



## Stephen C. Tingey

Shareholder

801-323-3360

## Practice Areas

- Banking and Financial Institutions
- Bankruptcy and Creditors' Rights
- Equipment Leasing
- Litigation
- Real Estate Transactions and Litigation
- Receivership Practice Group

Mr. Tingey practices in the areas of banking, financial institutions, creditor representation, equipment leasing and commercial litigation. For nearly 30 years, he has represented traditional and non-traditional commercial, consumer and real estate lenders. That representation includes loan documentation, loan workout, foreclosure, litigation to enforce creditor rights and litigation defending creditors. Mr. Tingey has significant expertise with Uniform Commercial Code issues as well as real estate finance issues. His representation includes significant experience representing secured creditors with real estate collateral and personal property collateral in federal and state court proceedings, including before the appellate courts in Utah.

Mr. Tingey also has extensive experience defending banks and lenders in litigation, including defense of consumer financial services class action litigation. That representation has included class actions involving mortgage loan servicing practices, truth-in-lending disclosures and banking fees.

Mr. Tingey maintains an AV Preeminent (5.0) rating with Martindale-Hubbell, which is the highest rating awarded to attorneys for professional competence and ethics, and has been included on the list of *The Best Lawyers in America* in Banking and Finance Law. He has also been voted by his peers throughout the state as one of Utah's "Legal Elite," as published by *Utah Business Magazine* (2007-2014, 2016).

### REPRESENTATIVE APPELLATE COURT DECISIONS

- *Madsen v. Washington Mutual Bank*, 199 P.3d 898 (Utah 2008) cert. denied 556 U.S. 1282 (2009) (Represented defendant mortgage lender in a class action seeking interest on tax and insurance escrowed funds. The trial court's judgment in favor of the plaintiff class was reversed by the appellate court on grounds of federal preemption.) (Related case at *Madsen v. JPMorgan Chase Bank, N.A.*, 296 P.3d 671 (Utah 2012)).



- *Free Motion Fitness, Inc. v. Wells Fargo Bank West, N.A.*, 208 P.3d 1066 (Ut. Ct. App. 2009) (Represented defendant bank, acting as escrow agent, in case seeking damages for breach of an escrow agreement. The trial court's summary judgment in favor of the defendant bank was affirmed on appeal based on a finding of no damages.)
- *U.S. Bank, N.A. v. HMA, LLC*, 169 P.3d 433 (Utah 2007) (Represented bank in action to collect \$500,000 overdraft. Defendants counterclaimed alleging that the payor bank's untimely return of an item by a highly expeditious means barred the plaintiff depository bank from charging back the returned item that caused the overdraft. The trial court's summary judgment in favor of the plaintiff bank was affirmed on appeal, holding that the item was timely returned.)
- *Ramsey v. Hancock*, 79 P.3d 423 (Ut. Ct. App. 2003) (Represented depository bank in action brought by non-customer payee of check that was deposited by the other payee without endorsement. The trial court's summary judgment in favor of the bank was affirmed on appeal, holding that the depository bank owed no duty to the non-customer payee of the check.)
- *APS v. Briggs*, 927 P.2d 670 (Ut. Ct. App. 1996) (Represented lender in an action to collect the deficiency amount owed by the makers of the note following foreclosure of the trust deed securing the note. The trial court dismissed the action based on the statute of limitations. The appellate court reversed, holding that the combined effect of the Utah one-action rule, and the bankruptcy of the co-maker, tolled the statute of limitations.)
- *City Consumer Services v. Peters*, 815 P.2d 234 (Utah 1991) (Represented amicus party in advocating that the Utah one-action rule and Utah deficiency statute do not apply to a junior lienholder foreclosed out by a senior lienholder.)

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## Education

**Brigham Young University**, J.D., 1984

- *magna cum laude*
- Order of the Coif
- Lead Note and Comment Editor, *BYU LAW REVIEW*, 1983-84



RAY QUINNEY & NEBEKER

University of Utah, B.S., Political Science, 1981

- *magna cum laude*
- Phi Kappa Phi

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### Affiliations / Memberships

- Member, LEAN (Lease Enforcement Attorney Network)