

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF NEW YORK

SECURITIES AND EXCHANGE COMMISSION,

Plaintiff,

vs.

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,

Case No.: 1:10-CV-457
(GLS/DRH)

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.

**REPLY MEMORANDUM OF LAW IN SUPPORT OF LYNN SMITH'S MOTION TO
MODIFY ASSET FREEZE TO PROVIDE LIVING EXPENSES AND COUNSEL FEES**

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PRELIMINARY STATEMENT

This Reply Memorandum of Law is filed to address the issues raised in the SEC's response dated November 12, 2013, in regards to the underlying Motion for living expenses and counsel fees filed on October 18, 2013. Since the filing of the underlying motion, James D. Linnan Esq., of Linnan & Fallon LLP, has been substituted as counsel to the Smith Trust, Geoffrey Smith and Lauren Smith. As such, this Reply is submitted solely on behalf of Lynn A. Smith.

First and foremost, what is indisputable is that Lynn Smith is a 67 year old woman who has a total monthly income of \$915 composed of \$727 in Social Security and an additional \$138 from the New York State Teacher Retirement Benefit. This income is supplemented by food stamps in the amount of \$50 per month. She has been slandered by the press and has done nothing wrong. Of all the victims of this tragic case Lynn Smith may be the greatest.

Although all of Lynn Smith's assets have been frozen she is still entitled to her day in court in the form of a trial by jury. On April 20, 2010 the SEC demanded a trial by jury on the face of the original Complaint. Each time the Complaint was amended the demand for a trial by jury remained. Now, at this late hour, the SEC haphazardly suggests that David Smith should concede that he is collaterally estopped from contesting liability so that this case can then proceed to a non-jury hearing on other critical facts. The SEC essentially has invited the defense to simply give up. We respectfully decline the invitation

It is the intent of Lynn Smith to have her day in court before a jury of her peers as soon as possible so that she can begin to pick up the shattered pieces of her former life

and move on. Neither Lynn Smith, nor any other member of the Smith family, will allow the SEC to starve them into submission by holding their assets hostage.

Since March of 2013, the criminal trial transcript has been available to the SEC. In the April, 2013 settlement conference, which all parties attended in the Court's chambers, the SEC stated that they would file a motion for summary judgment. Seven motions later, there has been no such motion. The SEC has attributed the delay in seeking summary judgment to the high cost of obtaining the criminal trial transcript. The defendants believe that the SEC has delayed because they know that it will not resolve any of the major issues in this case. The defendant urges all parties to move forward expeditiously, to trial.

Lynn Smith further urges the Court to grant her request for living expenses and attorney fees so that she can finance a defense on the merits. In short, enough is enough. This case should be adjudicated as soon as administratively possible.

ARGUMENT

POINT I

PRELIMINARY DECISIONS AND ORDERS ARE NOT DISPOSITIVE BASED ON THE LAW OF THE CASE DOCTRINE AND A TRIAL IS NECESSARY TO DETERMINE LIABILITY AND OWNERSHIP OF THE SMITH ASSETS.

Preliminary rulings as to the likely outcome on the merits for preliminary injunction orders do not establish law of the case. (Dkt. No. 610-12 at 10). The Supreme Court of the United States of America has recognized this and held that “[a] party ... is not required to prove his case in full at a preliminary-injunction hearing...and the findings of fact and conclusions of law made by a court granting a preliminary injunction are not binding at a trial on the merits.” University of Texas v. Camenisch, 451 U.S. 390, 395 (1981).

Similarly, the Second Circuit has stated that “the decision of both the trial and appellate court on whether to grant or deny a temporary injunction does not preclude the parties in any way from litigating the merits of the case.” DiLaura v. Power Autho., 982 F.2d 73, 77 (quoting 11 Charles A. Wright & Arthur R. Miller, *Federal Practice & Procedure* § 2962, at 630–31 (1973)). New York State decisional law also recognizes this proposition and has held that the “[Grant] or denial of a motion for a preliminary injunction does not constitute the law of the case or an adjudication on the merits...therefore, the issues must be tried as if no application for a preliminary injunction had been made.” Ratner v. Fountains Clove Road Apartments, Inc., 118 A.D.2d 843, 843 (2d Dept.1986); Fortunoff v. Triad Land Associates, 906 F. Supp. 107, 113 (E.D.N.Y. 1995).

In the instant matter the SEC erroneously states that Lynn Smith has:

“...ignor[ed] the three-day evidentiary hearing in June 2010 establishing that David Smith for many years used the stock account as a financing tool for the broker-dealer, and the evidentiary hearing and voluminous submissions during the second half of 2010 proving the lies of Lynn Smith and those around her regarding the Smiths’ control of the Trust.”

(Dkt. No. 630 at 6).

However, in reality it is the SEC themselves, who have chosen to “ignore” the fundamental principal that no litigant is required to prove their case on the merits at a hearing for a provisional remedy. Senior District Court Judge Sharpe, has, in the instant matter, recognized that preliminary injunction determinations do not establish law of the case. In Judge Sharpe’s May 6, 2011 Memorandum Decision and Order, which granted the SEC’s request to amend the complaint, he held that:

Judge Homer’s findings were not boundless; to the contrary, they were based on proof extracted from a condensed discovery, governed by the “substantial showing of likelihood of success” standard, and confined to evaluating the assets’ susceptibility to freezing. Thus, in light of these limitations, and because the pending motions implicate the adequacy of the SEC’s pleadings regarding distinct issues, reliance on the law of the case doctrine here would seem to offend the well-settled principle that the doctrine be “only addressed to its good sense.” Higgins v. Cal. Prune & Apricot Grower, Inc., 3 F.2d 896, 898 (2d. Cir. 1924) (citations omitted); see also City of Anaheim v. Duncan, 658 F.2d 1326, 1328 n.2 (9th Cir. 1981) (“[A] decision on a preliminary injunction does not constitute the law of the case” (citation omitted)); Berrigan v. Sigler, 499 F.2d 514, 518 (D.C. Cir. 1974) (“The decision of a ...court whether to grant or deny a preliminary injunction does not constitute the law of the case for the purposes of further proceedings” (citations omitted)); Garten v. Hochman, No. 08 Civ. 9425, 2010 WL 2465479, at *3 n.1 (S.D.N.Y. June 16, 2010) (“[T]he law of the case doctrine is not typically applied in connection with preliminary

determinations, such as a ruling on a motion for a preliminary injunction.” (citation omitted)); see, e.g., Davidson v. Bartholome, 460 F. Supp. 2d 436, 443 (S.D.N.Y. 2006) (finding the law of the case doctrine inapplicable where the court ruled on a summary judgment motion “before any meaning discovery,” and was later presented with a summary judgment motion after discovery had been completed.

Dkt. No. 321 at 20-22.

