

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF NEW YORK

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SECURITIES AND EXCHANGE COMMISSION :

Plaintiff, :

vs. :

Case No. 1:10-CV-457
(GLS/CFH)

McGINN, SMITH & CO., INC., :
McGINN, SMITH ADVISORS, LLC :
McGINN, SMITH CAPITAL HOLDINGS CORP., :
FIRST ADVISORY INCOME NOTES, LLC, :
FIRST EXCELSIOR INCOME NOTES, LLC, :
FIRST INDEPENDENT INCOME NOTES, LLC, :
THIRD ALBANY INCOME NOTES, LLC, :
TIMOTHY M. MCGINN, AND :
DAVID L. SMITH, GEOFFREY R. SMITH, :
Individually and as Trustee of the David L. and :
Lynn A. Smith Irrevocable Trust U/A 8/04/04, :
LAUREN T. SMITH, and NANCY MCGINN, :

Defendants, :

LYNN A. SMITH and :
NANCY MCGINN, :

Relief Defendants. and :

GEOFFREY R. SMITH, Trustee of the :
David L. and Lynn A. Smith Irrevocable :
Trust U/A 8/04/04, :

Intervenor. :

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**NOTICE OF TENTH INTERIM APPLICATION OF
CHIAMPOU TRAVIS BESAW & KERSHNER LLP
FOR APPROVAL OF FEES**

PLEASE TAKE NOTICE that upon the Tenth Interim Application of Chiampou
Travis Besaw & Kershner LLP (“Chiampou”) for Approval of Fees (“Application”), Phillips
Lytle LLP as counsel to William J. Brown, Receiver, on behalf of the Application of Chiampou

will move before the Hon. Christian F. Hummel, United States Magistrate Judge, United States District Court for the Northern District of New York, James T. Foley U.S. Courthouse, 445 Broadway, Room 441, Albany, New York 12207, on **December 19, 2019 at 9:30 a.m.**, seeking an Order approving the Application of Chiampou for interim compensation and reimbursement of expenses in connection with accounting, tax and consulting services performed for William J. Brown, as Receiver for the McGinn Smith Entities in this action. No oral argument is requested.

PLEASE TAKE FURTHER NOTICE that objections, if any, to the relief requested in the Application must be made in writing in accordance with the Federal Rules of Civil Procedure and the Local Rules for the United States District Court for the Northern District of New York.

Dated: Buffalo, New York
November 13, 2019

PHILLIPS LYTLE LLP

By /s/ William J. Brown
William J. Brown (Bar Roll #601330)
Catherine N. Eisenhut (Bar Roll #520849)
Attorneys for Receiver
Omni Plaza
30 South Pearl Street
Albany, New York 12207
Telephone No. (518) 472-1224

and

One Canalside
125 Main Street
Buffalo, New York 14203
Telephone No.: (716) 847-8400

Doc #4413783.1

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Relief Defendants. and

GEOFFREY R. SMITH, Trustee of the
David L. and Lynn A. Smith Irrevocable
Trust U/A 8/04/04,

Intervenor.

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**TENTH INTERIM APPLICATION OF CHIAMPOU TRAVIS BESAW
& KERSHNER LLP FOR APPROVAL OF FEES**

Chiam pou Travis Besaw & Kershner LLP (“Chiam pou”), accountants for William J. Brown, as Receiver, submits this application (“Application”) for an order approving interim fees pursuant to Section XIV of this Court’s Preliminary Injunction Order (Docket No. 96) for the six-month period from January 1, 2019 through June 30, 2019 (“Application Period”). In support of this Application, Chiam pou respectfully represents:

1. The Securities and Exchange Commission (“SEC”) commenced an action against McGinn Smith & Co., Inc., et al. in the United States District Court for the Northern District of New York on April 20, 2010 wherein William J. Brown, Esq. was appointed as

temporary Receiver for certain of the defendants and other entities in the action (“Receiver”) (Docket No. 5). The SEC’s Complaint was subsequently amended (Docket No. 100), and the Preliminary Injunction Order was entered on July 22, 2010 appointing William J. Brown as the permanent Receiver.

2. Prior to the Petition Date, Chiampou did not provide accounting or tax services to McGinn Smith. Chiampou was selected by the Receiver following due diligence and interviews with several accounting and tax preparation firms.

3. Based on Chiampou’s expertise and the Declaration of Michael Schaffstall dated November 13, 2019, a copy of which is attached to this Application as **Exhibit A**, Chiampou was retained by the Receiver to provide primarily tax but also some minimal accounting and consulting services on behalf of the Receiver.

4. Specifically, Chiampou was retained to prepare the necessary tax and information returns needed to be filed by the Receivership which included not only pre-receivership periods for which no returns had been filed but also all post-Receivership periods.

5. Chiampou commenced its post-petition services to the Receiver in May 2010 in connection with advice on accounting and bank account procedures and thereafter has worked to analyze the trust entities and their termination from a tax perspective throughout the Application Period.

6. Chiampou commenced its post-petition services to the Receiver in May 2010 in connection with advice on accounting and bank account procedures. Thereafter, Chiampou has worked preparing the annual 2018 tax returns including updates for the Tax Cuts and Jobs Act (TCJA). In addition, Chiampou has prepared the 2006 through 2012 tax returns for TDM Cable Funding LLC as well as a New York non-resident withholding analysis for Alarm Trading, LLC, and notice responses for various entities throughout the Application Period. During the Application Period, Chiampou has prepared 18 federal and 34 state returns.

7. All services for which compensation is sought herein were rendered by Chiampou to the Receiver solely in connection with this action and not on behalf of the creditors, individual equity holders or other person.

8. Prior to the filing of this Application, Chiampou made first, second, third, fourth, fifth, sixth, seventh, eighth and ninth interim applications for compensation and expense reimbursement for professional services provided in conjunction with services provided to the Receiver in the above referenced action. Orders were entered on May 16, 2011 approving the first interim fee application of Chiampou in the amount of \$56,949.02, on December 27, 2011 approving the second interim fee application of Chiampou in the amount of \$29,885.37, on August 22, 2012 approving the third interim fee application of Chiampou in the amount of \$57,339.23, on October 2, 2013 approving the fourth interim fee application of Chiampou in the amount of \$70,351.23, on January 5, 2016 approving the fifth interim fee application of Chiampou in the amount of \$109,947.90, on November 28, 2016 approving the sixth interim fee application of Chiampou in the amount of \$16,828.39, on September 21, 2017 approving the seventh interim fee application of Chiampou in the amount of \$16,086.03, on October 2, 2018 approving the eighth interim fee application of Chiampou in the amount of \$541.20, and on September 20, 2019 approving the ninth interim fee application of Chiampou in the amount of \$37,661.63.

9. During the Application Period, Chiampou received no payment or promises for payment from any source for services rendered or to be rendered in any capacity whatsoever in connection with this action, and there is no agreement or understanding between Chiampou and any other person, other than members of the firm, for the sharing of compensation to be received for services rendered in this action.

10. Chiampou performed its responsibilities in a cost-effective manner commensurate with providing the high quality professional advice required by the Receiver.

11. Chiampou's professional fees and expenses are broken down into monthly invoices summarized as follows and which are set forth by day, professional, and task as evidenced in attached **Exhibit B**.

