UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF NEW YORK

SECURITIES AND EXCHANGE COMMISSION,

Plaintiff,

v.

1:10-cv-00457 (AMN/PJE)

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, DAVID L. SMITH, LYNN A. SMITH, GEOFFREY R. SMITH, 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,

Defendants,

and,

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.

ORDER APPROVING FINAL APPLICATION OF PHILLIPS LYTLE LLP AND THE RECEIVER FOR ALLOWANCE OF COMPENSATION AND REIMBURSEMENT OF EXPENSES

Upon the Final Application of Phillips Lytle LLP ("Phillips Lytle") and the Receiver ("Receiver") for Allowance of final Compensation and Reimbursement of Expenses dated March 17, 2025 ("Final Application") for an order approving the allowance of compensation and reimbursement of expenses; and notice of the Final Application having been given to the Securities and Exchange Commission ("SEC") and all parties who have filed a Notice of Appearance in this action and all creditors of the McGinn Smith Entities 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 Final Application is approved such that (i) compensation for legal and Receiver services rendered between March 1, 2024 and January 31, 2025 ("Final Period") in the amount of $90,935.19 is allowed as a final allowance, and (ii) reimbursement of expenses advanced by Phillips Lytle during the Final Period in the amount of $1,881.82 is allowed as a final disbursement payment; and it is further

ORDERED, that any professional fees and disbursements incurred relating to the final wind-up and closing of this Receivership be paid by submitting a final invoice to the SEC for approval within 30 days of such submission from the net amount to be paid to the SEC pursuant to the Court-approved Plan of Distribution without further Court Order; and it is further

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

Dated: September 11, 2025
Albany, New York

Anne M. Nardacci

Anne M. Nardacci
U.S. District Judge