The longstanding case law and the ruling in the instant matter by Judge Sharpe conclusively demonstrate that the SEC’s reliance on the preliminary rulings is erroneous. The SEC’s statement that “the stock account and the Trust account are both likely to be found as assets of David Smith...” is nothing more than a hopeful fantasy, and more importantly, it is clearly not the law of the case. The SEC’s belief is founded upon the Court’s perspective of the “likelihood of success” as to the ownership of the stock account and trust account in the context of the truncated evidentiary hearing on the asset freeze. At trial a jury could, and we believe likely will, easily determine that the stock account is an individual asset owned by Lynn Smith and that the trust account was created in good faith. It is completely baseless for the SEC to think these issues have already been decided, when they are clear issues of fact.

POINT II

EVEN IF A COLLATERAL ESTOPPEL THEORY IS SUCCESSFULLY ASSERTED, SUMMARY JUDGMENT WILL BE LIMITED TO THE CRIMINAL JUDGMENT RESTITUTION AMOUNT AND THE ISSUE OF OWNERSHIP OF THE SMITH ASSETS WILL STILL NEED TO BE LITIGATED.

The SEC has alleged in the Second Amended Complaint that Lynn Smith has violated New York State's Debtor and Creditor Law. To the best of counsel's knowledge, there has been no evidence to support this assertion. The SEC's so-called "substantial likelihood of success" does not offer any proof that Lynn Smith has violated any law and certainly does not prove that the stock account is a joint asset.

The SEC suggests that the defendants should concede liability because of collateral estoppel. Even assuming, *arguendo*, that collateral estoppel can be used to gain a judgment against David Smith, the criminal judgment Order makes clear that David Smith's restitution amount is equal to \$5,989,736. (Exhibit "A"). This number is further reduced by the criminal presentencing investigation report that determines that \$241,014 of the total restitution amount is composed of tax losses. Therefore, the SEC would at most be entitled to a summary judgment of \$5,748,722 against David Smith. Such a ruling would prove nothing against Lynn Smith in either her role as a relief defendant or as a defendant in the fraudulent conveyance action. It will not decide the issues of ownership of the stock account and trust account but it would certainly limit and identify what funds if any, could be subject to the relief defendant claims.

POINT III

LYNN SMITH'S MOTION FOR LIVING EXPENSES SHOULD BE GRANTED.

Not surprisingly, the SEC has shown no sympathy or concern for the desperate situation that Lynn Smith has spiraled into. Instead, the SEC continues to oppose Lynn Smith's request for living expenses. This, in spite of their earlier statement from their opposition papers dated October 8, 2010:

“...the Commission would not be opposed to a modest carve-out for essential living expenses...Mrs. Smith should explain in a sworn accounting how she spent funds [from the sale of the camp] before she is allowed access to frozen funds.”

Dkt. No.151 at 7.

Counsel for Lynn Smith urges the Court to display compassion and be cognizant of the fact Lynn Smith is an individual who is 67 years old, has no available financial resources and no close by family to care for her. She too is a victim of the wrongdoing of which her husband has been convicted.

The SEC has submitted that Lynn Smith's motion for living expenses should be denied because Lynn Smith (1) fails to account for \$275,000 from the sale of the Sacandaga Lake house, (2) fails to provide any account statements from her checking account, (3) fails to disclose that her beloved primary residence is a significant asset, and (4) does not explain why she needs \$448 in gas per month. In response to the SEC's statements, Lynn Smith submits additional bank statements to the Court that account for all the proceeds, and further addresses each of the other SEC's contentions.

In July of 2010, shortly after Lynn Smith received the proceeds from the sale of the house on Sacandaga Lake, David Smith opened up a bank account in Lynn Smith's name at Adirondack Trust. Just like any other asset of the Smith family, the Adirondack Trust account was managed by David Smith. All of the proceeds from the sale of the Sacandaga property were deposited and debited through the Adirondack Trust account. However, on information and belief the account was kept with a low account balance due to the fear that it would be frozen by the government. As a result, on July 27, 2010 a treasurer's check was drawn in the amount of \$275,000 so that the Smiths could maintain

control of these funds going forward. As time progressed, the treasurer's check would be drawn upon and small deposits would be made into the account to meet necessary expenses. On August 3, 2011 the Smiths deposited the last remaining proceeds from the \$275,000 treasurer's check which amounted to \$40,000. The Adirondack Trust bank statements from July, 2010 through April, 2012 are attached hereto as Exhibit "B". The bank statements reveal that the account has maintained a balance of less than \$20.00 since September of 2011 and that all of the proceeds from the sale of the camp are gone.

Since April, 2010, when the Smiths' assets were frozen, David Smith had maintained a checking account at First National Bank of Scotia to pay household expenses. The deposits into the account were mainly from social security benefits and other legitimate income sources such as the rental of the Saratoga residence during the track season. As these records demonstrate, Lynn Smith's "average monthly debits" have been \$7,265 over the past six months. (Exhibit "C"). However, all of these expenses were incurred before David Smith was incarcerated. Since Lynn Smith now lives alone and has extremely limited income, her "average monthly debits" will of course decrease.

The SEC has suggested that "Lynn Smith has chosen not to free up the significant equity in her home." This disingenuous statement fails to recognize the dramatic change in Lynn Smith's lifestyle and that she views her longstanding home as the only thing she has left. The Saratoga Springs home provides Lynn Smith with a place of comfort and refuge during a very challenging time period in her life. The insincere recommendation by the SEC of simply "freeing up the equity" is much easier said than done for Lynn Smith because she has no other available living accommodations at this time, nor any prospects of gaining alternative living accommodations. Indeed, the SEC has not even

indicated that they would not seek to freeze her portion of the assets. The SEC's statements suggest that their own counsel is bitter with the fact that they were unsuccessful in the attempt to allow the Receiver to sell the Saratoga residence. Due to Lynn Smith's limited monthly income, it would be very difficult for her to pay for an apartment or purchase a smaller home. However, if the Court was to grant Lynn Smith a modest amount of money for living expenses, it may allow her to pursue other living accommodations which could then provide her with access to the equity in her residence.

Finally, the SEC's spiteful attempt to deprive Lynn Smith of any meaningful lifestyle, has lead to even challenging monthly gas expenses. Understanding, as we do, that counsel for the SEC undoubtedly travel by subway pass we would urge that the Court acknowledge that life in the capital district generally requires motor vehicle transportation. The \$448 monthly gas expense is reasonable due to the significant amount of driving Lynn Smith is forced to do each month. For example, when Lynn Smith wants to visit her husband she must travel to Brooklyn. Upon information and belief, David Smith will eventually be moved to the Otisville Federal Correction Institute. Lynn Smith plans to visit David Smith as frequently as possible, and a round trip to the prison is approximately 300 miles. Additionally, a round trip to the property located on Sacandaga Lake is also 60 miles. These are just two small examples that demonstrate that Lynn Smith does a significant amount of driving and her monthly gas expenses should not be second guessed.

Lynn Smith, the Smith Trust and children request that a portion of the frozen assets should be released so that counsel can be begin preparing for the jury trial that will ensue. It would be offensive to the principals of due process if Lynn Smith was forced to

go to trial with no way to pay the costs associated with expert testimony, preparation of evidence, and a reasonable payment to counsel simply because the opposing litigant was an arm of the United States government. Although previous motions for attorney's fees have been denied, it is clear that this motion is surrounded by much different circumstances. Since discovery is complete and the case is ready to proceed to trial, FWC should be entitled to reasonable compensation for past services and expenses, or at a minimum future pre-trial expense.