<u><i>Invoice #</i></u>	<u><i>Invoice Date</i></u>	<u><i>Period Covered</i></u>	<u><i>Amount</i></u>
10410636	1/31/2019	1/1-31/2019	\$ 6,693.29
10411080	2/28/2019	2/1-28/2019	\$ 10,973.81
	4/3/2019	3/1-31/2019	\$ 2,829.46
10412364	4/30/2019	4/1-30/2019	\$ 75.55
10413097	5/31/2019	5/1-28/2019	\$ 1,079.00
10413271	6/30/2019	6/1-28/2019	\$ 734.40
		TOTAL	<u>\$ 22,385.51</u>

12. Chiampou maintains records of the time expended by person as well as the actual out-of-pocket expenses incurred. Chiampou prepared and rendered this fee application describing activities performed by day by professional.

13. Upon Chiampou's knowledge and belief, the compensation sought for approval herein is commensurate with the customary compensation charged by comparably skilled accountants. The hourly fees charged to clients are dependent upon the experience of the individuals assigned to the engagement.

14. The amounts requested by Chiampou are fair and reasonable given:
(a) the complexity of the matters; (b) the actual time expended; (c) the nature and extent of services rendered; and (d) the value of such services.

15. Chiampou believes this request for compensation is justified given the complexity of this case and the commensurate value of Chiampou's professional fees for the Application Period. Phillips Lytle has provided the SEC with a copy of this Application.

16. Chiampou accordingly makes this Application to the Court for compensation.

NOTICE

17. Notice of this Fee Application is being served on the SEC and all parties who have filed a Notice of Appearance in this action. Additionally, it has been posted on the Receiver's website (www.mcginnsmithreceiver.com) for all investors and creditors to see. The Receiver submits that no other or further notice need be given.

WHEREFORE, Chiampou respectfully requests compensation of \$22,385.51 for fees during the Application Period, and for such other and further relief as is proper.

Dated: November 13, 2019

CHIAMPOU TRAVIS BESAW & KERSHNER LLP

By /s/ Michael Schaffstall

Michael Schaffstall

45 Bryant Woods North
Amherst, New York 14228
Telephone No. (716) 630-2400

Dated: November 13, 2019

PHILLIPS LYTLE LLP

By /s/ William J. Brown

William J. Brown (Bar Roll #601330)

Catherine N. Eisenhut (Bar Roll #520849)

Attorneys for Receiver
Omni Plaza
30 South Pearl Street
Albany, New York 12207
Telephone No. (518) 472-1224

and

One Canalside
125 Main Street
Buffalo, New York 14203
Telephone No.: (716) 847-8400

Doc #4413785.1

Exhibit A

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DAVID L. SMITH, GEOFFREY R. SMITH, :
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LAUREN T. SMITH, and NANCY MCGINN, :

Defendants, :

LYNN A. SMITH and :
NANCY MCGINN, :

Relief Defendants. and :

GEOFFREY R. SMITH, Trustee of the :
David L. and Lynn A. Smith Irrevocable :
Trust U/A 8/04/04, :

Intervenor. :

-----X
**DECLARATION OF MICHAEL SCHAFFSTALL IN SUPPORT OF TENTH INTERIM
APPLICATION OF CHIAMPOU TRAVIS BESAW & KERSHNER LLP
FOR ALLOWANCE OF COMPENSATION**

Pursuant to 28 U.S.C. § 1746, Michael Schaffstall declares, under penalty of
perjury, as follows:

1. I am a partner with the accounting and consulting firm of Chiampou Travis Besaw & Kershner LLP (“Chiampou”).

2. I make this declaration in support of the Tenth Interim Application of Chiampou for Allowance of Compensation (“Application”) in connection with Chiampou’s services for the Receiver in this action.

3. I have reviewed the Application and, to the best of my knowledge, information and belief, the facts set forth therein are true and correct.

4. The billing rates being charged by Chiampou in connection with the Application are those which were customarily charged by Chiampou during the time periods in question and are comparable to those charged by other firms of comparable size and experience in this geographic area for the prosecution of matters similar to this action.

5. The compensation and reimbursement of expenses (“Interim Compensation”) for which allowance is sought by Chiampou is reasonable and is sought for actual and necessary services rendered by Chiampou, together with actual and necessary expenses advanced by Chiampou, on behalf of the Receivership entities.

6. The Interim Compensation sought by Chiampou is based upon the nature, the extent and the value of the services rendered. These matters are detailed more particularly in the time itemizations attached to the Application as Exhibit B.

7. Chiampou believes it is entitled to Interim Compensation based on the considerable expenditures of Chiampou’s resources incurred since the onset of its engagement.

8. Chiampou has no agreement with any other person or entity for the sharing of compensation to be received for accounting or other services rendered in this action,

except as such compensation may be shared by and among the accountants and consultants of Chiam pou.

9. Chiam pou respectfully requests that this Court authorize the allowance of the Interim Compensation sought pursuant to the Application in the amount of \$22,385.51.

Dated: November 13, 2019

/s/ Michael Schaffstall
Michael Schaffstall

Doc #4413786.1

Exhibit B

Rec'd 2/8/19

**McGinn Smith & Co., Inc.**

Attn: Mr. William J. Brown
c/o Phillips Lytle LLP
One Canalside
125 Main Street
Buffalo, NY 14203

Invoice No. 10410636
Date 1/31/2019
Client No. 7148.0

Invoice

For professional services rendered from January 1, 2019 through
January 31, 2019 per detailed attachment

6,693.29

BALANCE DUE**\$6,693.29**

Payable when rendered. Make checks payable to Chiampou Travis Besaw & Kershner LLP.
Please include invoice number on all correspondence and checks.

45 Bryant Woods North | Amherst, NY 14228 | Phone 716.630.2400 | Fax 716.630.2401 | ctbk.com

Tax Identification number 16-1468002

Thank you

McGinn Smith - WIP Detail - 01/01/19 - 01/31/19

		Hours	Billing Price	Billing Price Total
Fortress Trust 08				
Lankes, Rebecca				
01/07/19	Review short-period final 2018 return. Send comments to Jill.	0.50	165.00	82.50
01/08/19	Discuss extension with Brian, Bill, Jill and Katie. Update Brian on need for investor info.	0.17	165.00	27.50
01/10/19	Investor info from Brian Shea, request SSNs	0.08	165.00	13.75
01/10/19	2018 extension review	0.33	165.00	55.00
01/22/19	Go over changes to reduction of tax attributes with Katie.	0.08	165.00	13.75
Burke, Kathryn				
01/10/19	Worked on extension	1.25	95.00	118.75
01/22/19	Finished up return	4.00	95.00	380.00
Andrews, Jill				
01/15/19	look to see what we have left to do; talk with Becky; email Katie	0.80	130.00	104.00
01/15/19	Investor info to Katie. Discuss review comments with Jill Andrews.	0.33	165.00	55.00
01/15/19	Mail & Courier Services			6.67
		<u>7.55</u>		<u>856.92</u>
Fortress Trust 08				
Burke, Kathryn				
01/03/19	Rollwed binder and input balance sheet	1.00	95.00	95.00
		<u>1.00</u>		<u>95.00</u>
TDM Verifier Trust 09				
Burke, Kathryn				
01/14/19	Worked on completing return	0.83	95.00	79.17
01/21/19	Worked on preparing return	2.33	95.00	221.67
01/22/19	Finished up preparing return	3.75	95.00	356.25
		<u>6.92</u>		<u>657.09</u>
Firstline Funding				
Burke, Kathryn				
01/03/19	Rolled binder and input balance sheet	0.50	95.00	47.50
Kulikowski, Grace				
01/25/19	IT-204-LL Preparation	0.08	95.00	7.92
Cousins, Jessica				
01/30/19	IT-204-LL Review	0.17	165.00	27.50
		<u>0.75</u>		<u>82.92</u>
Transaction Funding Corp				
Lankes, Rebecca				
01/02/19	2017 and 2018 Investor payment questions from Brian, respond to Brian and discuss with Jill and Katie	0.25	145.00	36.25
		<u>0.25</u>		<u>36.25</u>

