

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF NEW YORK

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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,  
LYNN A. SMITH, GEOFFREY R. SMITH, 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,

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

*Defendants,*

LYNN A. SMITH and NANCY McGINN,

*Relief Defendants, and*

GEOFFREY R. SMITH, Trustee of the David L.  
and Lynn A. Smith Irrevocable Trust U/A 8/04/04,

*Intervenor.*

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**CERTIFICATE OF SERVICE**

I, hereby certify that on September 12, 2011, I filed a Notice of Motion and Memorandum of Law in Support of Motion for Stay of Enforcement Pending Appeal of that Portion of the July 20, 2011 Decision and Order Granting Sole Authority to the Receiver to Sell or Rent the Trust's Property in order to Satisfy the Inability of Lynn Smith to Comply with this Court's Sanctions and Disgorgement Order on behalf of Defendant/Intervenor, Geoffrey R. Smith, Trustee of the David L. and Lynn A. Smith

Irrevocable Trust, and served a copy of such by CM/ECF and electronic mail to the following:

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