CONCLUSION

For all of the foregoing reasons Lynn Smith's motion to provide monthly living expenses and attorney fees should be granted.

Dated: November 19, 2013

Respectfully submitted,

Featherstonhaugh, Wiley & Clyne, LLP

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EXHIBIT A

AO 245B NNY (Rev. 09/12) Judgment in a Criminal Case Sheet 1

UNITED STATES DISTRICT COURT

Northern

District of

New York

UNITED STATES OF AMERICA

JUDGMENT IN A CRIMINAL CASE

V.

David Smith

Case Number: DNYN112CR000028-002

USM Number: 19471-052

William J. Dreyer
75 Columbia Street
Albany, NY 12210
518-463-7784
Defendant's Attorney

THE DEFENDANT:

- pleaded guilty to count(s)
pleaded nolo contendere to count(s) which was accepted by the court.
X was found guilty on count(s) 1, 8-10, 14, 17, 21-26, and 30-32 of the Superseding Indictment on February 6, 2013 after a plea of not guilty.

The defendant is adjudicated guilty of these offenses:

Table with 4 columns: Title & Section, Nature of Offense, Offense Ended, Count. Rows include 18 U.S.C. §§ 1343; 1341, 18 U.S.C. § 1341, 18 U.S.C. § 1343, 15 U.S.C. §§ 78j(b), § 78ff, 26 U.S.C. § 7206(1).

The defendant is sentenced as provided in pages 2 through 6 of this judgment. The sentence is imposed in accordance with 18 U.S.C. § 3553 and the Sentencing Guidelines.

- X The defendant has been found not guilty on count(s) 2-7, 11-13, 15-16, and 18-20 of the Superseding Indictment on 2/6/2013.
Count(s) is are dismissed on the motion of the United States.

It is ordered that the defendant must notify the United States attorney for this district within 30 days of any change of name, residence, or mailing address until all fines, restitution, costs, and special assessments imposed by this judgment are fully paid. If ordered to pay restitution, the defendant must notify the court and United States attorney of material changes in economic circumstances.

August 7, 2013
Date of Imposition of Judgment

Handwritten signature of District Judge

August 13, 2013
Date

DEFENDANT: David Smith
CASE NUMBER: DNYN112CR000028-002

IMPRISONMENT

The defendant is hereby committed to the custody of the United States Bureau of Prisons to be imprisoned for a total term of:

120 months on each of Counts 1, 8 through 10, 14, 17, and 21 through 26, and 36 months on each of Counts 30 through 32, all counts to run concurrently, for a total term of imprisonment of 120 months.

X The court makes the following recommendations to the Bureau of Prisons:

The defendant be designated to a facility close to his family in Saratoga Springs, New York.

X The defendant is remanded to the custody of the United States Marshal.

The defendant shall surrender to the United States Marshal for this district:

at _____ a.m. p.m. on _____.

as notified by the United States Marshal.

The defendant shall surrender for service of sentence at the institution designated by the Bureau of Prisons:

before 2 p.m. on _____.

as notified by the United States Marshal.

as notified by the Probation or Pretrial Services Office.

RETURN

I have executed this judgment as follows:

Defendant delivered on _____ to _____

at _____, with a certified copy of this judgment.

UNITED STATES MARSHAL

By _____
DEPUTY UNITED STATES MARSHAL

DEFENDANT: David Smith
CASE NUMBER: DNYN112CR000028-002

SUPERVISED RELEASE

Upon release from imprisonment, the defendant shall be on supervised release for a term of:

3 years on each of Counts 1, 8 through 10, 14, 17, 21 through 26, and 1 year on each of Counts 30 through 32, terms to run concurrently.

The defendant must report to the probation office in the district to which the defendant is released within 72 hours of release from the custody of the Bureau of Prisons.

The defendant shall not commit another federal, state or local crime.

The defendant shall not unlawfully possess a controlled substance. The defendant shall refrain from any unlawful use of a controlled substance. The defendant shall submit to one drug test within 15 days of release from imprisonment and at least two periodic drug tests thereafter, as determined by the court.

- The above drug testing condition is suspended, based on the court's determination that the defendant poses a low risk of future substance abuse. (Check, if applicable.)
- The defendant shall not possess a firearm, destructive device, or any other dangerous weapon.
- The defendant shall cooperate in the collection of DNA as directed by the probation officer. (Deselect, if inapplicable.)
- The defendant shall register with the state sex offender registration agency in the state where the defendant resides, works, or is a student, as directed by the probation officer. (Check, if applicable.)
- The defendant shall participate in an approved program for domestic violence. (Check, if applicable.)

If this judgment imposes a fine or restitution, it is a condition of supervised release that the defendant pay in accordance with the Schedule of Payments sheet of this judgment.

The defendant must comply with the standard conditions that have been adopted by this court as well as with any additional conditions on the attached page.

STANDARD CONDITIONS OF SUPERVISION

- 1) the defendant shall not leave the judicial district without the permission of the court or probation officer;
- 2) the defendant shall report to the probation officer in a manner and frequency directed by the court or probation officer;
- 3) the defendant shall answer truthfully all inquiries by the probation officer and follow the instructions of the probation officer;
- 4) the defendant shall support his or her dependents and meet other family responsibilities;
- 5) the defendant shall work regularly at a lawful occupation, unless excused by the probation officer for schooling, training, or other acceptable reasons;
- 6) the defendant shall notify the probation officer at least ten days prior to any change in residence or employment, or if such prior notification is not possible, then within five days after such change;
- 7) the defendant shall refrain from excessive use of alcohol and shall not purchase, possess, use, distribute, import, or manufacture any and all controlled substance and all controlled substance analogues, as defined in 21 U.S.C. § 802, and any paraphernalia related to any controlled substances, except that possession and use of a controlled substance properly prescribed by a licensed medical practitioner is permitted;
- 8) the defendant shall not frequent places where controlled substances are illegally sold, used, distributed, or administered;
- 9) the defendant shall not associate with any persons engaged in criminal activity and shall not associate with any person convicted of a felony, unless granted permission to do so by the probation officer;
- 10) the defendant shall permit a probation officer to visit him or her at any time at home or elsewhere and shall permit confiscation of any contraband observed in plain view of the probation officer;
- 11) the defendant shall notify the probation officer within seventy-two hours of being arrested or questioned by a law enforcement officer;
- 12) the defendant shall not enter into any agreement to act as an informer or a special agent of a law enforcement agency without the permission of the court;
- 13) as directed by the probation officer, the defendant shall notify third parties of risks that may be occasioned by the defendant's criminal record or personal history or characteristics and shall permit the probation officer to make such notifications and to confirm the defendant's compliance with such notification requirement;
- 14) the defendant shall not possess a firearm, destructive device, or any other dangerous weapon;
- 15) the defendant shall provide the probation officer with access to any requested financial information; and
- 16) the defendant shall submit his or her person, and any property, house, residence, vehicle, papers, effects, computer, electronic communications devices, and any data storage devices or media, to search at any time, with or without a warrant, by any federal probation officer, or any other law enforcement officer from whom the Probation Office has requested assistance, with reasonable suspicion concerning a violation of a condition of probation or supervised release or unlawful conduct by the defendant. Any items seized may be removed to the Probation Office or to the office of their designee for a more thorough examination.