McGinn Smith - WIP Detail - 01/01/19 - 01/31/19**McGinn Smith & Co. Inc.**

Burke, Kathryn

01/02/19	Rolled binder and updated workpapers	1.00	95.00	95.00
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Andrews, Jill

01/28/19	update tracker & send to Katie	0.10	130.00	13.00
		<u>1.10</u>		<u>108.00</u>

M&S Partners

Burke, Kathryn

01/03/19	Input CCV balance sheet	1.25	95.00	118.75
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Kulikowski, Grace

01/25/19	IT-204-LL Preparation	0.08	95.00	7.92
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Cousins, Jessica

01/30/19	IT-204-LL Review	0.17	165.00	27.50
		<u>1.50</u>		<u>154.17</u>

McGinn Smith Holdings, LLC

Burke, Kathryn

01/02/19	Added in Balance sheet for FEIN	1.50	95.00	142.50
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Kulikowski, Grace

01/25/19	IT-204-LL Preparation	0.50	95.00	47.50
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Cousins, Jessica

01/30/19	IT-204-LL Review	0.33	165.00	55.00
		<u>2.33</u>		<u>245.00</u>

Mr. Cranberry, LLC

Burke, Kathryn

01/14/19	Worked on completing return	1.50	95.00	142.50
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Andrews, Jill

01/23/19	review and make updates	1.60	130.00	208.00
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01/29/19	clear notes	0.70	130.00	91.00
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Kulikowski, Grace

01/25/19	IT-204-LL Preparation	0.08	95.00	7.92
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Lankes, Rebecca

01/25/19	Second review, open points to Jill.	0.50	165.00	82.50
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Cousins, Jessica

01/30/19	IT-204-LL Review	0.17	165.00	27.50
		<u>4.55</u>		<u>559.42</u>

McGinn Smith - WIP Detail - 01/01/19 - 01/31/19**MSFC Security Holdings LLC**

Burke, Kathryn

01/14/19	Worked on completing return	2.33	95.00	221.67
01/19/19	Preparation	1.50	95.00	142.50
01/21/19	Finsihed return and sent for review	2.67	95.00	253.33

Andrews, Jill

01/23/19	review and make updates	2.20	130.00	286.00
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Kulikowski, Grace

01/25/19	IT-204-LL Preparation	0.08	95.00	7.92
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Andrews, Jill

01/28/19	updates	1.90	130.00	247.00
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Cousins, Jessica

01/30/19	IT-204-LL Review	0.17	165.00	27.50
		<u>10.85</u>		<u>1,185.92</u>

Seton Hall Associates

Burke, Kathryn

01/02/19	Rolled binder and updated workpapers	0.75	95.00	71.25
01/03/19	Worked on wps and journal entries	1.58	95.00	150.42
01/11/19	worked on tax return	2.00	95.00	190.00
01/14/19	Worked on completing return	2.08	95.00	197.92
01/19/19	Preparation	0.50	95.00	47.50

Andrews, Jill

01/03/19	talk with Katie B re: her questions	0.30	130.00	39.00
01/11/19	go over Katie's questions	0.20	130.00	26.00
01/15/19	review and udpate	5.30	130.00	689.00
01/23/19	verify ready for second review	0.10	130.00	13.00
01/28/19	updates	1.00	130.00	130.00

Lankes, Rebecca

01/15/19	Discuss tax attributes with Jill.	0.17	165.00	27.50
01/15/19	Go over questions with Jill.	0.42	165.00	68.75
01/25/19	Second review, points to Jill and email Brian update on taxable income.	1.17	165.00	192.50
01/29/19	review cleared comments	0.33	165.00	55.00
		<u>15.90</u>		<u>1,897.84</u>

TDMM Cable Funding LLC

Andrews, Jill

01/23/19	verify we still need to file and let Brian know	0.10	130.00	13.00
01/30/19	log in tracker and move to Katie	0.10	130.00	13.00

Kulikowski, Grace

01/25/19	IT-204-LL Preparation	0.08	95.00	7.92
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Cousins, Jessica

01/30/19	IT-204-LL Review	0.17	165.00	27.50
		<u>0.45</u>		<u>61.42</u>

TDM Verifier Trust 07R

Burke, Kathryn

01/21/19	Worked on preparing return	2.25	95.00	213.75
		<u>2.25</u>		<u>213.75</u>

McGinn Smith - WIP Detail - 01/01/19 - 01/31/19**TDMM Benchmark TR09**

Burke, Kathryn

01/02/19	Rolled binder and updated workpapers	0.42	95.00	39.58
		<u>0.42</u>		<u>39.58</u>

TDM Cable Funding LLC

Andrews, Jill

01/02/19	talk to Becky re: updates needed on 2008	0.30	130.00	39.00
01/07/19	review 208 return	0.70	130.00	91.00
01/15/19	review 2008 return	0.30	130.00	39.00

Burke, Kathryn

01/02/19	2008 return editing for review comments	1.25	95.00	118.75
01/04/19	Updated 08 return to be sent to brian	1.17	95.00	110.83
01/11/19	Reprinted 2008 return	0.25	95.00	23.75

Lankes, Rebecca

01/02/19	Review 2008 Disclosure, update, draft to Brian and Bill Brown.	0.50	145.00	72.50
01/02/19	Discuss potential ownership change and implications with Mike.	0.33	144.99	48.33
01/02/19	2008 discuss ownership and bad debt expense updates with Katie and Jill	0.25	145.00	36.25
01/03/19	2008 review updates made by Katie and send her comments	0.33	165.00	55.00
01/16/19	Review 2008 return, discuss voluntary disclosure with Brian and Meagan. Review 2012 binder and notes on 2006/2008 returns not previously aware of. Discuss with Jill Andrews and Mary H.	2.08	165.00	343.75
01/17/19	Send Brian message of prior year information found and what our next steps should be.	0.25	165.00	41.25
01/18/19	Send 2006/2011 files to Brian for his review.	0.25	165.00	41.25
01/23/19	2006 review files for perm docs related to ownership. Set up separate 2006 binder. Review return as originally filed and proposed amended. Organize supporting workpapers and agree to amended return.	1.33	165.00	220.00
01/30/19	Call with Brian Shea to discuss history and consideration of filing 2006 and 2007 amended returns. Also, Rogers as a partner and his compensation.	0.33	165.00	55.00

Kulikowski, Grace

01/25/19	IT-204-LL Preparation	0.08	95.00	7.92
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Cousins, Jessica

