



SCOTT R. SABEY

FABIAN & CLENDENIN

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AREAS OF PRACTICE:

- Real Property
- Complex Litigation
- Business & Corporate

PRACTICE SUMMARY

Scott Sabey has assisted in a wide variety of residential and commercial real estate developments and transactions over the past 23 years. He has authored numerous real estate related articles, served as Chair of the Real Property Section of the Utah State Bar, and has received the Distinguished Real Property Practitioner of the Year Award.

Scott didn't learn real estate from a text book. Before becoming an attorney, he was a successful real estate agent in both California and Utah. His unique background lets him bring perspective and experience to the practice of law for title, mortgage companies, real estate brokers, and real estate developers. Scott has handled residential developments from two-lot subdivisions to the Overlake project (which nearly doubled the size of the City of Tooele); commercial projects including anchor shopping malls, strip malls, industrial projects; and civic projects including a water company and a hospital.

Navigating zoning changes and variances for such projects inevitably led Scott to become a well-known lobbyist. Scott is a registered lobbyist with more than 10 years of experience working for a variety of local, state, and national concerns.

Scott's insider's real estate background, along with his lobbying acumen, provides real estate and other clients a clear advantage.

PROFESSIONAL

- AV rated by Martindale-Hubbe
- Chair Member, Governmental Relations Committee, 1997-Present
- Bar Commissioner for the Utah State Bar, 2004-2010
- Member, Judicial Council, 2006-2009
- Recognized as "Legal Elite" in Real Estate, Utah Business Magazine, 2006, 2007, 2008, 2009
- Member, Judicial Council, Policy & Procedures Sub-Committee, 2006-2009

- Bar Examiner, Real Property Question, 2001-2008
- 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 six 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
- Admitted to Utah State Bar and U.S. District Court, District of Utah, 1985; U.S. Supreme Court 2000

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
- Degree for Studia della Cultura Italiana, University of Florence, Florence, Italy, August 1981

PUBLICATIONS & PRESENTATIONS

- Instructor, Justice Court Judges' Course, 2004-2008
- Instructor, Small Claims Judges' Course, 2000-2008
- Instructor, Business Law Section CLE classes, 1999-2008

- Instructor, Real Property Section CLE classes, 1996-2008
- 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
- "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
- 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 Planning Commission, 2007-Present
- 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

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.

- **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.