

AO 440 (Rev. 12/09) Summons in a Civil Action

UNITED STATES DISTRICT COURT

for the

Northern District of New York

Securities and Exchange Commission

Plaintiff

v.

McGinn, Smith & Co., Inc. et al.

Defendant

Civil Action No. *1:10-cv-457 (GLS/RFT)*

SUMMONS IN A CIVIL ACTION

To: *(Defendant's name and address)*

McGinn, Smith & Co., Inc.
99 Pine Street
Albany, New York 12207

A lawsuit has been filed against you.

Within 21 days after service of this summons on you (not counting the day you received it) — or 60 days if you are the United States or a United States agency, or an officer or employee of the United States described in Fed. R. Civ. P. 12 (a)(2) or (3) — you must serve on the plaintiff an answer to the attached complaint or a motion under Rule 12 of the Federal Rules of Civil Procedure. The answer or motion must be served on the plaintiff or plaintiff's attorney, whose name and address are:

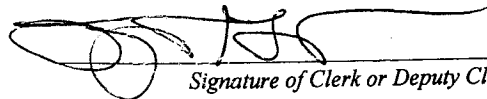
David Stoelting, Esq.
Securities and Exchange Commission
3 World Financial Center, Suite 400
New York, N.Y. 10281

If you fail to respond, judgment by default will be entered against you for the relief demanded in the complaint. You also must file your answer or motion with the court.

LAWRENCE K. BAERMAN

CLERK OF COURT

Date: 4/20/10


Signature of Clerk or Deputy Clerk

AO 440 (Rev. 12/09) Summons in a Civil Action

UNITED STATES DISTRICT COURT

for the

Northern District of New York

Securities and Exchange Commission

Plaintiff

v.

McGinn, Smith & Co., Inc. et al.

Defendant

Civil Action No. 1:10-CV-457
(GLS/RFT)

SUMMONS IN A CIVIL ACTION

To: *(Defendant's name and address)*

McGinn, Smith Advisors LLC
99 Pine Street
Albany, New York 12207

A lawsuit has been filed against you.

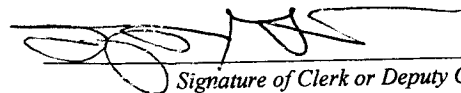
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David Stoelting, Esq.
Securities and Exchange Commission
3 World Financial Center, Suite 400
New York, N.Y. 10281

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LAWRENCE K. BAERMAN
CLERK OF COURT

Date: 4/20/10



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AO 440 (Rev. 12/09) Summons in a Civil Action

UNITED STATES DISTRICT COURT

for the

Northern District of New York

Securities and Exchange Commission

Plaintiff

v.

McGinn, Smith & Co., Inc. et al.

Defendant

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)

Civil Action No. *1.10-CV-457*
(GLS/RFT)

SUMMONS IN A CIVIL ACTION

To: *(Defendant's name and address)*

McGinn, Smith Capital Holdings Corp.
99 Pine Street
Albany, New York 12207

A lawsuit has been filed against you.

Within 21 days after service of this summons on you (not counting the day you received it) — or 60 days if you are the United States or a United States agency, or an officer or employee of the United States described in Fed. R. Civ. P. 12 (a)(2) or (3) — you must serve on the plaintiff an answer to the attached complaint or a motion under Rule 12 of the Federal Rules of Civil Procedure. The answer or motion must be served on the plaintiff or plaintiff's attorney, whose name and address are:

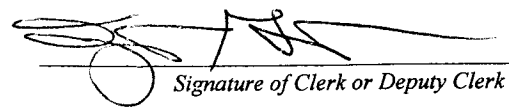
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Date: *4/20/10*



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UNITED STATES DISTRICT COURT

for the

Northern District of New York

Securities and Exchange Commission

Plaintiff

v.

McGinn, Smith & Co., Inc. et al.

Defendant

Civil Action No. 1:10-CV-457 (GLS/RFT)

SUMMONS IN A CIVIL ACTION

To: (Defendant's name and address)

First Advisory Income Notes, LLC
99 Pine Street
Albany, New York 12207

A lawsuit has been filed against you.

Within 21 days after service of this summons on you (not counting the day you received it) — or 60 days if you are the United States or a United States agency, or an officer or employee of the United States described in Fed. R. Civ. P. 12 (a)(2) or (3) — you must serve on the plaintiff an answer to the attached complaint or a motion under Rule 12 of the Federal Rules of Civil Procedure. The answer or motion must be served on the plaintiff or plaintiff's attorney, whose name and address are:

David Stoelting, Esq.
Securities and Exchange Commission
3 World Financial Center, Suite 400
New York, N.Y. 10281

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Date: 4/20/10

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AO 440 (Rev. 12/09) Summons in a Civil Action

UNITED STATES DISTRICT COURT

for the

Northern District of New York

Securities and Exchange Commission

Plaintiff

v.