DEFENDANT: David Smith
CASE NUMBER: DNYN112CR000028-002

SPECIAL CONDITIONS OF SUPERVISION

1. The defendant shall not incur new credit charges or open additional lines of credit without the approval of the probation officer.
2. The defendant shall participate in a program of financial and credit counseling. The program shall be approved by the United States Probation Office.
3. The defendant shall apply all monies he or she receives from any income tax refunds, lottery winnings, judgments, and/or any other anticipated or unexpected financial gains to the outstanding court-ordered financial obligation.
4. The Court finds there is a reasonably foreseeable risk that the defendant may engage in criminal conduct similar or related to the present offense or the defendant's past criminal conduct. Therefore, the Court directs the defendant to notify any employer of risks that may be occasioned by his criminal record or personal history or characteristics, and directs the probation officer to confirm the defendant's compliance with this notification requirement.
5. The Court has reliable information which indicates the defendant poses a low risk of future substance abuse, so the mandatory drug testing condition is suspended.

DEFENDANT'S ACKNOWLEDGMENT OF APPLICABLE CONDITIONS OF SUPERVISION

Upon a finding of a violation of probation or supervised release, I understand that the court may (1) revoke supervision, (2) extend the term of supervision, and/or (3) modify the conditions of supervision.

The conditions of supervision have been read to me. I fully understand the conditions and have been provided a copy of them.

Defendant

Date

U.S. Probation Officer/Designated Witness

Date

DEFENDANT: David Smith
CASE NUMBER: DNYN112CR000028-002

CRIMINAL MONETARY PENALTIES

The defendant must pay the total criminal monetary penalties under the schedule of payments on Sheet 6.

	<u>Assessment</u>	<u>Fine</u>	<u>Restitution</u>
TOTALS	\$ 1,500	\$ 50,000	\$ 5,989,736

The determination of restitution is deferred until _____. An *Amended Judgment in a Criminal Case* (AO 245C) will be entered after such determination.

The defendant must make restitution (including community restitution) to the following payees in the amount listed below.

If the defendant makes a partial payment, each payee shall receive an approximately proportioned payment, unless specified otherwise in the priority order or percentage payment column below. However, pursuant to 18 U.S.C. § 3664(I), all nonfederal victims must be paid before the United States is paid.

<u>Name of Payee</u>	<u>Total Loss*</u>	<u>Restitution Ordered</u>	<u>Priority or Percentage</u>
Victims 1-841	\$5,748,722	\$5,748,722	1 st
Internal Revenue Service	\$241,014	\$241,014	2 nd

TOTALS	\$ <u>5,989,736</u>	\$ <u>5,989,736</u>
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Restitution amount ordered pursuant to plea agreement \$ _____

The defendant must pay interest on restitution and a fine of more than \$2,500, unless the restitution or fine is paid in full before the fifteenth day after the date of the judgment, pursuant to 18 U.S.C. § 3612(f). All of the payment options on Sheet 6 may be subject to penalties for delinquency and default, pursuant to 18 U.S.C. § 3612(g).

The court determined that the defendant does not have the ability to pay interest and it is ordered that:

the interest requirement is waived for the fine restitution.

the interest requirement for the fine restitution is modified as follows:

* Findings for the total amount of losses are required under Chapters 109A, 110, 110A, and 113A of Title 18 for offenses committed on or after September 13, 1994, but before April 23, 1996.

DEFENDANT: David Smith
CASE NUMBER: DNYN112CR000028-002

SCHEDULE OF PAYMENTS

Having assessed the defendant's ability to pay, payment of the total criminal monetary penalties are due as follows:

- A In full immediately; or
- B Lump sum payment of \$ _____ due immediately, balance due
 - not later than _____, or
 - in accordance with D, E, F, or G below; or
- C Payment to begin immediately (may be combined with D, E, or G below); or
- D Payment in equal _____ (e.g., weekly, monthly, quarterly) installments of \$ _____ over a period of _____ (e.g., months or years), to commence _____ (e.g., 30 or 60 days) after the date of this judgment; or
- E Payment in equal _____ (e.g., weekly, monthly, quarterly) installments of \$ _____ over a period of _____ (e.g., months or years), to commence _____ (e.g., 30 or 60 days) after release from imprisonment to a term of supervision; or
- F Payment during the term of supervised release will commence within _____ (e.g., 30 or 60 days) after release from imprisonment. The court will set the payment plan based on an assessment of the defendant's ability to pay at that time; or
- G Special instructions regarding the payment of criminal monetary penalties:

The Court orders that any cash value of the assets collected thus far by the Receiver, William J. Brown, appointed by the Court in this case may be deducted from the total restitution amount and may be distributed to the victims by the Receiver as such assets are available for distribution, and for long as the Receiver is in operation. Any remaining restitution is due immediately, with any remaining restitution payable at a minimal rate of 25% of the defendant's gross income while incarcerated and a minimal rate of \$100 per month or 10% of the defendant's gross income, whichever is greater, upon his release from imprisonment. If at any time the defendant has the resources to pay full restitution, he must do so immediately. Payments may be forwarded to Lawrence K. Baerman, U.S. District Court Clerk, Federal Building, P.O. Box 7367, 100 South Clinton Street, Syracuse, New York 13261-7367

Unless the court has expressly ordered otherwise, if this judgment imposes imprisonment, payment of criminal monetary penalties is due during imprisonment. All criminal monetary penalties, except those payments made through the Federal Bureau of Prisons' Inmate Financial Responsibility Program, are made to Clerk, U.S. District Court, Federal Bldg., 100 S. Clinton Street, P.O. Box 7367, Syracuse, N.Y. 13261-7367, unless otherwise directed by the court, the probation officer, or the United States attorney. If a victim cannot be located, the restitution paid to the Clerk of the Court for that victim shall be sent to the Treasury, to be retrieved if and when the victim is located.

The defendant shall receive credit for all payments previously made toward any criminal monetary penalties imposed.

Joint and Several

Defendant and Co-Defendant Names and Case Numbers (including defendant number), Total Amount, Joint and Several Amount, and corresponding payee, if appropriate.

Timothy M. McGinn, DNYN112CR000028-001, \$5,992,800 (total), \$5,748,722 (joint and several as to Victims 1-841)

The Court gives notice that this case involves other defendants who may be held jointly and severally liable for payment of all or part of the restitution ordered herein and may order such payment in the future.

The defendant shall pay the cost of prosecution.

The defendant shall pay the following court cost(s):

The defendant shall forfeit the defendant's interest in the following property to the United States:

\$6,336,440

Payments shall be applied in the following order: (1) assessment, (2) restitution principal, (3) restitution interest, (4) fine principal, (5) fine interest, (6) community restitution, (7) penalties, and (8) costs, including cost of prosecution and court costs.

