licensure: UT

## Biography

Scott R. Sabey has over 25 years of experience in a practice centered on real estate development and related litigation. He works with clients in development and financing of hotels, office buildings, shopping malls, resort condominiums, water companies and hospitals; as well as 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 including environmental contamination, construction defects, zoning, and land use. He is a registered lobbyist and works on behalf of a number of local and national companies and associations.

He currently serves on the Utah Supreme Court's Ethics and Discipline Committee, and 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 Council. In the community, Scott served as Chairman of the Sandy City Planning Commission and on the city's Board of Adjustments. Scott is licensed to practice in Utah's state and federal courts and the U.S. Supreme Court.

## Practice Areas

GOVERNMENT & AGENCIES

REGULATORY COMPLIANCE

LOBBYING & LEGISLATION

REAL ESTATE

REAL ESTATE LITIGATION

COMMERCIAL LEASING & EVICTIONS

LAND USE, ZONING, CONSTRUCTION  
& DEVELOPMENT

HOA & CONDOMINIUM LAW

CONDEMNATION, EMINENT  
DOMAIN & TAKINGS

ENVIRONMENTAL COMPLIANCE  
& REMEDIATION

## Professional History

### Real Estate Development

- Represents international, national, and local companies in a variety of developments including: a 160 million dollar anchor shopping mall; 3 hotels; 2 office buildings; gas stations; numerous retail pads and sites; a large two anchor strip mall development; and a high-end resort condominium project at a local ski resort. Most from inception, through zoning, entitlements, construction and leasing.
- Handled residential developments from two lots to multiphase 700 plus lot subdivisions.



# FABIAN VANCOTT

## CONTACT

### DIRECT LINE

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## Education

J.D., Golden Gate 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, Università Degli  
Studi Di Firenze, Florence, Italy,  
August 1981

## Professional History (con't)

- Assisted in the creation, development and eventual \$22 million dollar sale of a water company to a municipality.

## Real Estate Management

- Lease drafting, local and national tenant lease negotiations, 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.
- Negotiate and draft build/lease agreements on out buildings and anchor spaces in shopping malls

## Real Estate Finance

- Represented a New York bank financing seven million dollar real estate development.
- Application for 242-HUD financing for the construction of a new critical access hospital.

## 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 state administrative agencies.
- Land use and zoning disputes both representing cities and developers.

- Successfully defended clients against claims of \$80 million dollars and \$147 million dollars. Foreclosure on a \$12 million dollar mining operation.
- Federal Multidistrict Litigation.

## Publications and Presentations

- Instructor, Justice Court Judges' Course, 2004 - present
- Instructor, Small Claims Judges' Course, 2000 - present
- Instructor NBI Classes on Zoning and Land Use Law 2014, 2016, 2017, 2018, 2019
- Presenter, "Utah Mechanics' Lien Law Pre & Post 2011 HB115 and HB260," 2011
- 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
- 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

## Publications and Presentations (con't)

- "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
- 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

## Publications and Presentations (con't)

- 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
- 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

- Sandy City Police, Honorary Colonel
- Chairman, Sandy City Planning Commission, 2008 - 2018
- Sandy City Board of Adjustment, 2007 - 2008
- Chairman/Member, Duck's Unlimited (DU) Committee, 2003 - 2008
- 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

## Peer Recognition

