

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF NEW YORK**

SECURITIES AND EXCHANGE COMMISSION,
Plaintiff,

v.

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,

**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 8/04/04,**

Intervenor.

**CERTIFICATE OF
SERVICE**

10 Civ. 457 (GLS/DRH)

CERTIFICATE OF SERVICE

I hereby certify that on July 29, 2010, I electronically filed an Answer to Second Amended Complaint in connection with the above captioned action with the Clerk of the District Court using the CM/ECF system, which sent notification of such filing to the following:

**TO: David Stoelting
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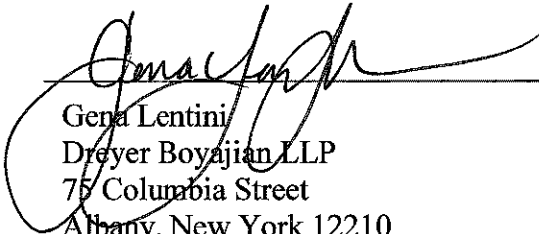
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Sworn to before me this
29th day July 2011.


Notary Public

LESLIE A. BALDWIN
NOTARY PUBLIC, State of New York
Reg. No. 01BA6184195
Qualified in Rensselaer County
My Commission Expires March 31, 2012