

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,

*Defendants, and*

LYNN A. SMITH,

*Relief Defendant, and*

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

*Intervenor.*

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

**CERTIFICATE OF SERVICE**

I, JAMES P. LAGIOS of ISEMAN, CUNNINGHAM, RIESTER & HYDE, LLP, hereby certify that on the 12<sup>th</sup> day of November, 2010, I caused the **TRUST'S EXHIBIT LIST** and the **TRUST'S WITNESS LIST** to be electronically filed with the Clerk of the U.S. District Court, Northern District of New York, using the CM/ECF system, which sent notification of such filing to the following:

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/s/ James P. Lagios  
James P. Lagios (Bar Roll No. 511501)