

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, GEOFFREY R. SMITH,
Individually and as Trustee of
the David L. and Lynn A. Smith Irrevocable
Trust U/A 8/04/04,
LAUREN T. SMITH, and NANCY MCGINN,

Defendants,

LYNN A. SMITH, and
NANCY MCGINN,

Relief Defendants.

JUDGMENT

On July 20, 2011, the Court issued a Memorandum-Decision and Order (“MDO”) granting the SEC’s motion for sanctions and ordering that, among other things, on or before September 1, 2011, L. Smith shall pay to the SEC a total of \$51,232 for attorney fees and costs incurred by the SEC; and L. Smith has failed to pay any of the \$51,232 in attorney fees and costs;

NOW, THEREFORE,

I.

IT IS HEREBY ORDERED, ADJUDGED, AND DECREED that L. Smith is liable for attorney's fees and costs in the amount of \$51,232. L. Smith shall satisfy the obligation in this Judgment by paying \$51,232 by certified check, bank cashier's check, or United States postal money order payable to the Securities and Exchange Commission. The payment shall be delivered or mailed to the Office of Financial Management, Securities and Exchange Commission, 100 F Street, NE, Stop 6042, Washington DC 20549, and shall be accompanied by a letter identifying L. Smith as a defendant/relief defendant in this action; setting forth the title and civil action number of this action and the name of this Court; and specifying that payment is made pursuant to this Judgment. L. Smith shall pay post-judgment interest on any delinquent amounts pursuant to 28 U.S.C. § 1961. The Commission shall remit the funds paid pursuant to this paragraph to the United States Treasury.

No payment shall be credited in satisfaction of this Judgment as to attorney fees and costs until L. Smith's disgorgement obligations, as set forth in the Order Directing Payment of Money to Receiver, shall be fully paid, including interest.

II.

The claims against L. Smith in the Amended Complaint as a defendant/relief defendant are not resolved by this Judgment.

III.

IT IS HEREBY FURTHER ORDERED, ADJUDGED, AND DECREED that this Court shall retain jurisdiction of this matter for the purposes of enforcing the terms of this Judgment and for all other purposes.

IV.

There being no just reason for delay, pursuant to Rule 54(b) of the Federal Rules of Civil Procedure, the Clerk is ordered to enter this Judgment forthwith and without further notice.

Oct. 6
Dated: ~~September~~ __, 2011
Albany, New York


UNITED STATES MAGISTRATE JUDGE