

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 VERIFIER
CAPITAL HOLDINGS LLC WITH RESPECT TO THE REDEMPTION OF
GUARANTEED PAYMENT UNITS AND COMMON UNITS ISSUED TO
TDM CABLE FUNDING, LLC AND MCGINN SMITH FUNDING LLC**

Upon the Motion of William J. Brown, as Receiver, for an Order Approving a Settlement with Verifier Capital Holdings LLC with Respect to the Redemption of the Guaranteed Payment Units and Common Units Issued to TDM Cable Funding, LLC and McGinn Smith Funding LLC (Docket No. 590) (“Motion”),¹ and a hearing having been held in connection therewith, and no

¹ Capitalized terms used herein and not otherwise defined herein shall have the meaning ascribed to such terms in the Motion.

objections 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 Settlement (as defined in the Motion) and all the terms set forth therein including the exchange of the described releases, are hereby approved in their entirety and all liens, claims and encumbrances, if any, shall attach to the proceeds of the Settlement.

Dated: October 2, 2013



HON. CHRISTIAN F. HUMMEL
UNITED STATES MAGISTRATE JUDGE

Doc #05-437674.3