01/30/19	IT-204-LL Review	0.17	165.00	27.50
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Horbachewski, Mary

01/18/19	email correspondence w/ Becky Lankes re filing of prior year amended returns and Form IT-204-LL	0.20	230.00	46.00
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Schaffstall, Michael

01/01/19	Review	0.50	300.00	150.00
01/07/19	VDA discussion	0.50	300.00	150.00
		<u>11.08</u>		<u>1,717.08</u>

McGinn Smith - WIP Detail - 01/01/19 - 01/31/19**Alarm Trading, LLC**

Andrews, Jill

01/01/19	update track, forward info to Katie, talk to Katie regarding question she had on final return	0.50	130.00	65.00
01/02/19	update tracker, send emails to Katie and send in XCM	0.60	130.00	78.00
01/03/19	email re: tracker Brian's questions answered	0.30	130.00	39.00
01/10/19	update tracker, send info to Katie	0.20	130.00	26.00
01/22/19	talk with Katie re: various questions; update tracker	0.60	130.00	78.00

Amodeo, Lisa

01/09/19	Form 1099 Review	0.08	120.00	10.00
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Lin, Vivien

01/09/19	Preparation	0.33	105.00	35.00
01/08/19	Form 1099 Preparation	0.92	105.00	96.25

Gross, Lynne

01/09/19	sign and send 2018 1099s	0.15	145.00	21.75
01/30/19	creating IRS transmittal file	0.05	145.00	7.25
		<u>3.73</u>		<u>456.25</u>

TOTAL FEES INCURRED

\$ 8,366.61

Less Discount

(1,673.32)**TOTAL INVOICE AMOUNT**\$ 6,693.29

Rec'd 3/8/19



McGinn Smith & Co., Inc.

Attn: Mr. William J. Brown
c/o Phillips Lytle LLP
One Canalside
125 Main Street
Buffalo, NY 14203

Invoice No. 10411080
Date 2/28/2019
Client No. 7148.0

Invoice

For professional services rendered from February 1, 2019 through
February 28, 2019 per detailed attachment

10,973.81

BALANCE DUE

\$10,973.81

Payable when rendered. Make checks payable to Chiampou Travis Besaw & Kershner LLP.

Please include invoice number on all correspondence and checks.

45 Bryant Woods North | Amherst, NY 14228 | Phone 716.630.2400 | Fax 716.630.2401 | ctbk.com

Tax Identification number 16-1468002

Thank you

McGinn Smith - WIP Detail - 02/01/19 - 02/28/19

	Hours	Billing Price	Billing Price Total
Fortress Trust 08			
Lankes, Rebecca			
2019-02-06 review questions from Jill and send open item of three missing SSNs to Brian Shea.	0.25	165.00	41.25
2019-02-08 Review Schedule K-1 beneficiary info and return cleared points. Cover letters to binder for assembly.	1.25	165.00	206.25
2019-02-09 Review return with Mike.	0.25	165.00	41.25
2019-02-09 assembly review, assist Ellen in coding software to obtain Schedule K-1 mailing labels	0.33	165.00	55.00
2019-02-09 assembly review, ship, upload portal	0.25	165.00	41.25
2019-02-12 K-1 letters assembly review and ship	0.50	165.00	82.50
Andrews, Jill			
2019-02-04 review & update	0.60	130.00	78.00
2019-02-05 review & updates	1.70	130.00	221.00
Schaffstall, Michael			
2019-02-09 Review	1.00	300.00	300.00
2019-01-31 Certified Mail			6.67
2019-01-31 Tax Processing Fee - 2019			30.00
	<u>6.13</u>		<u>1,103.17</u>
TDM Verifier Trust 11			
Burke, Kathryn			
2019-02-16 Prepared return	1.25	95.00	118.75
2019-01-31 Tax Processing Fee - 2019			30.00
	<u>10.08</u>		<u>148.75</u>
TDM Verifier Trust 09			
Andrews, Jill			
2019-02-01 review 1041	1.40	130.00	182.00
2019-02-04 review & update	0.70	130.00	91.00
Lankes, Rebecca			
2019-02-08 Re-do return for prior year reduction of asset basis, accrued interest which does not create COD and revise reduction of tax attributes.	2.17	165.00	357.50
2019-02-09 Review return with Mike.	0.25	165.00	41.25
2019-02-09 assembly review, ship, upload portal	0.17	165.00	27.50
Schaffstall, Michael			
2019-02-09 Review	1.00	300.00	300.00
2019-01-31 Tax Processing Fee - 2019			30.00
	<u>5.68</u>		<u>1,029.25</u>

McGinn Smith - WIP Detail - 02/01/19 - 02/28/19**Firstline Funding**

Burke, Kathryn

2019-02-28 Prepared return	1.75	95.00	166.25
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2019-01-31 Tax Processing Fee - 2019			30.00
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	<u>1.75</u>		<u>196.25</u>
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Transaction Funding Corp

Lankes, Rebecca

2019-02-05 Discuss 2018 return prep with Christina Heim.	0.08	165.00	13.20
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2019-02-14 Discuss COD and Section 108 with Christina	0.17	165.00	27.50
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Heim, Christina

2019-02-13 prepare return	0.40	180.00	72.00
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2019-02-14 prep return	0.50	180.00	90.00
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2019-01-31 Tax Processing Fee - 2019			30.00
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	<u>1.15</u>		<u>232.76</u>
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McGinn Smith & Co. Inc.

Lankes, Rebecca

2019-02-05 Discuss 2018 return prep with Christina Heim.	0.08	165.00	13.75
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2019-02-06 Review	0.50	165.00	82.50
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2019-02-07 Review	0.17	165.00	27.50
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2019-02-13 recalc, schedule O finalized, print updated copies to binder for Mike's second review	0.17	165.00	27.50
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2019-02-14 clear review points	0.08	165.00	13.75
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Heim, Christina

2019-02-05 prep return	0.90	180.00	162.00
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2019-01-31 Tax Processing Fee - 2019			30.00
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	<u>1.90</u>		<u>357.00</u>
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Capital Holdings Corp

Lankes, Rebecca

2019-02-05 Discuss 2018 return prep with Christina Heim.	0.08	165.00	13.75
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2019-02-13 Review return - research changes to Min Tax Credit and Schedu	1.25	165.00	206.25
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2019-02-22 Make updates and send to Mike for second review. Discuss upd	0.58	165.00	96.25
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2019-02-23 assembly review, sign, ship, upload portal	0.17	165.00	27.50
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Heim, Christina

2019-02-07 prep return	1.40	180.00	252.00
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Lankes, Rebecca

Schaffstall, Michael

2019-02-15 Review	0.25	300.00	75.00
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2019-01-31 Tax Processing Fee - 2019			30.00
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	<u>3.73</u>		<u>700.75</u>
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McGinn Smith - WIP Detail - 02/01/19 - 02/28/19**M&S Partners**

Burke, Kathryn

2019-02-27 Began prepping return	0.58	95.00	55.42
2019-02-28 Prepared Return	1.00	95.00	95.00
2019-01-31 Tax Processing Fee - 2019			30.00
	<u>1.58</u>		<u>180.42</u>

McGinn Smith Holdings, LLC

Andrews, Jill

2019-02-06 review	0.70	130.00	91.00
2019-02-06 finish prep	4.30	130.00	559.00
2019-02-21 prep	3.30	130.00	429.00

