

in Cause No. 2023-17944 *Allen N. Hartman v. Silver Star Properties REIT Inc., et al.* in the 133rd Judicial District Court of Harris County, Texas. *See attached* Plaintiffs' Third Amended Original Petition and Petition for Declaratory Relief.

The undersigned is not counsel for Hartman vREIT XXI, Inc. in that lawsuit.

MOTION TO WITHDRAW

The undersigned counsel has complied with the requirements of Texas Rule of Civil Procedure 10 in the following respects:

- A copy of this motion has been delivered to Hartman vREIT XXI, Inc.'s registered agent, Michael Racusin at 2909 Hillcroft, Suite 420, Houston, Texas 77057
- Counsel has notified Hartman vREIT XXI, Inc. that it may object to the withdrawal.
- It is unknown whether Hartman vREIT XXI, Inc. consents to this Motion.
- Hartman vREIT XXI, Inc.'s last known address is through registered agent Michael Racusin at 2909 Hillcroft, Suite 420, Houston, Texas 77057.
- A copy of the May 16, 2023 Docket Control Order has been forwarded to Michael Racusin.

A conflict exists such that the current counsel of record can no longer continue to represent Hartman vREIT XXI, Inc. in this, or any other matter. The conflict is such that even an attempt to explain it generally could disclose privileged client confidences and communications.

PRAYER

The undersigned counsel requests that this Honorable Court order the counsel is withdrawn as counsel of record, and allow Hartman vREIT XXI, Inc. 30 days to obtain counsel of record to make an appearance in this case.

Respectfully submitted,

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COUNSEL FOR DEFENDANTS

CERTIFICATE OF CONFERENCE

On September 11, 2023, I contacted counsel for Summer Energy, LLC to determine whether they were opposed, unopposed or in agreement with this motion. They responded by email that they were **opposed**.

/s/ J. Christopher Diamond

J. Christopher Diamond

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.

Kasia Olkowski on behalf of James Christopher Diamond

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Envelope ID: 79424027

Filing Code Description: Motion (No Fee)

Filing Description: Motion to Withdraw as Counsel of Record for Hartman vREIT XXI, Inc.

Status as of 9/11/2023 4:23 PM CST

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