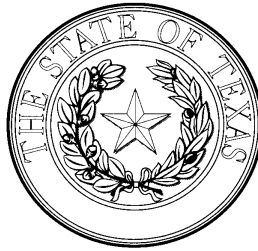


Opinion issued June 14, 2022



**In The
Court of Appeals
For The
First District of Texas**

NO. 01-20-00218-CV

**HARTMAN INCOME REIT, INC., Appellant
V.
MACKENZIE BLUE RIDGE FUND III, LP., Appellee**

**On Appeal from the 80th District Court
Harris County, Texas
Trial Court Case No. 2019-21776**

MEMORANDUM OPINION ON REHEARING

While a motion for rehearing was pending in this case, appellant Hartman Income REIT, Inc. and appellee MacKenzie Blue Ridge Fund III, L.P. informed this Court that all the issues presented in this appeal have become moot. They have

informed the Court that, according to public filings in Maryland, during the pendency of the appeal, Hartman Income REIT, Inc. merged into “Hartman Short Term Income Properties XX Inc.,” whose articles of incorporation permit any shareholder to request a shareholder list. Thus, there is no longer a live controversy between the parties about MacKenzie Blue Ridge Fund III, L.P.’s entitlement to a shareholder list under Texas law. Because the case has become moot, both parties have jointly asked us to vacate our January 27, 2022 opinion and the trial court’s February 24, 2020 summary judgment. *See Heckman v. Williamson Cty.*, 369 S.W.3d 137, 162 (Tex. 2012) (“If a case is or becomes moot, the court must vacate any order or judgment previously issued and dismiss the case for want of jurisdiction.”).

Accordingly, we grant the motion for rehearing. *See* TEX. R. APP. P. 42.1(a)(2)(A). We withdraw our opinion of January 27, 2022, vacate our judgment of the same date, and substitute this opinion and judgment on rehearing in their stead. As requested, we vacate the trial court’s judgment, signed on February 24, 2020, and we dismiss the case with prejudice as to all claims and parties. *See Heckman*, 369 S.W.3d at 162.

PER CURIAM

Panel consists of Chief Justice Radack and Justices Kelly and Landau.