

January 23, 2012

William J. Brown, Esq.
Receiver
3400 HSBC Center
Buffalo, New York 14203

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DAVID R. HOMER
UNITED STATE MAGISTRATE JUDGE
ALBANY, NEW YORK

Dear Mr. Brown:

Re: 10cv457

My wife and I are retired. We invested \$20,000 hard earned dollars into McGinn and Smith for a 12 month period and were told 9 months into the project that four months earlier the SEC was investigating. That was less than 5 months after we invested. Since then we have seen, delays, orders by the court, payments to attorneys, court costs, challenges, information about business expenses, depreciation of property, loss on houses, etc. etc. We have noticed that some investors banded together and put suit against McGinn and Smith.

We have patiently waited, hoping that it would be settled and we would receive our money back. It appears there is more money going out than coming in. Then it says that litigation could last for years. Isn't there insurance by SEC to cover the loss in case of fraud? This definitely is fraud. Will we ever see any of our money? What if we die before it is settled? Then court costs for our heirs!!!!

We definitely feel that we are being taken by McGill and Smith, SEC and the legal system. We ultimately are the losers and we didn't do anything wrong. The court gets paid, the attorneys get paid and we get screwed.

We look forward to hearing from you and clarifying what is happening and if and when we will see any of our investment. Time is ticking on...

Sincerely yours,

 Judith Lapham

Jerry and Judith Lapham
1407 Tallowtree Drive
The Villages, FL 32162
352-350-6608

Cc: David Stoelting, Securities and Exchange Commission
Honorable David R. Homer