

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 TIMOTHY M. |
| McGINN, SMITH CAPITAL HOLDINGS CORP., | : | MCGINN'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> | : | |
| ----- X | : | |

Based upon information currently available to Defendant Timothy M. McGinn, the following are responses prepared by Mr. McGinn 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

Home phone number: REDACTED
 Cell phone number: REDACTED

Florida address: REDACTED
 Florida

SS#: REDACTED

Email address: REDACTED

Bank Accounts: 1) REDACTED
 Florida

Account numbers: 288 (open)
 755 (closed)
 536 (closed)

2) REDACTED

New York
Account numbers: 9504 (dormant)
2675 (open)

3) REDACTED

Florida
Account number: 5452
REDACTED

Brokerage Accounts: 1) Timothy M. McGinn
REDACTED

New York
Account number: 745

2) Timothy M. McGinn
REDACTED

New York
Account number: 734

3) Timothy M. McGinn
REDACTED

New York
Account number: 944

4) Timothy M. McGinn
REDACTED

New York
Account number: 745

5) Timothy M. McGinn
REDACTED
Contract number:
REDACTED

Dated: Albany, New York
April 30, 2010

GREENBERG TRAURIG, LLP

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