EXHIBIT B



ADIRONDACK TRUST

COMPANY

LYNN A. SMITH
[REDACTED] BROOK DRIVE
[REDACTED] NY

A
12866

[REDACTED] 120
ACCOUNT NUMBER

PAGE	ENCLOSURES
1	
3/24/2012	4/19/2012

STATEMENT PERIOD
ELECTRONIC FUNDS TRANS-
FER SERVICE -- If you need to
know whether or not an electronic funds
transfer has occurred, call collect.
518-584-5344

ACCOUNT NUMBER	PREVIOUS BALANCE	PAYMENTS, DEPOSITS & OTHER ITEMS		CHECKS & OTHER ITEMS		SERVICE CHARGES	NEW BALANCE
		NO.	AMOUNT	NO.	AMOUNT		
[REDACTED] 20	0.87	1	0.87	0	0.00	0.00	0.00

ACCORDING TO OUR RECORDS, YOUR ACCOUNT WAS OVERDRAWN ON THE LAST DAY OF THE PREVIOUS STATEMENT CYCLE. RETURNED CHECKS ARE REFLECTED AS CREDIT ENTRIES ON THE FIRST DAY OF THE CURRENT STATEMENT CYCLE.

THIS IS YOUR FINAL CLOSING STATEMENT.

DEPOSITS/CREDITS	DATE	AMOUNT
CHARGE OFF	4/19	.87



The average daily balance is multiplied by the number of days in the billing cycle and the periodic rate applied to the product to determine the amount of the FINANCE CHARGE.



THE ADIRONDACK TRUST COMPANY
BANKING. INSURANCE. INVESTMENTS.

473 BROADWAY, SARATOGA SPRINGS, NY 12866-2262

PHONE (518) 584-6844 • www.adirondacktrust.com • AT YOUR CALL: 877-4093

LYNN A. SMITH

A

420
ACCOUNT NUMBER

PAGE	ENCLOSURES
1	
2/25/2012	3/23/2012

STATEMENT PERIOD

ELECTRONIC FUNDS TRANSFER SERVICE ... If you need to know whether or not an electronic funds transfer has occurred, call collect. 518-584-6844

ACCOUNT NUMBER	PREVIOUS BALANCE	PAYMENTS, DEPOSITS & OTHER ITEMS		CHECKS & OTHER ITEMS		SERVICE CHARGES	NEW BALANCE
		NO.	AMOUNT	NO.	AMOUNT		
	2.13	0	0.00	1	0.00	3.00	0.87-

TRAN/CK#	WITHDRAWALS/DEBITS	DATE	AMOUNT
	SERVICE CHARGE	3/23	3.00

SERVICE CHARGE BREAKDOWN

0 CHECKS	0.00	0	DEPOSITS	0.00
0 FOREIGN ITEMS	0.00	0	ONUS ITMS DEP	0.00
0 NOT ATC ATM WDLs	0.00		MAINTENANCE FEE	3.00
			EARNING CR ON	0.00CR
TOTAL SERVICE CHARGE			3.00	

ACCORDING TO OUR RECORDS, YOUR ACCOUNT WAS OVERDRAWN ON THE LAST DAY OF THE STATEMENT PERIOD. RETURNED ITEMS WILL APPEAR AS CREDIT ENTRIES ON THE FIRST DAY OF YOUR NEXT STATEMENT.



173 BROADWAY, SARATOGA SPRINGS, NY 12859-2302

PHONE (518) 584-6844 WWW.ADIRONDACKTRUST.COM AT YOUR CALL 587-4033

LYNN A. SMITH
 [REDACTED] DRIVE
 [REDACTED] SARATOGA SPRINGS, NY 12866

[REDACTED] 20
 ACCOUNT NUMBER

PAGE	ENCLOSURES
1	
1/21/2012	2/24/2012

STATEMENT PERIOD

ELECTRONIC FUNDS TRANS-
 FER SERVICE - If you need to
 know whether or not an electronic funds
 transfer has occurred, call collect.
 518 584 6844

ACCOUNT NUMBER	PREVIOUS BALANCE	PAYMENTS, DEPOSITS & OTHER ITEMS		CHECKS & OTHER ITEMS		SERVICE CHARGES	NEW BALANCE
		NO	AMOUNT	NO	AMOUNT		
[REDACTED] 420	5.13	0	0.00	1	0.00	3.00	2.13

TRAN/CK#	WITHDRAWALS/DEBITS	DATE	AMOUNT
	SERVICE CHARGE	2/24	3.00

SERVICE CHARGE BREAKDOWN

0 CHECKS	0.00	0	DEPOSITS	0.00
0 FOREIGN ITEMS	0.00	0	ONUS ITEMS DEP	0.00
0 NOT ATC ATM WDLS	0.00		MAINTENANCE FEE	3.00
			EARNING CR ON	0.00CR
	TOTAL SERVICE CHARGE		3.00	



THE ADIRONDACK TRUST COMPANY
FINANCIAL SERVICES

573 BROADWAY - SARATOGA SPRINGS, NY 12866-2282

PHONE (518) 584-5844 www.adirondacktrust.com AT YOUR CALL: 518 4053

LYNN A. SMITH
 SARATOGA SPRINGS NY 12866

A

ACCOUNT NUMBER

PAGE	ENCLOSURES
1	
12/24/2011	1/20/2012

(STATEMENT PERIOD)

ELECTRONIC FUNDS TRANSFER SERVICE - If you need to know whether or not an electronic funds transfer has occurred, call collect. 518 584 5844

ACCOUNT NUMBER	PREVIOUS BALANCE	PAYMENTS, DEPOSITS & OTHER ITEMS		CHECKS & OTHER ITEMS		SERVICE CHARGES	NEW BALANCE
		NO	AMOUNT	NO	AMOUNT		
20	8.13	0	0.00	1	0.00	3.00	5.13

TRAN/CK#	WITHDRAWALS/DEBITS	DATE	AMOUNT
	SERVICE CHARGE	1/20	3.00

SERVICE CHARGE BREAKDOWN

0 CHECKS	0.00	0 DEPOSITS	0.00
0 FOREIGN ITEMS	0.00	0 ONUS ITEMS DEP	0.00
0 NOT ATC ATM WDLs	0.00	MAINTENANCE FEE	3.00
		EARNING CR ON	0.00CR
	TOTAL SERVICE CHARGE		3.00



THE ADIRONDACK TRUST
 COMPANY MANAGING REAL ESTATE INVESTMENTS

473 BROADWAY - SARATOGA SPRINGS, NY 12866-2252

PHONE: (518) 584-6844 - www.adirondacktrust.com - AT YOUR CALL: 687-4083

LYNN A. SMITH
 SARATOGA SPRING NY 12866

██████████ 420
 ACCOUNT NUMBER

PAGE	ENCLOSURE S
1	
11/19/2011	12/23/2011

STATEMENT PERIOD
 ELECTRONIC FUNDS TRANS-
 FER SERVICE -- If you need to
 know whether or not an electronic funds
 transfer has occurred, call collect.
 518-584-6844

ACCOUNT NUMBER	PREVIOUS BALANCE	PAYMENTS, DEPOSITS & OTHER ITEMS NO. AMOUNT	CHECKS & OTHER ITEMS NO. AMOUNT	SERVICE CHARGES	NEW BALANCE
██████████ 420	11.13	0 0.00	1 0.00	3.00	8.13