McGinn, Smith & Co., Inc. et al.

Defendant

Civil Action No. 1:10-CV-457
(GLS/RFT)

SUMMONS IN A CIVIL ACTION

To: (Defendant's name and address)

First Excelsior Income Notes, LLC
99 Pine Street
Albany, New York 12207

A lawsuit has been filed against you.

Within 21 days after service of this summons on you (not counting the day you received it) — or 60 days if you are the United States or a United States agency, or an officer or employee of the United States described in Fed. R. Civ. P. 12 (a)(2) or (3) — you must serve on the plaintiff an answer to the attached complaint or a motion under Rule 12 of the Federal Rules of Civil Procedure. The answer or motion must be served on the plaintiff or plaintiff's attorney, whose name and address are:

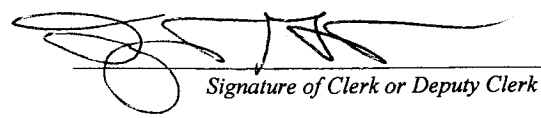
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Securities and Exchange Commission
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AO 440 (Rev. 12/09) Summons in a Civil Action

UNITED STATES DISTRICT COURT

for the

Northern District of New York

Securities and Exchange Commission

Plaintiff

v.

McGinn, Smith & Co., Inc. et al.

Defendant

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)
)

Civil Action No. 1:10-cv-457
(GLS/RFT)

SUMMONS IN A CIVIL ACTION

To: *(Defendant's name and address)*

First Independent Income Notes, LLC
99 Pine Street
Albany, New York 12207

A lawsuit has been filed against you.

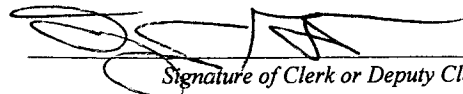
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Securities and Exchange Commission
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AO 440 (Rev. 12/09) Summons in a Civil Action

UNITED STATES DISTRICT COURT

for the

Northern District of New York

Securities and Exchange Commission

Plaintiff

v.

McGinn, Smith & Co., Inc. et al.

Defendant

Civil Action No. 1:10-CV-457
(GLS/RFT)

SUMMONS IN A CIVIL ACTION

To: *(Defendant's name and address)*

Timothy M. McGinn
26 Port Huron Road
Schenectady, New York 12309

A lawsuit has been filed against you.

Within 21 days after service of this summons on you (not counting the day you received it) — or 60 days if you are the United States or a United States agency, or an officer or employee of the United States described in Fed. R. Civ. P. 12 (a)(2) or (3) — you must serve on the plaintiff an answer to the attached complaint or a motion under Rule 12 of the Federal Rules of Civil Procedure. The answer or motion must be served on the plaintiff or plaintiff's attorney, whose name and address are:

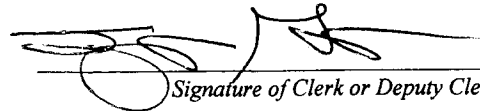
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UNITED STATES DISTRICT COURT

for the

Northern District of New York

Securities and Exchange Commission

Plaintiff

v.

McGinn, Smith & Co., Inc. et al.

Defendant

Civil Action No. 1:10-CV-457
(GLS/RFT)

SUMMONS IN A CIVIL ACTION

To: *(Defendant's name and address)*

David L. Smith
2 Rolling Brook Drive
Saratoga Springs, New York 12866

A lawsuit has been filed against you.

Within 21 days after service of this summons on you (not counting the day you received it) — or 60 days if you are the United States or a United States agency, or an officer or employee of the United States described in Fed. R. Civ. P. 12 (a)(2) or (3) — you must serve on the plaintiff an answer to the attached complaint or a motion under Rule 12 of the Federal Rules of Civil Procedure. The answer or motion must be served on the plaintiff or plaintiff's attorney, whose name and address are:


David Stoelting, Esq.
Securities and Exchange Commission
3 World Financial Center, Suite 400
New York, N.Y. 10281

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UNITED STATES DISTRICT COURT

for the

Northern District of New York

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Plaintiff

v.

McGinn, Smith & Co., Inc. et al.

Defendant

Civil Action No. 1.10-CV-457
(GLS/RFT)

SUMMONS IN A CIVIL ACTION

To: *(Defendant's name and address)*

Lynn A. Smith (Relief Defendant)
2 Rolling Brook Drive
Saratoga Springs, New York 12866

A lawsuit has been filed against you.

Within 21 days after service of this summons on you (not counting the day you received it) — or 60 days if you are the United States or a United States agency, or an officer or employee of the United States described in Fed. R. Civ. P. 12 (a)(2) or (3) — you must serve on the plaintiff an answer to the attached complaint or a motion under Rule 12 of the Federal Rules of Civil Procedure. The answer or motion must be served on the plaintiff or plaintiff's attorney, whose name and address are:

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New York, N.Y. 10281

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