

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF NEW YORK

SECURITIES AND EXCHANGE COMMISSION

Plaintiff,

vs.

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,
LYNN A. SMITH, DAVID M. WOJESKI, Trustee
of the David L. and Lynn A. Smith Irrevocable Trust
U/A 8/04/04, GEOFFREY R. SMITH, LAUREN
T. SMITH, and NANCY MCGINN,

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

**STIPULATION AND
PROPOSED ORDER**

Defendants,

LYNN A. SMITH and NANCY MCGINN,

Relief Defendants, and

DAVID M. WOJESKI, Trustee of the David L.
and Lynn a. Smith Irrevocable Trust U/A 8/04/04,

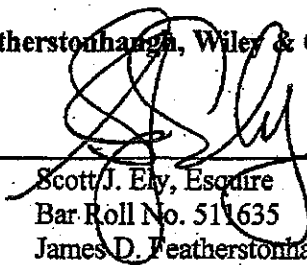
Intervenor.

IT IS HEREBY STIPULATED AND AGREED, by and among Plaintiff
Securities and Exchange Commission and Relief Defendant/Defendant Lynn A. Smith,
by her undersigned counsel, that Lynn A. Smith's time to answer or otherwise respond in
her capacity as a named Relief Defendant and Defendant to the Amended Complaint filed
on August 2, 2010 shall be extended to August 30, 2010.

Date: August 12, 2010

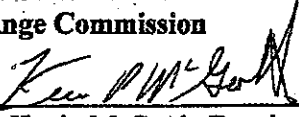
Featherstonhaugh, Wiley & Clyne, LLP

By: _____


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Defendant Lynn A. Smith
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United State Securities and
Exchange Commission

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SO ORDERED

United States Magistrate Judge