TRAN/CK# WITHDRAWALS/DEBITS DATE AMOUNT
 SERVICE CHARGE 12/23 3.00

SERVICE CHARGE BREAKDOWN

0 CHECKS	0.00	0 DEPOSITS	0.00
0 FOREIGN ITEMS	0.00	0 ONUS ITEMS DEP	0.00
0 NOT ATC ATM WDLs	0.00	MAINTENANCE FEE	3.00
		EARNING CR ON	0.00CR
		TOTAL SERVICE CHARGE	3.00



THE ADIRONDACK TRUST COMPANY
BANKING INSURANCE INVESTMENTS

473 BROADWAY, SARATOGA SPRINGS, NY 12866-2262

PHONE (518) 584-5844 - WWW.ADIRONDACKTRUST.COM - AT YOUR CALL: 877-4036

LYNN A. SMITH A
 [REDACTED] DRIVE
 SARATOGA SPRINGS, NY 12866

[REDACTED] 420
 ACCOUNT NUMBER

PAGE	ENCLOSURES
1	
10/22/2011	11/18/2011

STATEMENT PERIOD
 ELECTRONIC FUNDS TRANSFER SERVICE - If you need to know whether or not an electronic funds transfer has occurred, call collect. 518-584-5844

ACCOUNT NUMBER	PREVIOUS BALANCE	PAYMENTS, DEPOSITS & OTHER ITEMS		CHECKS & OTHER ITEMS		SERVICE CHARGES	NEW BALANCE
		NO	AMOUNT	NO	AMOUNT		
[REDACTED] 420	14.13	0	0.00	1	0.00	3.00	11.13

TRAN/CK#	WITHDRAWALS/DEBITS	DATE	AMOUNT
	SERVICE CHARGE	11/18	3.00
SERVICE CHARGE BREAKDOWN			
0	CHECKS		0.00
0	FOREIGN ITEMS		0.00
0	NOT ATC ATM WDLs		0.00
	TOTAL SERVICE CHARGE		3.00
			0.00
			0.00
			3.00
			0.00 CR

The average daily balance is multiplied by the number of days in the billing cycle and the periodic rate applied to the product to determine the amount of the FINANCE CHARGE.



LYNN A. SMITH
 [REDACTED] DRIVE
 [REDACTED] SPRING, NY 12866

A

[REDACTED] 420
 ACCOUNT NUMBER

PAGE	ENCLOSURES
1	
9/24/2011	10/21/2011

STATEMENT PERIOD

ELECTRONIC FUNDS TRANSFER SERVICE -- If you need to know whether or not an electronic funds transfer has occurred, call collect. 518-681-6944

ACCOUNT NUMBER	PREVIOUS BALANCE	PAYMENTS DEPOSITS & OTHER ITEMS		CHECKS & OTHER ITEMS		SERVICE CHARGES	NEW BALANCE
		NO.	AMOUNT	NO.	AMOUNT		
[REDACTED] 420	17.13	0	0.00	1	0.00	3.00	14.13

TRAN/CK#	WITHDRAWALS/DEBITS	DATE	AMOUNT
	SERVICE CHARGE	10/21	3.00

SERVICE CHARGE BREAKDOWN

0 CHECKS	0.00	0 DEPOSITS	0.00
0 FOREIGN ITEMS	0.00	0 ONUS ITEMS DEP	0.00
0 NOT ATC ATM WDL	0.00	MAINTENANCE FEE	3.00
		% EARNING CR ON	0.00CR
TOTAL SERVICE CHARGE		3.00	



147 BEDFORD WAY SARATOGA SPRINGS, NY 12866-2262

PHONE (518) 584-6844 WWW.ADIRONDACKTRUST.COM TOLL FREE 1-877-437-4374

LYNN A SMITH
 [REDACTED] DRIVE
 SARATOGA SPRINGS NY 12866

A

[REDACTED] 420
 ACCOUNT NUMBER

PAGE	ENCLOSURES
1	
8/20/2011	9/23/2011

STATEMENT PERIOD
 ELECTRONIC FUNDS TRANSFER SERVICE -- If you need to know whether or not an electronic funds transfer has occurred, call collect. 518-894-6844

ACCOUNT NUMBER	PREVIOUS BALANCE	PAYMENTS, DEPOSITS & OTHER ITEMS NO.	AMOUNT	CHECKS & OTHER ITEMS NO.	AMOUNT	SERVICE CHARGES	NEW BALANCE
[REDACTED] 20	11,069.30	1	2,664.00	13	13,714.22	1.95	17.13

DEPOSITS/CREDITS

CHECK REVERSAL Payment Stopped 9/07 2664.00

TRAN/CK# WITHDRAWALS/DEBITS

261 CKPAYMT G TruGreen 0000000001 041204975 CHECK PYM 8/23 147.46
 259 CKPAYMT C NMAC-BMD-LEASE 20110822610071226100 CHE 8/23 595.52
 262 CKPAYMT W VZ WIRELESS ARC DATA ARC 8/24 93.72
 WEB PURCH I CITI CARD ONLINE PAYMENT 8/29 2750.00
 STOP PAYMENT CHARGE STOP PAYMENT CHARGE 9/01 25.00
 SERVICE CHARGE 9/23 1.95

CHECKS CK NO	(CHECK NUMBER ORDER) DATE	AMOUNT	CK NO	DATE	AMOUNT	(* DENOTES GAP IN SEQUENCE) CK NO	DATE	AMOUNT
* 0257	8/24	1202.09	0260	8/23	44.49	0265	8/29	700.00
* 0258	8/24	27.94	0263	8/25	2800.00	0266	9/01	2664.00
			0264	9/06	2664.00			

DAILY BALANCES

DATE	AMOUNT	DATE	AMOUNT	DATE	AMOUNT
8/19	11069.30	8/25	6158.08	9/06	2644.92-
8/23	10281.83	8/29	2708.08	9/07	19.08
8/24	8958.08	9/01	19.08	9/23	17.13

Rosenberg & Assoc.
 expert cost



ADIRONDACK TRUST COMPANY

110 BROADWAY, SARATOGA SPRINGS, NY 12866-2200

PHONE (518) 584-6644 FAX (518) 584-6645 TOLL FREE 1-800-451-4090

LYNN A. SMITH
 [REDACTED] DRIVE
 SARATOGA SPRINGS NY 12866

A

[REDACTED] 20
 ACCOUNT NUMBER

PAGE: 1		PAGE OVER: 1	
7/23/2011		8/19/2011	

STATEMENT PERIOD

ELECTRONIC FUNDS TRANSFER SERVICE - If you need to know whether or not an electronic funds transfer has occurred, call collect. 518-584-6644

ACCOUNT NUMBER	PREVIOUS BALANCE	PAYMENTS, DEPOSITS & OTHER ITEMS NET AMOUNT	CHECKS & OTHER ITEMS NET AMOUNT	SERVICE CHARGES	NEW BALANCE
[REDACTED] 20	56.71	1 40,000.00	14 28,987.41	0.00	11,069.30