Lankes, Rebecca

2019-02-07 Review questions from Jill and Combined Financial Statements. Discuss several items to run past Mike Schaffstall and Brian Shea in regards to potential COD and bad debt expense as well as writing off Due T/F accounts for final year returns.	1.17	165.00	193.05
2019-02-14 Review Jill's questions and combined financials. Send questions to Brian Shea regarding prior period adjustment, COD, bad debt and D T/F final entities.	1.58	165.00	260.70
2019-02-15 Review responses from Brian, discuss adjusting entries needed with Jill.	0.25	165.00	41.25
2019-02-21 Discuss questions with Jill regarding bad debt, COD, intercompany eliminations, etc.	0.50	165.00	82.50
2019-01-31 Tax Processing Fee - 2019			30.00
	<u>11.80</u>		<u>1,686.50</u>

Mr. Cranberry, LLC

Lankes, Rebecca

2019-02-06 Review cleared points.	0.25	165.00	41.25
2019-02-09 assembly review, ship, upload portal	0.17	165.00	27.50
2019-02-13 Re-run for Form 1065, Page 3, Schedule B, Question 24 that should have been marked YES.	0.3333	165.00	55.00
2019-02-14 assembly review, sign, ship	0.25	165.00	41.25
2019-02-28 TCJA - note to file regarding negative tax basis capital	0.25	165.00	41.25
2019-01-31 Tax Processing Fee - 2019			30.00
	<u>1.25</u>		<u>236.25</u>

McGinn Smith - WIP Detail - 02/01/19 - 02/28/19**MSFC Security Holdings LLC**

Andrews, Jill

2019-02-06 review	0.3	130.00	39.00
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Lankes, Rebecca

2019-02-07 Second review from Jill. Note section 108 not applicable at partnership level. Questions to Mike regarding business vs non-business COD and bad debt, NY non-res withholding, etc.	0.75	165.00	123.75
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2019-02-13 Review - remove Form 982 as Section 108 is applied at partner level. Provision, adjust M-2.	1.08	165.00	178.75
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2019-02-16 e-file disqualification research	0.17	165.00	27.50
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2019-02-18 Research NY Non-resident withholding rules, discussions with Mike Schaffstall and Jon Pellish regarding NY Non-resident income and sourcing income. Review return type and PY returns.	0.58	165.00	96.25
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2019-02-22 Clear review points, make updates per discussions with Bill Brown, Brian Shea and Mike Schaffstall. Update Bill Brown on IT-2658-E signatures.	1.00	165.00	165.00
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2019-02-23 assembly review, sign, ship, upload portal	0.17	165.00	27.50
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Schaffstall, Michael

2019-02-16 Review	0.75	300.00	225.00
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2019-02-22 Review	0.75	300.00	225.00
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2019-01-31 Tax Processing Fee - 2019			30.00
	<u>5.55</u>		<u>1,137.75</u>

McGinn Smith - WIP Detail - 02/01/19 - 02/28/19**Seton Hall Associates**

Lankes, Rebecca

2019-02-02	Discuss review points with Mike - to research insolvency at pship vs individual level	0.17	165.00	27.50
2019-02-05	Research Code Section 108 and partherships to determine insolvency is taken at partner level. Draft footnote to include with schedule K-Is and discuss with Mike.	0.67	165.01	110.01
2019-02-05	Code Section 108 is applicable at the partner level as opposed to the partnership level. Remove M-Is, prepare provision, add K-1 footnote to investor. Assess NY Non-resident withholding and IT-204-LL filing requirements.	1.75	165.00	288.75
2019-02-07	Questions to Mike on business vs non-business treatment of COD/bad debt and NY non-resident withholding.	0.50	165.00	82.50
2019-02-12	Research regarding business vs. non-business bad debt. Research regarding Section 108 Insolvency and partherships. Non-resident withholding requirements for NY. Discussions with Steve Brady and Mike Schaffstall.	1.92	165.00	316.25
2019-02-12	Forms IT-2658-E, revise description of COD and bad debt. Revise partnership representative information.	1.08	165.00	178.75
2019-02-14	Revise address for McConaughy	0.08	165.00	13.75
2019-02-16	Discuss final return items with Mike and drafting of email to Bill Brown, Kelly Marks and Brian Shea in regards to the final returns COD, non-resident withholding and PR.	0.83	165.00	137.50
2019-02-18	Research NY Non-resident withholding rules, discussions with Mike Schaffstall and Jon Pellish regarding NY Non-resident income and sourcing income. Review return type and PY returns.	1.17	165.00	192.50
2019-02-19	Conference call Bill Brown, Brian Shea and Mike Schaffstall to discuss NY Non-resident partner withholding requirements and obtaining signed Forms IT-2658-E. Draft letter to investors.	0.92	165.00	151.25
2019-02-19	Conference call Bill Brown, Brian Shea and Mike Schaffstall to discuss NY Non-resident partner withholding requirements and obtaining signed Forms IT-2658-E. Draft letter to investors.	0.08	165.00	13.75
2019-02-21	Review updated draft of return and update status.	0.33	165.00	55.00
2019-02-26	Access estimated liability for non-resident withholding and estimates as well as potential penalties.	1.25	165.00	206.25

Schaffstall, Michael

2019-02-02	Review	1.00	300.00	300.00
2019-02-16	Review	1.00	300.00	300.00
2019-01-31	Tax Processing Fee - 2019			30.00
		<u>12.75</u>		<u>2,403.76</u>

McGinn Smith - WIP Detail - 02/01/19 - 02/28/19**TDM Verifier Trust 07R**

Burke, Kathryn

2019-02-14 prepared return	2.08	95.00	197.92
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Lankes, Rebecca

2019-02-06 Discuss final return and prep with Katie.	0.08	165.00	13.75
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2019-02-18 review return	0.50	165.00	82.50
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2019-02-22 First review and send to Mike for second review.	0.50	165.00	82.50
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2019-02-23 assembly review, sign, ship, upload portal	0.17	165.00	27.50
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Schaffstall, Michael

2019-02-22 Review	0.75	300.00	225.00
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2019-01-31 Tax Processing Fee - 2019			30.00
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4.08659.17**TDMM Benchmark TR09**

Burke, Kathryn

2019-02-16 Worked on return	0.83	95.00	79.17
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2019-02-28 Prepared return	2.50	95.00	237.50
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Lankes, Rebecca

2019-02-16 Katie questions	0.25	165.00	41.25
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2019-02-28 Katie Questions on reduction of tax attributes and adjusting journal entries required	0.33	165.00	55.00
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2019-01-31 Tax Processing Fee - 2019			30.00
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3.92442.92**TDMM Cable Sr. TR09**

Burke, Kathryn

2019-02-09 Prepared return	3.00	95.00	285.00
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2019-02-14 Cleared review points	1.50	95.00	142.50
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Lankes, Rebecca

2019-02-06 Discuss final return and prep with Katie.	0.08	165.00	13.75
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2019-02-13 Review, revise reduction of tax attributes and send review points to Katie.	0.83	165.00	137.50
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2019-02-18 review cleared points	0.58	165.00	96.25
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2019-02-19 assembly review, sign, ship, upload portal	0.25	165.00	41.25
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Schaffstall, Michael

