

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF NEW YORK

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SECURITIES AND EXCHANGE COMMISSION,	:	
	:	Case No.: 1:10-cv-457
<i>Plaintiff,</i>	:	(GLS)(DRH)
	:	
v.	:	
	:	
McGINN, SMITH & CO., INC.,	:	
McGINN, SMITH ADVISORS LLC,	:	DEFENDANT DAVID L.
McGINN, SMITH CAPITAL HOLDINGS CORP.,	:	SMITH'S RESPONSE TO
FIRST ADVISORY INCOME NOTES, LLC,	:	PARAGRAPH V OF THE
FIRST EXCELSIOR INCOME NOTES, LLC,	:	APRIL 20, 2010 ORDER TO
FIRST INDEPENDENT INCOME NOTES, LLC,	:	SHOW CAUSE
THIRD ALBANY INCOME NOTES, LLC,	:	
TIMOTHY M. MCGINN; AND	:	
DAVID L. SMITH,	:	
<i>Defendants, and</i>	:	
	:	
LYNN A. SMITH,	:	
<i>Relief Defendant.</i>	:	
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Based upon information currently available to Defendant David L. Smith, the following are responses prepared by Mr. Smith as required by Paragraph V of the April 20, 2010 "Order To Show Cause, Temporary Restraining Order, and Order Freezing Assets and Granting Other Relief":

Local Address: REDACTED

New York

Phone number: REDACTED

Fax number: REDACTED

Florida address: REDACTED

Florida

Phone number: REDACTED

Fax number: REDACTED

Email addresses: REDACTED

Safety Deposit Box: David L. Smith
REDACTED

New York

Checking Accounts: 1) David and Lynn Smith
REDACTED
New York

REDACTED

Florida REDACTED
Account number: 0815

2) Lynn A. Smith
REDACTED
New York

REDACTED

Florida REDACTED
Account number:

3) David L. Smith
REDACTED
New York

REDACTED

New York
Account number: 965

Brokerage Accounts - all of the following accounts are held at:

REDACTED

New York

- 1) REDACTED

REDACTED New York
- 2) REDACTED

REDACTED New York
- 3) David L. Smith
REDACTED

REDACTED New York
- 4) REDACTED

REDACTED New York
- 5) David L. Smith
REDACTED

REDACTED New York
- 6) David L. Smith REDACTED

REDACTED New York

Storage Facility:

Lynn A. Smith
REDACTED

REDACTED New York

Incentive Savings Plan:

David L. Smith
REDACTED

Contract number: 61

Dated: Albany, New York
April 30, 2010

GREENBERG TRAURIG, LLP

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