

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF NEW YORK

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SECURITIES AND EXCHANGE COMMISSION :

Plaintiff, :

vs. :

Case No. 1:10-CV-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, AND :
DAVID L. 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. 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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**ORDER APPROVING SECOND INTERIM APPLICATION OF DAVID J. BOLAND,
CPA CTP FOR APPROVAL OF FEES AND EXPENSES REGARDING
WHITE GLOVE CRUISES, LLC, TDM CABLE FUNDING LLC
AND TDMM CABLE FUNDING LLC**

Upon the Second Interim Application of David J. Boland, CPA CTP (“David J. Boland”) for Approval of Fees and Expenses dated November 7, 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 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 compensation for services rendered (i) through August 29, 2011 with regard to White Glove Cruises, LLC in the amount of \$1,725.00, and (ii) through October 5, 2011 with regard to TDM Cable Funding LLC and TDMM Cable Funding LLC in the amount of \$10,100.00 in fees and \$789.99 in expenses, for a grand total of \$12,614.99, 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: December 23, 2011



Hon. David R Homer
United States Magistrate Judge

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