2019-02-18 Review	0.50	300.00	150.00
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2019-01-31 Tax Processing Fee - 2019			30.00
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6.75896.25

McGinn Smith - WIP Detail - 02/01/19 - 02/28/19**TDMM Cable Jr. TR09**

Burke, Kathryn

2019-02-09 Prepared return	2.50	95.00	237.50
2019-02-14 Cleared review points	1.42	95.00	134.58

Lankes, Rebecca

2019-02-06 Discuss final return and prep with Katie.	0.08	165.00	13.75
2019-02-13 Review and send Brian question on balance sheet.	0.50	165.00	82.50
2019-02-14 Review points to Katie	0.08	165.00	13.75
2019-02-15 Review cleared points from Katie.	0.58	165.00	96.25
2019-02-19 assembly review, sign, ship, upload portal	0.25	165.00	41.25

Schaffstall, Michael

2019-02-16 Review	0.50	300.00	150.00
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2019-01-31 Tax Processing Fee - 2019			30.00
	<u>5.92</u>		<u>799.58</u>

TDM Cable Funding LLC

Lankes, Rebecca

2019-02-01 Discuss possible amended returns with Mike and set up call with Bill Brown	0.25	165.00	41.25
2019-02-04 schedule conference call to discuss	0.08	165.00	13.75

2019-01-31 Tax Processing Fee - 2019			30.00
	<u>0.33</u>		<u>85.00</u>

McGinn Smith - WIP Detail - 02/01/19 - 02/28/19**Alarm Trading, LLC**

Lankes, Rebecca

2019-02-05	McGinn Smith - Call with Bill Brown, Brian Shea and Mike Schaffstall to introduce Mike as partner and update on account.	0.33	165.00	55.00
2019-02-09	Discuss McGinn Smith background and tracker with Mike. Discuss partnership questions on business vs non-business bad debt and COD and non-resident NY withholding.	0.42	165.00	68.75
2019-02-19	Summary of partnerships with NY source income and non-residents that may require withholding or signed Forms IT-2658-E.	0.33	165.00	55.00
2019-02-19	Summary of partnerships with NY source income and non-residents that may require withholding or signed Forms IT-2658-E.	0.50	165.00	82.50
2019-02-20	NY Forms IT-2658-E analysis and considerations.	0.17	165.00	27.50
2019-02-21	Review NY source income, respond to Brian Shea questions on partnerships with non-residents and sourcing to NYS.	0.33	165.00	55.00
2019-02-25	Partnership Summary - update state source PDW Brian Shea. Review coorespondence from Bill Brown and review assets vs. liabilities to determine if bad debts likely to exceed COD.	0.42	165.00	68.75
2019-02-26	Review Form IT-2658 instruc and Form IT-2658-E. Review NYS non-res est and withhold requirements. Review partnership and K-1 instruct. Discuss with Mike Schaffstall and Jen Aceti. Call NYS and discuss withholding requirements and potential penalties.	2.25	165.00	371.25
2019-02-26	Summary of potential liabilities for final partnership returns and prepare memo to Bill Brown, Kelly Marks and Brian Shea.	0.50	165.00	82.50

Schaffstall, Michael

2019-02-19	call and follow up - NYS withholding	1.00	300.00	300.00
2019-02-26	NYS withholding issue	0.75	300.00	225.00

2019-01-31	Tax Processing Fee - 2019			30.00
		<u>7.00</u>		<u>1,421.25</u>

TOTAL FEES INCURRED

\$ 13,716.77

Less Discount

(2,743.45)**TOTAL INVOICE AMOUNT**\$ 10,973.32

Rec'd 4/8/19



McGinn Smith & Co., Inc.

Attn: Mr. William J. Brown
c/o Phillips Lytle LLP
One Canalside
125 Main Street
Buffalo, NY 14203

Invoice No. DRAFT INVOICE
Date 4/3/2019
Client No. 7148.0

Draft Invoice

For professional services rendered from March 1, 2019 through
March 31, 2019 per detailed attachment

2,829.46

TOTAL DUE

\$2,829.46

Payable when rendered. Make checks payable to Chiamppou Travis Besaw & Kershner LLP.
Please include invoice number on all correspondence and checks.

45 Bryant Woods North | Amherst, NY 14228 | Phone 716.630.2400 | Fax 716.630.2401 | ctbk.com

Tax Identification number 16-1468002

Thank you

McGinn Smith - WIP Detail - 03/01/19 - 03/31/19

	Date		Hours	Billing Price	Billing Price Total
McGinn Smith & Co. Inc.					
Lankes, Rebecca					
	03/20/19	assembly review, sign, ship	0.08	165.00	13.20
	03/20/19	clear review points, to assembly	0.30	165.00	41.25
			<u>0.30</u>		<u>55.00</u>
Transaction Funding Corp					
Lankes, Rebecca					
	03/01/19	Revise COD to cash consolidation, update return and attachments, review	0.83	165.00	137.50
	03/02/19	assembly review, sign, ship, upload portal	0.17	165.00	27.50
Schaffstall, Michael					
	03/02/19	Review	0.25	300.00	75.00
			<u>1.30</u>		<u>240.00</u>
M&S Partners					
Lankes, Rebecca					
	03/02/19	Review return including TCJA considerations	0.67	165.00	110.00
	03/05/19	assembly review, sign, ship, upload portal	0.17	165.00	27.50
	03/05/19	Send second copy to ensure timely delivery via courier by 3/6/19.	0.17	165.00	27.50
Schaffstall, Michael					
	03/04/19	Review	0.50	300.00	150.00
			<u>1.50</u>		<u>315.00</u>
McGinn Smith Holdings, LLC					
Lankes, Rebecca					
	03/02/19	review combined financials, reconcile combined financials, update return including TCJA considerations for CPAP, PR and 199A	3.25	165.00	536.25
	03/05/19	extn prep, assemble, ship, upload portal	0.25	165.00	41.25
	03/09/19	discuss return with Mike and review notes from Brian	0.33	165.00	55.00
	03/12/19	Record adjusting journal entries and reconcile eliminations if 107th, NEI, Funding and Licensing were to be final for 2018, Send analysis to Brian Shea for his review.	1.83	165.00	302.50
	03/20/19	Remove wind up of several entities PDW Brian Shea. Review Due To/From accounts and record bad debt or COD for those balances as final year returns have been filed for several entities.	0.75	165.00	123.75
	03/24/19	notes from Brian Shea	0.08	165.00	13.75
	03/30/19	Update return for revised financial statements where additional inter co debt was written off to correspond with other final year returns.	0.42	165.00	68.75
Schaffstall, Michael					
	03/09/19	Review	1.00	300.00	300.00
	03/30/19	Review	0.50	300.00	150.00
			<u>8.41</u>		<u>1,591.25</u>

McGinn Smith - WIP Detail - 03/01/19 - 03/31/19**Firstline Funding**

Lankes, Rebecca

03/02/19	assembly review, sign, ship, upload portal	0.17	165.00	27.50
03/02/19	Review return	0.58	165.00	96.25
03/05/19	Send second copy to ensure timely delivery via courier by 3/6/19.	0.25	165.00	41.25

