

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF NEW YORK

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SECURITIES AND EXCHANGE COMMISSION	:	
	:	
<i>Plaintiff,</i>	:	
	:	
vs.	:	
	:	10 Civ. 00457 (GLS/DRH)
	:	
MCGINN, SMITH & CO., INC.	:	
McGINN, SMITH ADVISORS, LLC,	:	
McGINN, SMITH CAPITAL HOLDINGS CORP.,	:	STIPULATION
FIRST ADVISORY INCOME NOTES, LLC,	:	<u>AND PROPOSED ORDER</u>
FIRST EXCELSIOR INCOME NOTES, LLC,	:	
FIRST INDEPENDENT INCOME NOTES, LLC,	:	
THIRD ALBANY INCOME NOTES, LLC,	:	
TIMOTHY M. MCGINN, AND	:	
DAVID L. SMITH,	:	
	:	
<i>Defendants, and</i>	:	
	:	
LYNN A. SMITH,	:	
	:	
<i>Relief Defendant.</i>	:	
-----X		

IT IS HEREBY STIPULTED AND AGREED, by and among plaintiff Securities and Exchange Commission (the "Commission") and each of Timothy M. McGinn and David L. Smith (the "Defendants"), by their undersigned counsel, that the Defendants' time to answer or otherwise respond to the Commission's complaint or any amended complaint filed on or before August 2, 2010, shall be extended to August 16, 2010.

Dated: New York, New York
July 21, 2010

GUSRAE KAPLAN BRUNO
& NUSBAUM PLLC

By: 

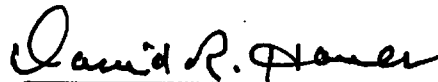
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UNITED STATES SECURITIES
AND EXCHANGE COMMISSION

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SO ORDERED


United States District Judge

Mag.
8/2/10