

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF NEW YORK**

SECURITIES AND EXCHANGE COMMISSION,
Plaintiff,

v.

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, DAVID M. WOJESKI, 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,**

Defendants,

**LYNN A. SMITH, and
NANCY MCGINN,**

Relief Defendants, and

**DAVID M. WOJESKI, Trustee of the
David L. and Lynn A. Smith Irrevocable
Trust U/A 8/04/04,**

Intervenor.

**CERTIFICATE OF
SERVICE**

10 Civ. 457 (GLS/DRH)

CERTIFICATE OF SERVICE

I hereby certify that on June 17, 2013, I electronically filed a Notice of Motion for Modification of the Preliminary Injunction Order to Release Assets to Pay Taxes Due and Owing; Declaration of William J. Dreyer in support of the motion; and Memorandum of Law in connection with the above captioned action with the Clerk of the District Court using the CM/ECF system, which sent notification of such filing to the following:

TO: David Stoelting
Attorney for Plaintiff
SECURITIES AND EXCHANGE COMMISSION
New York Regional Office
3 World Financial Center, Suite 400
New York, New York 10281-1022

Telephone: (212) 336-0174
Fax: (212) 336-1324
E-mail: StoeltingD @sec.gov

Scott J. Ely, Esq.
Attorneys for Relief Defendant/ Defendant Lynn A. Smith
99 Pine Street, Suite 207
Albany, NY 12207

E. Stewart Jones, Jr.
E. Stewart Jones Law Firm
Attorneys for Timothy M. McGinn
28 Second Street
Troy, NY 12180

Nancy McGinn
29 Port Huron Drive
Schenectady, NY 12309

William Brown, Esq.
Phillips Lytle LLP
Attorneys for Receiver
3400 HSBC Center
Buffalo, NY 14203

/s/

Leslie Baldwin
Dreyer Boyajian LLP
75 Columbia Street
Albany, New York 12210
(518) 463-7784
(518) 463-4039 [facsimile]