Schaffstall, Michael

03/02/19	Review	0.25	300.00	75.00
		<u>1.25</u>		<u>240.00</u>

Seton Hall Associates

Lankes, Rebecca

03/05/19	extn prep, assemble, ship, upload portal	0.25	165.00	41.25
03/18/19	Partner address changes	0.17	165.00	27.50
03/23/19	Update address Gorman	0.17	165.00	27.50
03/27/19	assembly review, ship	0.42	165.00	68.75
		<u>1.01</u>		<u>165.00</u>

TDMM Cable Funding LLC

Burke, Kathryn

03/02/19	Prepared return	1.17	95.00	110.83
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Lankes, Rebecca

03/02/19	Review return including TCJA considerations	0.50	165.00	82.50
03/05/19	assembly review, sign, ship, upload portal	0.17	165.00	27.50
03/05/19	Send second copy to ensure timely delivery via courier by 3/6/19.	0.17	165.00	27.50

Schaffstall, Michael

03/04/19	Review	0.50	300.00	150.00
01/31/19	Tax Processing Fee			30.00
03/11/19	Foxy Delivery Service			16.00
		<u>2.51</u>		<u>444.33</u>

TDM Verifier Trust 11

Lankes, Rebecca

03/20/19	Review return, record AJE for prior year reduction of asset basis.	0.58	165.00	96.25
03/22/19	assembly review, sign, ship	0.17	165.00	27.50

Schaffstall, Michael

03/21/19	Review	0.25	300.00	75.00
		<u>1.00</u>		<u>198.75</u>

McGinn Smith - WIP Detail - 03/01/19 - 03/31/19**TDMM Benchmark TR09**

Lankes, Rebecca

03/20/19	Review return - update reduction of tax attributes and Form 982.	0.67	165.00	110.00
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03/22/19	assembly review, sign, ship	0.17	165.00	27.50
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Schaffstall, Michael

03/21/19	Review	0.50	300.00	150.00
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		<u>1.34</u>		<u>287.50</u>
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TOTAL FEES INCURRED**\$ 3,536.83**

Less Discount

707.37**TOTAL INVOICE AMOUNT****\$ 2,829.46**

Rec'd 5/4/19



McGinn Smith & Co., Inc.

Attn: Mr. William J. Brown
c/o Phillips Lytle LLP
One Canalside
125 Main Street
Buffalo, NY 14203

Invoice No. 10412364
Date 4/30/2019
Client No. 7148.0

Invoice

For professional services rendered from April 1, 2019 through April 30, 2019 per detailed attachment.

75.55

BALANCE DUE

\$75.55

Payable when rendered. Make checks payable to Chiampou Travis Besaw & Kershner LLP.

Please include invoice number on all correspondence and checks.

45 Bryant Woods North | Amherst, NY 14228 | Phone 716.630.2400 | Fax 716.630.2401 | ctbk.com

Tax Identification number 16-1468002

Thank you

McGinn Smith - WIP Detail - 04/01/19 - 04/30/19

	Date		Hours	Billing Price	Billing Price Total
McGinn Smith Holdings, LLC					
Lankes, Rebecca	04/01/19	assembly review, sign, ship, upload portal	0.25	165.00	41.25
			<u>0.30</u>		<u>41.25</u>
Seton Hall Associates					
	04/01/19	Mail and Courier Services			42.55
			<u>-</u>		<u>42.55</u>
TOTAL FEES INCURRED					\$ 83.80
Less Discount					<u>(8.25)</u>
TOTAL INVOICE AMOUNT					<u>\$ 75.55</u>

Paid 6/7/19

**McGinn Smith & Co., Inc.**

Attn: Mr. William J. Brown
c/o Phillips Lytle LLP
One Canalside
125 Main Street
Buffalo, NY 14203

Invoice No. 10413097
Date 5/31/2019
Client No. 7148.0

Invoice

For professional services rendered from May 1, 2019 through May
28, 2019 per detailed attachment

1,079.00

BALANCE DUE**\$1,079.00**

Payable when rendered. Make checks payable to Chiampou Travis Besaw & Kershner LLP.

Please include invoice number on all correspondence and checks.

45 Bryant Woods North | Amherst, NY 14228 | Phone 716.630.2400 | Fax 716.630.2401 | ctbk.com

Tax Identification number 16-1468002

Thank you

McGinn Smith - WIP Detail - 05/01/19 - 05/31/19

	Date		Hours	Billing Price	Billing Price Total
TDM Verifier Trust 11					
Lankes, Rebecca					
	05/20/19	Discuss final return with MS and SC and email BS regarding QB files and whether we can file final returns.	0.08	165.00	13.75
Burke, Kathryn					
	05/30/19	Final 2019 Return	2.75	95.00	261.25
			<u>2.83</u>		<u>275.00</u>
McGinn Smith Holdings, LLC					
Lankes, Rebecca					
	05/09/19	2018 IRS Notice response draft preparation.	0.33	165.00	55.00
	05/10/19	Disclose Alarm Trading payroll info on IRS Notice response.	0.17	165.00	27.50
			<u>0.50</u>		<u>82.50</u>
TDMM Benchmark TR09					
Lankes, Rebecca					
	05/20/19	Discuss final return with MS and SC and email BS regarding QB files and whether we can file final returns.	0.08	165.00	13.75
Burke, Kathryn					
	05/29/19	Final 2019 return preparation	5.00	95.00	475.00
	05/30/19	Final 2019 Return	0.25	95.00	23.75
			<u>5.33</u>		<u>512.50</u>
TDM Cable Funding LLC					
Lankes, Rebecca					
	05/20/19	Review 2006 thru 2008 files and SMLLC's White Glove and Cruise Charters. Email Brian regarding two SMLLCs and when activity began.	0.67	165.00	110.00
Schaffstall, Michael					
	05/20/19	Review	1.00	300.00	300.00
			<u>1.67</u>		<u>410.00</u>
Alarm Trading, LLC					
	05/09/19	Update return tracker per Brian Shea's request. Also, update two final trust due dates in XCM as they are due 11/15/19 and 1/15/20.	0.42	165.00	68.75
			<u>0.42</u>		<u>68.75</u>
TOTAL FEES INCURRED					\$ 1,348.75
Less Discount					<u>(269.75)</u>
TOTAL INVOICE AMOUNT					<u>\$ 1,079.00</u>

Rec'd 8/2/19



McGinn Smith & Co., Inc.

Attn: Mr. William J. Brown
c/o Phillips Lytle LLP
One Canalside
125 Main Street
Buffalo, NY 14203

Invoice No. 10413271
Date 6/30/2019
Client No. 7148.0

Invoice

For professional services rendered from June 1, 2019 through June 28, 2019 per detailed attachment

734.40

BALANCE DUE

\$734.40

Payable when rendered. Make checks payable to Chiampou Travis Besaw & Kershner LLP.
Please include invoice number on all correspondence and checks.

