

## Melanie R. Clark

### Partner

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Melanie Clark is a real estate transactional attorney, routinely advising clients on all aspects of large-scale real estate projects, including acquisition and disposition of land, leasing, financing, and project development. She is a partner in the firm's Corporate and Real Estate Practices and is based in the Salt Lake City office.

Melanie assists large and small real estate developers in acquiring and developing new projects, managing and leasing existing projects, and reconfiguring obsolete projects. She has worked with developers on a wide variety of real estate endeavors, including data centers, industrial sites, rail and transload terminals, condominium hotels, mixed use subdivisions, and fractional ownership clubs. Her experience includes providing legal counsel from initial land acquisition, financing, and entitlements to construction completion and operation or sale.

#### **Representative Experience\***

- Represented buyer in acquisition of multiple apartment complexes with 300+ units.
- Represented buyer in negotiating, documenting, and closing on purchase of portfolio with properties located in ten jurisdictions, including performing related due diligence review of properties.
- Represented seller in negotiating and documenting portfolio sale of twelve restaurant properties.
- Represented seller of inactive mining property, including transfer of permits and reclamation obligations.
- Represented buyer in acquiring and obtaining entitlements for 300 acre property to be developed as a data center.
- Real estate counsel for lender for \$100M+ financing of greenhouse properties in California, Kentucky, and Texas.
- Real estate counsel for lender in financing 150MW/600MWh battery storage project in Idaho.
- Real estate counsel lender in financing portfolio of 88 solar, fuel cell, and battery storage projects across 21 states.

- Real estate counsel for buyer acquiring portfolio of 30 solar projects with a capacity of 89 MWdc across 7 states.
- Real estate counsel for tax equity investor in 93.5 MWdc development stage solar project located in Kentucky.
- Real estate counsel for tax equity investor in 240 MWac utility scale solar project in Texas.
- Real estate counsel for tax equity investor in 100 MWac battery storage project in California.
- Real estate counsel for tax equity investor in 400 MWac development stage portfolio of solar projects in Ohio and California.
- Represented buyer in acquiring and obtaining entitlements for raw land in Arizona, Ohio, North Carolina, and Utah for development of rail and transload facilities.
- Represented clients in drafting and negotiating leases for office, retail, and industrial premises.
- Represented developers in development of commercial and residential condominium and subdivision projects, including preparing covenants, conditions, restrictions, easements, and HOA documentation.
- Represented multiple developers of fractional interest projects, including preparing project and sales documents and registering projects with state real estate departments.
- Researched regulatory structure, requirements and penalties in all 50 states for timeshares, exchange companies and short-term vacation products.
- Drafted and negotiated easement and encroachment agreements for residential and commercial properties.
- Obtained zoning approvals for large retailer.

*\*Certain of these matters were handled prior to joining Foley.*

## Awards and Recognition

- Selected by *Utah Business Magazine* as Legal Elite (2024-2025)
- Recognized by peers for inclusion in *The Best Lawyers in America*® – Real Estate Law (2024-2026)
- Selected as one of “America’s Leading Lawyers for Business” (Utah) by *Chambers USA* (currently: Real Estate), 2020–2025
- Listed among Rising Stars (Real estate), Mountain States *Super Lawyers*®, 2014–2015, 2017–2019
- Included in *Utah Business* Legal Elite, 2020
- S. J. Quinney College of Law, Adjunct Professor, Real Estate Drafting, Spring 2019–present

## Affiliations

- Real Property Section CLE Committee, Utah State Bar, 2014–2015

## Presentations and Publications

- Co-presenter, “Structuring Your Deal Now to Plan for the Exit 15 Years Later,” 24th Annual Utah Housing Matters Conference (September 2020)
- “Title Insurance Dissection – Real World Examples,” NBI Seminar, Salt Lake City, Utah (May 2019)
- “Spotting and Fixing Complicated Title Commitment Issues,” NBI Webinar (January 2019)

- Co-author, "New Utah Law Prohibits Unequal Treatment for Rental Units by Homeowners Associations", Ballard Spahr LLP Real Estate Law Blog (May 2015)
- "Form Based Zoning," Utah State Bar Annual Convention, Snowmass, Colorado (July 2013)

## Sectors

- [Energy & Infrastructure](#)
- [Hospitality & Leisure](#)
- [Oil & Gas](#)
- [Power & Renewables](#)

## Practice Areas

- [Corporate](#)
- [Real Estate](#)

## Education

- University of Utah, S.J. Quinney College of Law (J.D., highest honors, 2007)
  - Executive Editor, *Utah Law Review*
  - Member, Order of the Coif
- Utah State University (B.S., cum laude, 1999)
  - Vice President, Pi Sigma Alpha
  - Recipient, Merrill Scholarship

## Admissions

- Utah