

Consent must be signed by attorney of record and signed and acknowledged by party. Type name beneath each signature.

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF NEW YORK

Case No. 1:10-CV-457

SECURITIES AND EXCHANGE COMMISSION,

Plaintiff.

Consent To Change
Attorney

-against-

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,
LYNN A. SMITH, GEOFFREY R. SMITH, 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


GEOFFREY R. SMITH, Trustee of the David L. and
Lynn A. Smith Irrevocable Trust U/A 8/04/04,

Intervenor.

IT IS HEREBY CONSENTED THAT JAMES D. LINNAN, ESQ. OF THE LAW
FIRM OF LINNAN & FALLON, LLP, 61 COLUMBIA STREET, ALBANY, NEW YORK
be substituted as attorney(s) of record for the undersigned party(ies) in the above entitled action

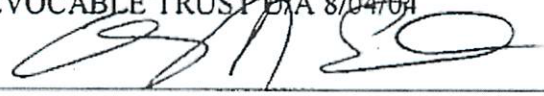
in place and stead of the undersigned attorney(s) as of the date hereof.

Dated: October 14, 2013

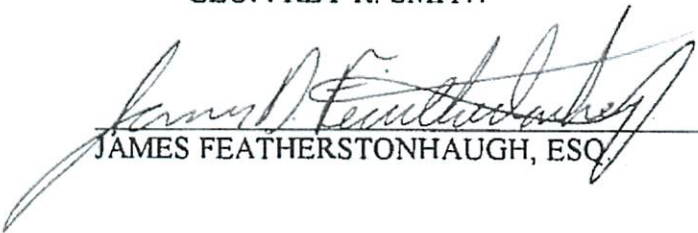


GEOFFREY R. SMITH

GEOFFREY R. SMITH, TRUSTEE OF THE
DAVID L. AND LYNN A. SMITH
IRREVOCABLE TRUST L/A 8/04/04

By: 

GEOFFREY R. SMITH



JAMES FEATHERSTONHAUGH, ESQ.

STATE OF COLORADO)
) SS.:
COUNTY OF Pitkin)



On the 14th day of October, 2013, before me personally came GEOFFREY R. SMITH to me known, and known to me to be the same person described in and who executed the foregoing consent and acknowledged to me that he executed the same.

RACHEL MIDDLETON
Notary Public
State of Colorado



NOTARY PUBLIC

Exp 3/1/16

SO ORDERED:  

DATED: 10/23, 2013