



BRADLEY L. TILT

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AREAS OF PRACTICE:

- Complex Litigation
- Real Property
- Business & Corporate

PRACTICE SUMMARY

Brad Tilt is a shareholder at Fabian with experience litigating a wide range of real estate, construction, commercial and banking matters. Since 1996, Brad has represented a broad spectrum of local and national clients in state and federal courts, including bankruptcy courts, at both the trial and appellate levels, as well as in government agency hearings, mediations, and arbitrations. Brad has represented individual and corporate clients on matters ranging from small contract disputes to complex multi-million dollar lawsuits involving multiple parties in multiple states.

Brad currently is serving as Treasurer of the Real Property Section of the Utah State Bar. Brad has been named as one of Utah's "Legal Elite" in the field of Real Property by Utah Business magazine in 2009 and 2010.

PROFESSIONAL

- Treasurer, Utah State Bar Real Property Section
- Recognized as "Legal Elite" in Real Property, Utah Business magazine, 2009 & 2010
- Member, Utah State Bar
- Member, Real Property, Litigation and Appellate Practice Sections, Utah State Bar
- Member, Salt Lake County Bar Association
- Admitted to United States District Court, District of Utah, 1996; United States Court of Appeals, Sixth Circuit, 2000
- Jennings Investment, LC v. Dixie Riding Club, Inc., 208 P.3d 1077 (Utah Ct. App. 2009). Successfully reversed a district court's ruling finding a fifty-foot wide road existed for public use on club's private property.
- Sill v. Hart, 163 P.3d 1099 (Utah 2007). Successfully upheld judgment for general contractor and order foreclosing its mechanic's lien, including establishing in case of first impression that general contractors who file a counterclaim against a homeowner need not comply with Utah Residence Lien Restriction and Lien Recovery Fund Act provisions regarding service on homeowner of certain forms and instructions

- Park West Condominium Ass'n v. Deppe, 153 P.3d 821 (Utah Ct. App. 2006). Successfully defended former owners against statutory and contract claims to enforce condominium association assessment
- Gottling v. P.R. Incorporated, 61 P.3d 989 (Utah 2002). Successfully defended small employer and its principal against statutory and tort discrimination claims, including based on issues of first impression interpreting governing Utah statutes

EDUCATION

- J.D., University of Utah College of Law, 1996
- B.S., Utah State University, 1993

PUBLICATIONS & PRESENTATIONS


- Presenter, "Real Property Foreclosure: A Step-by-Step Workshop," sponsored by National Business Institute, May 3, 2010
- Presenter, "Contract and Tort Law for Business Owners," sponsored by Salt Lake Small Business Development Center, March 5, 2010
- Presenter, "Practical Tips for Protecting Your Company, From Two Litigators' Perspectives," sponsored by Salt Lake Home Builders Association, January 28, 2010
- Presenter, "Mechanics of a Mechanics' Lien Claim," sponsored by the Real Estate Section of the Utah State Bar, January 25, 2007
- Co-Author, "Rumor Has It - Getting Ahead of the Rebound," The Enterprise, January 11, 2010
- Author, "Utah Term Limit Act of 1994," 1994 UTAH L. REV. 1613
- Photographs displayed in Utah State University Honors Program Journal, 1993

REPRESENTATIVE PROJECTS

- **COMMERCIAL LITIGATION** - Brad provides clients committed enforcement and defense of rights and remedies in commercial litigation matters ranging from breach of contract to fraud, from Uniform Commercial Code issues to disputes over entity control, breach of fiduciary duty, and breaches of other duties of directors, officers, and managers, and more. Some of the industries in which he has commercial litigation experience include product and equipment development, sales, and leasing, internet commerce, banking, and real estate development. In each such case Brad works with clients to assess,

analyze, evaluate, and explain available options to develop and adapt litigation strategies to reach clients' objectives efficiently and effectively, including whether that calls for mediation, arbitration, or trial.

- **CONSTRUCTION AND MECHANICS' LIENS** - Brad has represented contractors, subcontractors, equipment suppliers, and design professionals in perfecting and prosecuting mechanics' lien claims and bond claims to secure their payment. He also has represented owners, developers, and lenders defending against such liens and claims, in governmental agency proceedings and in court. Working on each side of such claims has expanded his knowledge of the area and sharpened his skills for working on either side of such claims. Brad's work in this area has involved projects ranging from power plant construction and gas pipeline installation to commercial and residential construction, remodeling and landscaping, and numerous other projects in between. Brad has also spoken and provided other education and training on Utah's constantly evolving mechanics' lien and bond statutes to lawyers in the Real Estate Section of the Utah State Bar, various firm clients, and attorneys in Fabian's Real Property Section.
- **OTHER REAL ESTATE LITIGATION** - Real estate litigation has been a staple of Brad's practice throughout his career. His extensive experience in this area includes document enforcement, forgery and fraud issues, ownership disputes, boundary issues, trespass, liens, priority disputes, easements, landlord/tenant issues, quiet title, assessments, foreclosures, public highway and public thoroughfare cases, condemnation, zoning enforcement, and many other issues. Brad has represented diverse interests in this field, including owners, developers, lenders, loan brokers and agents, sales brokers and agents, as well as title insurers and their insureds.
- **BANKING** - Collection, enforcement of security interests in real and personal property, including through repossession, replevin, and foreclosure, and enforcement of other available rights and remedies are just some of the many banking and other lending issues Brad has experience litigating. He also has represented lenders in successfully defending against Truth in Lending Act claims, claims for violation of various other federal and state statutes including the Uniform Commercial Code, and claims involving forgery, fraud, and breaches of contract, among other things. He has dealt with a broad range of banking issues from the commonplace, such as promissory note enforcement, to the cutting edge, such as telephone and other electronic transfers.
- **LARGE AND COMPLEX LITIGATION** - Brad has experience representing large clients in high stakes litigation involving multiple parties with complex and novel issues both substantive and procedural.
- **APPELLATE PRACTICE** - Brad has a very successful appellate record. Both in the federal and state appellate



systems, each of the cases he has briefed and argued has ultimately ended with results favorable to his clients, including on issues of first impression under Utah law.