

# Nicole C. Evans

## Attorney at Law/Partner Ballard Spahr LLP

by Sharon B. Drechsler, RRP

Evans was a second year law student when she showed up to be interviewed by Harry McCoy for a summer associate's position in 1998. She signed on not only for a summer internship for two years, but has practiced for the firm as an attorney for the last ten years.

Born in Ogden, Utah, Evans grew up under the tutelage of a strong, influential mother who had pulled herself up by her own bootstraps. "My mother, Christine Brennan, was and continues to be my most influential mentor," she says. "She is a professional woman currently managing more than 200 employees and has always been a working mother. She was first and foremost our mother and never missed a recital, soccer game or important life event. In addition, she and my father, Paul Brennan, worked hard to support our middle-class family and she exemplifies the power of achievement. She is a first generation high school graduate from a family of six children and had the will to want more for herself. She has encouraged my sister and me to set goals and to persevere. She has a 'can do' attitude that is inspiring, coupled with a warm and giving personality. She instilled confidence in us at a very early age by refusing to accept the phrase 'I can't' under any circumstances. Our goals were never a matter of if, but when."

With a tenacity born of such a background, Evans had the good fortune to be blessed with intelligence and a thirst for achievement, as well. She applied herself in school, graduated cum laude with departmental honors from Weber State University, was the 2007 Scholar of the Year and inducted into the Golden Key National Honors Society and Phi Kappa Phi. She earned her Jurisprudence Degree from the University of Utah, S.J. Quinney

College of Law. During this time, she was a William H. Leary Scholar and member of The Journal of Law and Family Studies Editorial Board.

Another strong influence in her early life was her grandfather. "My grandfather, George Howell, had a very positive temperament and he had an unbelievable ability to make you feel like you were the most important person on the planet when he was near you."

This ability is a characteristic Evans herself, intuitively possesses. She shows herself to have a high regard and respect for others and is known for being an appreciative audience.

"I was introduced to the resort industry at the beginning of my career by my mentor and friend, Harry E. McCoy," adds Evans "I had expected to be a municipal bond lawyer when I joined the firm because I clerked as a first year law student in the corporate trust department at First Security Bank (now Wells Fargo) in Salt Lake City before interviewing at Ballard Spahr. However, when I joined the firm my interviewers determined that my personality was a better fit for the Resort and Hotel Group and

Harry became my immediate mentor encouraging me to get actively involved in the profession. His passion for the industry was infectious."

That Evans has made an impact on the resort industry can be evidenced not only in her work at Ballard, but also by observing her volunteerism in its behalf: She is always ready to participate on various American Resort Development Association (ARDA) educational session panels, is a member of the hard-working ARDA Meetings Committee and a member of the Legal Issues and New Product Development Subcommittees.

"My professional mentors for the past 12 years have been Harry McCoy and Steven D. Peterson. Harry was instrumental early in my career by taking an active interest in me as a young lawyer and training me in the basics of resort real estate law, from reading plat maps to understanding reserve studies. He would often invite me to meetings with clients, which were fantastic learning experiences. Harry taught me the value of networking and the importance of active participation in professional organizations like ARDA."

Her mentor taught her well; himself providing an apt example of how good lawyers immerse themselves in their clients' interests. McCoy's and Peterson's mentorship meant that Evans had the opportunity to take an active role and be a vital part of the firm's dealings with their resort clients early on.

"Steve became my close mentor in 2003. He was instrumental in my professional growth by integrating me into his practice and instructing me on the intricate details of the vacation ownership industry, both from a legal and practical perspective. Steve makes you feel a part of something larger than yourself. He is a consummate professional who understands every aspect of the vacation industry. Steve is a brilliant lawyer and an amazing rainmaker. I am very grateful for the opportunity to learn from him."

Evans does not need to add that McCoy and Peterson wisely detected enormous potential in their young protégé. She proved their judgment of her suitability for the role to be correct by rapidly learning all she could about the business and tackling each task professionally with enthusiasm.

"Simply stated," she says warmly, "I love to represent developers. We represent developers of all types, from single-site fractional developers, to sophisticated condominium hotel developers, to major branded timeshare developers. Developers are creative problem solvers with unique personalities. They are ingenious, resourceful and true dealmakers. It is inspiring to work with knowledgeable and astute clients. I feel especially well-suited for the resort law profession because I share this same energy and passion for the industry. Advocacy and optimism are two of my greatest strengths and these qualities create an effective synergy with clients that is very powerful."



An old television commercial for shampoo once featured a drop-dead gorgeous bombshell saying, "Don't hate me because I'm beautiful." This could be Evans' plea. Certainly, being a vivacious young beauty – full of enthusiasm and energy, while having its perks, might also tend to throw the casual acquaintance off-track. This is a woman to be reckoned with.

"I think the greatest early challenge is being taken seriously as a young professional," says Evans. "Young people have energy and enthusiasm that can be misinterpreted as being naïve and uninformed. In instances when I knew that I would be the youngest professional at the meeting, I always studied the deal in detail and came prepared with current industry information. I tried to listen more than I spoke and really concentrated on understanding what the client's needs were and how we could best address them."

