

**CAUSE NO. 2023-04347**

**SIGNMART, LTD. D/B/A  
FASTSIGNS,  
Plaintiff,**

v.

**HARTMAN INCOME REIT, INC.,  
HARTMAN INCOME REIT  
MANAGEMENT, INC. and  
HARTMAN INCOME REIT  
MANAGEMENT, L.L.C.  
Defendant.**

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**IN THE DISTRICT COURT OF**

**HARRIS COUNTY, TEXAS**

**80<sup>th</sup> JUDICIAL DISTRICT**

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**DEFENDANT HARTMAN INCOME REIT, INC., HARTMAN INCOME REIT MANAGEMENT, INC.,  
AND HARTMAN INCOME REIT MANAGEMENT, L.L.C.’S  
ORIGINAL ANSWER**

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**TO THE HONORABLE JUDGE OF SAID COURT:**

**COME NOW** Defendants Hartman Income REIT, Inc., Hartman Income REIT Management, Inc., and Hartman Income REIT Management, L.L.C. (“Defendants”) in the above-styled cause, and file this Original Answer to Plaintiff’s Original Petition and would respectfully show unto the Court the following:

**I. GENERAL DENIAL**

1. Subject to the stipulations and admissions as may be hereafter made and reserving the right to file other and further pleadings, exceptions, and denials, Defendants generally deny each and every—all and singular—allegation contained in Plaintiff’s petition pursuant to Tex. R. Civ. P. 92 and demand strict proof thereof.

**II. AFFIRMATIVE DEFENSES**

2. Pursuant to Tex. R. Civ. P. 94 and without waiving the above and foregoing answer, Defendants would further plead as follows:

3. Defendants affirmatively alleges that Plaintiff's claim(s) are barred in whole or in part because of payment and/or offset. Defendants alleges Plaintiff has received payment for sums alleged in Plaintiff's petition.

4. Defendants affirmatively alleges that Plaintiff's claim(s) are barred in whole or in part because of unjust enrichment. In the interest of equity and justice, the sums tendered to Plaintiff must be offset from the amounts alleged in Plaintiff's petition, or else Plaintiff would be unjustly enriched for payments Defendants already tendered to Plaintiff. Therefore, it would be unequitable for Defendants to tender to Plaintiff more than the agreed prices for services and goods rendered.

5. Defendants may have other defenses which are unknown to them at this time and reserve the right to amend this answer if and as such information becomes available.

### **III. RULE 193.7 NOTICE**

6. Pursuant to Rule 193.7 of the Texas Rules of Civil Procedure, Defendants give notice that all documents produced by Plaintiff may be used at any pre-trial proceeding and at the trial of this cause.

### **IV. REQUEST FOR DISCLOSURES**

7. Pursuant to Tex. R. Civ. P. 194, Defendants request that Plaintiff disclose the information and material described in Rule 194.2 within thirty (30) days of being served this Original Answer.

### **V. PRAYER**

**WHEREFORE, PREMISES CONSIDERED**, Defendants respectfully request judgment of the Court as follows:

- a.** Plaintiff take nothing by way of its Petition against Defendants;
- b.** Judgment be rendered in favor of Defendants; and

- c. Defendants have such other and further relief, both general and special, at law and equity, to which it may show itself justly entitled, and/or which the Court deems proper.

Respectfully submitted,

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ATTORNEYS FOR DEFENDANTS

**CERTIFICATE OF SERVICE**

I certify that on this February 24, 2023, a true and correct copy of the foregoing pleading has been served on all counsel of record and/or joined parties via efile.txcourts.gov.

Justin McGee  
Justin McGee

### Automated Certificate of eService

This automated certificate of service was created by the eFiling system. The filer served this document via email generated by the eFiling system on the date and to the persons listed below. The rules governing certificates of service have not changed. Filers must still provide a certificate of service that complies with all applicable rules.

Justin McGee on behalf of Justin McGee  
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Status as of 2/24/2023 12:33 PM CST

#### Case Contacts

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