

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF NEW YORK

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 CHIAMPOU TRAVIS BESAW & KERSHNER LLP
FOR APPROVAL OF FEES AND EXPENSES**


Upon the First Interim Application of Chiampou Travis Besaw & Kershner LLP
("Chiampou") for Approval of the First Interim Application for Fees and Expenses dated
March 28, 2011 ("Application") for an order approving accountant's 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 Receiver's website, which notice is deemed good and sufficient notice; and the Court having determined that sufficient cause exists; it is therefore

ORDERED, that the Application is approved such that (i) compensation for services rendered between April 25, 2010 and February 26, 2011 ("Application Period") in the amount of \$56,515.66 is allowed as an interim allowance, and (ii) reimbursement of expenses advanced by Chiampou during the Application Period in the amount of \$433.36 is allowed as an interim disbursement payment; and it is further

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

Dated: ^{May 16} April , 2011



Hon. David R Homer
United States Magistrate Judge

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