"There is a real power in being underestimated, provided that you are well prepared and retain a sense of humor," she can now advise others. "I always take my work very seriously, but I try not to take myself that seriously. This allows you to let your guard down and learn from challenging experiences. It is also important to find a mentor who will provide you with honest feedback. This gives you the opportunity to evaluate what you did right in the challenging situation and how you can improve. It is impossible to become better at your profession without constructive feedback."

Evans relishes the variety and intensity of the resort industry. "One of my career defining moments was working with Steve [Peterson] in 2004 on a timeshare project in Las Vegas structured as an undivided fee ownership program. This is a very complex project due to the platting and entitlements at the site. It was an amazing experience because we were able to truly become an integrated member of the client's in-house legal team. We were involved in devising the strategy for the project and the creation of many new flexible developer tools. We are still involved with this project and appreciate the opportunity to see the site mature."

"Another recent notable development was our representation in 2009 of the developer of a luxury

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brand cutting edge hotel condominium project in Park City. Again, this project document set is very unique and required us to be legally creative due to the development structure and county requirements. The end result reflected months of negotiations among the developer, lender, county, local government and three major brands. We are truly proud to have been associated with both projects because they are examples of adaptable documents designed to provide owner fulfillment."

"Finally, we are very fortunate to represent several timeshare brand developers who have been the industry leaders in creative development strategies. This allows us to preserve innovative legal skills and keeps us connected to industry trends."

Her enthusiasm for learning and assisting developers and her receptivity to accepting new assignments are assets to her busy firm and she is never without fresh challenge. "We are currently working on new projects with consultants who have identified several whole-unit projects where fractional programs may ultimately create a viable exit strategy for the developers," she says. "We are strategizing with the consultants and developers concerning the right product offering and term of use. We are noticing a trend toward smaller fractions and shorter-term products."

"In addition, we continue to assist our timeshare developer clients with on-going registrations and renewals across the country, development of new product types and acquisition of distressed properties. We are seeing an uptick in fractional conversions and distressed property acquisitions. It is extremely encouraging to see transactions move forward in the wake of the 2007 economic downturn. My day-to-day life consists of conference calls, document drafting and email conferences. We pride ourselves in being very responsive to clients and we try to return calls and respond to emails within 24 hours or less. Thus, our

practice can be very intense at times because we want to ensure that each client feels valued and knows that their needs will be responded to very quickly."

Despite the economic downturn of the last few years, Evans retains a positive attitude. "I am a natural optimist, so I have faith that developers will continue to re-invent themselves and certain segments of the industry will grow in unexpected ways. Many of our clients are retooling to capitalize on the non-deeded short-term products. The new timeshare owner profile may desire a variety of products in addition to a deeded product with a perpetual term. For example, it appears that old is new again and many potential purchasers are gravitating toward short-term products to satisfy their immediate vacation needs, while providing some comfort of knowing that the product has a limited duration to mitigate dues fatigue. Short-term products can also be priced differently to attract buyers who are sitting on the sidelines and testing the value proposition. Certain of our fractional developers have instituted a buyback program after 18 months to allow a buyer to test the membership and respond to a buyer wanting to understand his or her downside risk. Some developers are also considering seller carry back financing to facilitate fractional sales. In addition, the future of the industry will rely on practical partnerships among consultants, lenders and developers. For instance, we are aware of consultant and lender alignments which position the consultant to capitalize on distressed properties by acting not only as a consultant, but also as a liquidating agent on behalf of such lender to sell the remaining inventory."

As a result of the advantages she has received from her mentors, Evans is intent upon sharing with others, herself, both professionally and at home.

She is a devoted wife to her husband of fifteen years, Eric, and mother to two young children, Abby age 6 and Brennan age 3.

She was the recent co-chair of the BALLARD Women Non-Partner Lawyers Group, which provides female non-partner lawyers with opportunities for networking, mentoring, and professional development. She is a member of the Young Leaders for the United Way of Salt Lake, the Women Lawyers of Utah for the Utah State Bar and a Fully Qualified Member of the Chapter of Real Estate Women (CREW) Utah.

"Personally, I have a positive outlook that we will continue to advise developers in evaluating opportunities for acquisitions and investment in distressed real estate projects nationwide. I believe that we will participate in a variety of transactions ranging from acquisition and sale of distressed projects, to distressed debt acquisitions, to restructuring and redevelopment of master-planned and mixed-use developments, condominiums and vacation ownership projects. Creativity and flexibility is an absolute must in uncertain times. The only way to survive as a resort and hospitality lawyer is to work efficiently, be aggressive in retaining clients and take extra time to close and service every transaction."



Resort Trades Contributing Editor Sharon Drechsler (a registered resort professional with ARDA) owns and operates a PR, copywriting and social media marketing company, Drechsler Communications, and can be reached by email [sharon@drechslercommunications.com](mailto:sharon@drechslercommunications.com) or phone 602-370-2003. Sharon is also Director of Public Affairs for the Sail Through Cancer Foundation ([www.sailthruccancer.org](http://www.sailthruccancer.org)).