DEPOSITS/CREDITS

DEPOSIT	DATE	AMOUNT
DEPOSIT	8/03	40000.00
TRAN/CK# WITHDRAWALS/DEBITS	DATE	AMOUNT
WEB PURCH S CHASE EPAY	8/05	1441.20
249 CKPAYMT A TWCABLE BOX 0377 20110810037751640377 C	8/11	261.24
256 CKPAYMT W VZ WIRELESS ARC DATA ARC	8/16	97.30
754 CKPAYMT C TMCC 20110815710059527100 CHECKPAYMT	8/16	575.00

CHECKS (CHECK NUMBER ORDER)				(* DENOTES GAP IN SEQUENCE)				
CK NO	DATE	AMOUNT	CK NO	DATE	AMOUNT	CK NO	DATE	AMOUNT
*			0248	8/15	385.20	0253	8/10	2500.00
0244	8/03	2500.00	*			*		
0245	8/12	10000.00	0250	8/12	200.88	0255	8/18	81.50
0246	8/05	10000.00	0251	8/12	140.20			
0247	8/12	743.90	0252	8/12	60.99			

DAILY BALANCES

DATE	AMOUNT	DATE	AMOUNT	DATE	AMOUNT
7/22	56.71	8/11	23354.27	8/18	11069.30
8/03	37556.71	8/12	12208.30	8/19	11069.30
8/05	26115.51	8/15	11823.10		
8/10	23615.51	8/16	11150.80		

*To pay Jill Dune
 to represent the
 kids as Defendants*



ADIRONDACK TRUST
 COMPANY

LYNN A. SMITH
 SARATOGA SPRINGS NY 12866

A

██████████ 542 0
 ACCOUNT NUMBER

PAGE	ENCLOSURES
1	
6/25/2011	7/22/2011

STATEMENT PERIOD
 ELECTRONIC FUNDS TRANS-
 FER SERVICE ... If you need to
 know whether or not an Electronic funds
 transfer has occurred, call collect.
 518-691-8844

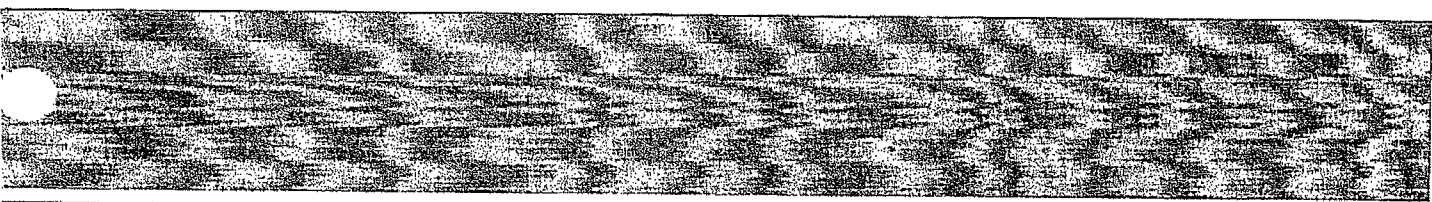
ACCOUNT NUMBER	PREVIOUS BALANCE	PAYMENTS, DEPOSITS & OTHER ITEMS NO. AMOUNT	CHECKS & OTHER ITEMS NO. AMOUNT	SERVICE CHARGES	NEW BALANCE
██████████ 542 0	59.71	0 0.00	1 0.00	3.00	56.71

TRAN/CK# WITHDRAWALS/DEBITS DATE AMOUNT

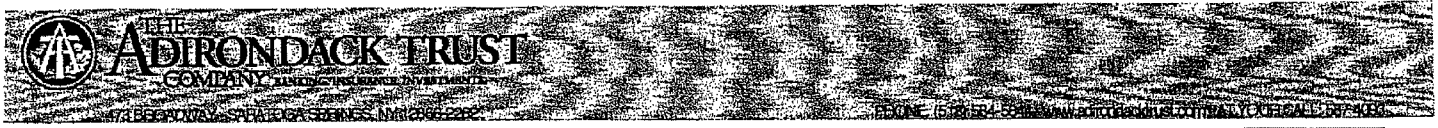
SERVICE CHARGE 7/22 3.00

SERVICE CHARGE BREAKDOWN

0 CHECKS	0.00	0 DEPOSITS	0.00
0 FOREIGN ITEMS	0.00	0 ONUS ITEMS DEP	0.00
0 NOT ATC ATM WDLs	0.00	MAINTENANCE FEE	3.00
		% EARNINGS CR ON	0.00CR
TOTAL SERVICE CHARGE		3.00	



The average daily balance is multiplied by the number of days in the billing cycle and the periodic rate applied to the product to determine the amount of the FINANCE CHARGE.



LYNN A. SMITH
 [REDACTED] DRIVE
 SARATOGA SPRINGS NY 12866

A

[REDACTED] 0
 ACCOUNT NUMBER

PAGE	ENCLOSURES
1	
5/21/2011	6/24/2011

STATEMENT PERIOD
 ELECTRONIC FUNDS TRANSFER SERVICE -- If you need to know whether or not an electronic funds transfer has occurred, call collect. 518-884-6944

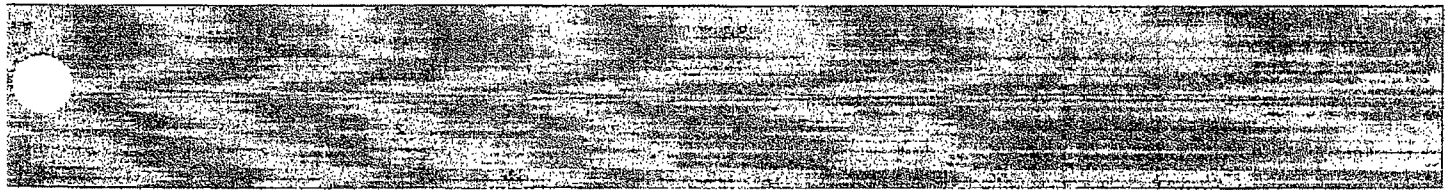
ACCOUNT NUMBER	PREVIOUS BALANCE	PAYMENTS DEPOSITS & OTHER ITEMS		CHECKS & OTHER ITEMS		SERVICE CHARGES	NEW BALANCE
		NO.	AMOUNT	NO.	AMOUNT		
[REDACTED] 420	1,332.65	0	0.00	7	1,269.49	3.45	59.71

TRAN/CK#	WITHDRAWALS/DEBITS	DATE	AMOUNT
240	CKPAYMT W VZ WIRELESS ARC DATA ARC	5/26	95.02
242	CKPAYMT G TruGreen 0000000001 041204975 CHECK PYM	5/27	147.46
	SERVICE CHARGE	6/24	3.45

CHECKS (CHECK NUMBER ORDER)		(* DENOTES GAP IN SEQUENCE)	
CK NO	DATE	AMOUNT	CK NO
0238	5/27	640.09	0243
0239	6/09	251.30	5/27
			5/27
			49.62

DAILY BALANCES	
DATE	AMOUNT
5/20	1332.65
5/26	1237.63
5/27	400.46
5/31	314.46
6/09	63.16
6/24	59.71

SERVICE CHARGE BREAKDOWN	
4 CHECKS AT .20 EACH	0.80
0 FOREIGN ITEMS	0.00
MAINTENANCE FEE	3.00
0 DEPOSITS	0.00
0 NYCE WDLS	0.00
.02% EARNINGS CR ON	308.00
TOTAL SERVICE CHARGE	3.45



The average daily balance is multiplied by the number of days in the billing cycle and the periodic rate applied to the product to determine the amount of the FINANCE CHARGE.