45 Bryant Woods North | Amherst, NY 14228 | Phone 716.630.2400 | Fax 716.630.2401 | ctbk.com

Tax Identification number 16-1468002

Thank you

McGinn Smith - WIP Detail - 06/01/19 - 06/30/19

	Date		Hours	Billing Price	Billing Price Total
TDM Verifier Trust 11					
Andrews, Jill					
	06/12/19	Review	1.10	130.00	143.00
	06/13/19	Update tax attributes w/p	0.80	130.00	104.00
	06/24/19	Review updates	0.60	130.00	78.00
Burke, Kathryn					
	06/17/19	Cleared review points	1.00	95.00	95.00
			<u>3.50</u>		<u>420.00</u>

TDMM Benchmark TR09

Andrews, Jill					
	06/11/19	Review	1.20	130.00	156.00
	06/12/19	Review	0.70	130.00	91.00
	06/13/19	Update tax attributes	0.70	130.00	91.00
	06/24/19	Review updates	0.50	130.00	65.00
Burke, Kathryn					
	06/17/19	Clear review points	1.00	95.00	95.00
			<u>4.10</u>		<u>498.00</u>

TOTAL FEES INCURRED**\$ 918.00**

Less Discount

(183.60)**TOTAL INVOICE AMOUNT****\$ 734.40**

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF NEW YORK

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SECURITIES AND EXCHANGE COMMISSION :

Plaintiff, :

vs. :

Case No. 1:10-CV-457
(GLS/CFH)

McGINN, SMITH & CO., INC., :
McGINN, SMITH ADVISORS, LLC :
McGINN, SMITH CAPITAL HOLDINGS CORP., :
FIRST ADVISORY INCOME NOTES, LLC, :
FIRST EXCELSIOR INCOME NOTES, LLC, :
FIRST INDEPENDENT INCOME NOTES, LLC, :
THIRD ALBANY INCOME NOTES, LLC, :
TIMOTHY M. McGINN, AND :
DAVID L. SMITH, GEOFFREY R. SMITH, :
Individually and as Trustee of the David L. and :
Lynn A. Smith Irrevocable Trust U/A 8/04/04, :
LAUREN T. SMITH, and NANCY McGINN, :

Defendants, :

LYNN A. SMITH and :
NANCY McGINN, :

Relief Defendants. and :

GEOFFREY R. SMITH, Trustee of the :
David L. and Lynn A. Smith Irrevocable :
Trust U/A 8/04/04, :

Intervenor. :

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**ORDER APPROVING TENTH INTERIM APPLICATION
OF CHIAMPOU TRAVIS BESAW & KERSHNER LLP
FOR APPROVAL OF FEES**

Upon the Application of Chiampou Travis Besaw & Kershner LLP (“Chiampou”) for Approval of the Tenth Interim Application for Fees dated November 13, 2019 (“Application”) for an order approving accountant’s fees and expenses; and notice of the Application having been given to the Securities and Exchange Commission and all parties who

have filed a Notice of Appearance in this action and other parties in interest via the Receiver's website, which notice is deemed good and sufficient notice; and the Court having determined that sufficient cause exists; it is therefore

ORDERED, that the Application is approved such that compensation for services rendered between January 1, 2019 and June 30, 2019 in the amount of \$22,385.51 is allowed as an interim allowance, and it is further

ORDERED, that the Receiver is authorized and directed to pay the amounts as allowed pursuant to this Order.

Dated: _____, 2019

Hon. Christian F. Hummel
United States Magistrate Judge

Doc #4413787.1

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF NEW YORK

-----X
SECURITIES AND EXCHANGE COMMISSION :

Plaintiff,

vs.

Case No. 1:10-CV-457
(GLS/CFH)

McGINN, SMITH & CO., INC., :
McGINN, SMITH ADVISORS, LLC :
McGINN, SMITH CAPITAL HOLDINGS CORP., :
FIRST ADVISORY INCOME NOTES, LLC, :
FIRST EXCELSIOR INCOME NOTES, LLC, :
FIRST INDEPENDENT INCOME NOTES, LLC, :
THIRD ALBANY INCOME NOTES, LLC, :
TIMOTHY M. McGINN, AND :
DAVID L. SMITH, GEOFFREY R. SMITH, :
Individually and as Trustee of the David L. and :
Lynn A. Smith Irrevocable Trust U/A 8/04/04, :
LAUREN T. SMITH, and NANCY McGINN, :

Defendants,

LYNN A. SMITH and
NANCY McGINN,

Relief Defendants. and

GEOFFREY R. SMITH, Trustee of the
David L. and Lynn A. Smith Irrevocable
Trust U/A 8/04/04,

Intervenor.

-----X

CERTIFICATE OF SERVICE

I, Karen M. Ludlow, being at all times over 18 years of age, hereby certify that on November 14, 2019, a true and correct copy of the Tenth Interim Application of Chaiampou Travis Besaw & Kershner LLP for Approval of Fees (“Chaiampou Tenth Fee Application”) was caused to be served by e-mail upon all parties who receive electronic notice in this case pursuant to the Court’s ECF filing system, and by First Class Mail to the parties indicated below:

- **William J. Brown** wbrown@phillipslytle.com, khatch@phillipslytle.com
- **Certain McGinn Smith Investors** apark@weirpartners.com
- **Elizabeth C. Coombe** elizabeth.c.coombe@usdoj.gov, paul.condon@usdoj.gov, CaseView.ECF@usdoj.gov, kelly.ciccarelli@usdoj.gov
- **William J. Dreyer** wdreyer@dreyerboyajian.com, bhill@dreyerboyajian.com, lowens@dreyerboyajian.com, coconnell@dreyerboyajian.com
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- **James D. Featherstonhaugh** jdf@fwc-law.com, jsn@fwc-law.com, cr@fwc-law.com, shm@fwc-law.com

- **Brad M. Gallagher** bgallagher@barclaydamon.com
- **James H. Glavin** , IVhglavin@glavinandglavin.com
- **Bonnie R. Golub** bgolub@weirpartners.com
- **James E. Hacker** jhacker@joneshacker.com, sfebus@joneshacker.com, thiggs@joneshacker.com
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- **E. Stewart Jones** , resjones@joneshacker.com, mleonard@joneshacker.com, pcampione@joneshacker.com, kjones@joneshacker.com
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- **Charles C. Swanekamp** cswanekamp@bsk.com, mhepple@bsk.com
- **Walter Weir** ww@weirpartners.com, smorris@weirpartners.com
- **Bryan M. Westhoff** bryan.westhoff@kayescholer.com
- **Benjamin Zelsermyer** bzlaw@optonline.net, steincav@aol.com

And, I hereby certify that on November 14, 2019, I mailed, via first class mail using the United States Postal Service, a copy of the Chiampou Tenth Fee Application to the individuals listed below:

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426-8th Avenue
Troy, NY 12182

Thomas J Urbelis
Urbelis & Fieldsteel, LLP
155 Federal Street
Boston, MA 02110-1727

Greenberg Traurig, LLP
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Albany, NY 12207

Martin H. Kaplan, Esq.
Gusrae, Kaplan, Bruno & Nusbaum PLLC
120 Wall Street
New York, NY 10005

Charles C. Swanekamp, Esq.
Bond, Schoeneck & King PLLC
Avant Building - Suite 900
200 Delaware Avenue
Buffalo, NY 14202-2107

RBS Citizen, N.A.
Cooper Erving & Savage LLP
39 North Pearl Street
4th Floor
Albany, NY 12207

Iseman, Cunningham, Riester & Hyde, LLP
9 Thurlow Terrace
Albany, NY 12203

David G. Newcomb
Judith A. Newcomb
224 Independence Way
Mount Bethel, PA 18343

Dated: November 14, 2019

/s/ Karen M. Ludlow
Karen M. Ludlow

Doc #4413788.1