

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 MOTION OF WILLIAM J. BROWN,
AS RECEIVER, FOR AN ORDER APPROVING
SETTLEMENT WITH SETON HEALTH SYSTEM, INC.
WITH RESPECT TO A CERTAIN GROUND LEASE
(SETON HALL ASSOCIATES)**

Upon the Motion of William J. Brown, as Receiver, for an Order Approving Settlement with Seton Health System, Inc. With Respect to a Certain Ground Lease (Seton Hall Associates) (Docket No. 544) (“Motion”) and the Order scheduling a hearing (Docket No. 546) (“Order”), and a hearing having been held on November 16, 2012 at which the Receiver placed on the record that copies of the Motion and Order were posted on the Receiver’s website (www.mcginnsmithreceiver.com) and served by first class mail to all known Seton Hall

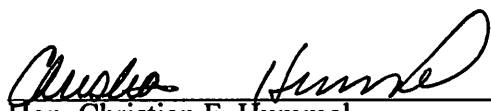
Associates investors and equity holders, and no objection to the Motion having been filed or sustained by the Court, and sufficient notice of the Motion having been given, upon due deliberation and for good cause shown, it is hereby

ORDERED, that the Motion is approved; and it is further

ORDERED, that the Receiver's termination and surrender of the Ground Lease (as defined in the Motion) and the transfer of the improvements and buildings on the Premises (as defined in the Motion) including all equipment and building maintenance equipment owned by Seton Hall Associates shall be transferred to Seton Health System, Inc. or its nominee without recourse, representation or warranty all in accordance with the Agreement; and it is further

ORDERED, that the Receiver is authorized to deliver and exchange the Releases and deliver the Satisfaction of Mortgages provided for in the Agreement and the Motion.

Dated: November 16, 2012



Hon. Christian F. Hummel
United States Magistrate Judge

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