

SECURITIES AND EXCHANGE COMMISSION,

*Plaintiff,*

v.

10 Civ. 457 (GLS)  
(DRH)

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, DAVID M. WOJESKI, 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:*

DAVID M. WOJESKI, Trustee of the  
David L. and Lynn A. Smith Irrevocable  
Trust U/A 0/04/04,

*Intervenor.*

**ORDER APPROVING FIRST INTERIM APPLICATION  
OF DAVID J. BOLAND, CPA CTP FOR  
APPROVAL OF FEES AND EXPENSES**

Upon the First Interim Application of David J. Boland, CPA CTP (“David J. Boland”) for Approval of Fees and Expenses dated March 28, 2011 (“Application”) for an order approving consulting fees and expenses; and notice of the Application having been given to the Securities and Exchange Commission 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

determined that sufficient cause exists; it is therefore

ORDERED, that the Application is approved such that compensation for services rendered through March 2, 2011 in the amount of \$4,325.00 is allowed as an interim allowance; and it is further

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

Dated: <sup>May 16</sup> April     , 2011



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Hon. David R Homer  
United States Magistrate Judge

Doc # 01-2453527.1