THE ADIRONDACK TRUST
 COMPANY FINANCIAL INVESTMENTS

473 BROADWAY, SARATOGA SPRINGS, NY 12866-2282

PHONE: (518) 584-8844 WWW.ADIRONDACKTRUST.COM ALSO CALL 1-877-409-8844

LYNN A. SMITH
 DRIVE
 SARATOGA SPRINGS NY 12866

B

542 0
 ACCOUNT NUMBER

PAGE	ENCLOSURES
1	
4/23/2011	5/20/2011
STATEMENT PERIOD	

ELECTRONIC FUNDS TRANSFER SERVICE - If you need to know whether or not an electronic funds transfer has occurred, call collect 518-684-8844

ACCOUNT NUMBER	PREVIOUS BALANCE	PAYMENTS DEPOSITS & OTHER ITEMS NO.	AMOUNT	CHECKS & OTHER ITEMS NO.	AMOUNT	SERVICE CHARGES	NEW BALANCE
██████████420	18.16	3	69,600.00	36	68,280.90	4.61	1,332.65

DEPOSITS/CREDITS

	DATE	AMOUNT
DEPOSIT	4/28	12000.00
DEPOSIT	4/28	48000.00
DEPOSIT	5/16	9600.00

TRAN/CK# WITHDRAWALS/DEBITS

TRAN/CK#	DESCRIPTION	DATE	AMOUNT
	WEB PURCH S CHASE EPAY	5/02	1552.67
	WEB PURCH I CITI CARD ONLINE PAYMENT	5/02	2900.00
179	CKPAYMT I VERIZON ARC DATA CHECK PYMT	5/03	24.32
182	CKPAYMT FPL PAYMENT CTR 1-800-226-3545 BILL PY	5/03	103.10
180	CKPAYMT O EXXON MOBIL PYMT CHECK PYMT	5/03	314.64
186	CKPAYMT W VZ WIRELESS ARC DATA ARC	5/04	84.21
	WEB PURCH S CHASE EPAY	5/17	700.00
	WEB PURCH I CITI CARD ONLINE PAYMENT	5/17	2800.00
231	CKPAYMT A TWCABLE BOX 0377 20110518037742220377 C	5/19	362.32
232	CKPAYMT C TMCC 20110518710071587100 CHECKPAYMT	5/19	575.00
230	CKPAYMT C NMAC-BMD-LEASE 20110518610017506100 CHE	5/19	595.52
	SERVICE CHARGE	5/20	4.61

CHECKS CK NO	(CHECK NUMBER ORDER) DATE	AMOUNT	CK NO	DATE	AMOUNT	(* DENOTES GAP IN SEQUENCE) CK NO	DATE	AMOUNT
0001	4/28	2000.00	0187	5/04	142.00	0226	5/16	507.00
*			0188	5/03	4667.00	0227	5/10	150.00
0001	4/28	46000.00	0189	5/05	172.00	0228	5/16	30.00
*			0190	5/02	22.22	0229	5/16	2500.00
0181	5/04	642.00	*			*		
*			0221	5/11	350.00	0233	5/20	626.59
0183	5/04	44.49	0222	5/16	25.79	0234	5/20	53.70
0184	5/06	60.55	0223	5/09	16.42	0235	5/18	44.49
0185	5/03	49.62	0224	5/06	70.00	0236	5/19	60.99
*			0225	5/05	19.94	0237	5/20	14.32

OK these 230 31 32



546 542 0 2

DAILY BALANCES

DATE	AMOUNT	DATE	AMOUNT	DATE	AMOUNT
4/22	18.16	5/05	1279.95	5/16	7170.19
4/28	12018.16	5/06	1149.40	5/17	3670.19
5/02	7543.27	5/09	1132.98	5/18	3625.70
5/03	2384.59	5/10	982.98	5/19	2031.87
5/04	1471.89	5/11	632.98	5/20	1332.65

SERVICE CHARGE BREAKDOWN

24 CHECKS AT .20 EACH	4.80	3 DEPOSITS AT .15 EACH	0.45
0 FOREIGN ITEMS	0.00	0 NYCE WDLS	0.00
MAINTENANCE FEE	3.00	.02% EARNINGS CR ON 3,215.00	3.64CR
TOTAL SERVICE CHARGE	7.80		4.61



THE ADIRONDACK TRUST COMPANY

113 BFO&DWAY, SARATOGA SPRINGS, NY 12858-2202

PHONE (518) 584-5844 WWW.ADIRONDACKTRUST.COM FAX (518) 584-5844

LYNN A. SMITH
 [REDACTED] DRIVE
 SARATOGA SPRINGS NY 12866

A

[REDACTED] 542 0
 ACCOUNT NUMBER

PAGE	ENCLOSURES
1	
3/19/2011	4/22/2011
STATEMENT PERIOD	
ELECTRONIC FUNDS TRANSFER SERVICE - If you need to know whether or not an electronic funds transfer has occurred, call collect. 518-584-5844	

ACCOUNT NUMBER	PREVIOUS BALANCE	PAYMENTS, DEPOSITS & OTHER ITEMS NO. AMOUNT	CHECKS & OTHER ITEMS NO. AMOUNT	SERVICE CHARGES	NEW BALANCE
[REDACTED] 420	346.53	0 0.00	6 324.57	3.80	18.16

TRAN/CK# WITHDRAWALS/DEBITS DATE AMOUNT
 175 CKPAYMT W VZ WIRELESS ARC DATA ARC 3/30 84.75
 SERVICE CHARGE 4/22 3.80

CHECKS (CHECK NUMBER ORDER) (* DENOTES GAP IN SEQUENCE)
 CK NO DATE AMOUNT CK NO DATE AMOUNT CK NO DATE AMOUNT
 * 0170 3/24 17.50 0174 3/30 50.34 0178 3/28 127.49
 * 0177 3/28 44.49

DAILY BALANCES
 DATE AMOUNT DATE AMOUNT DATE AMOUNT
 3/18 346.53 3/28 157.05 4/22 18.16
 3/24 329.03 3/30 21.96

SERVICE CHARGE BREAKDOWN
 4 CHECKS AT .20 EACH 0.80 0 DEPOSITS 0.00
 0 FOREIGN ITEMS 0.00 0 NYCE WDLs 0.00
 MAINTENANCE FEE 3.00 % EARNINGS CR ON 0.00CR
 TOTAL SERVICE CHARGE 3.80



573 BROADWAY, SARATOGA SPRINGS, NY 12866-2282

PHONE: (518) 584-5649 www.adirondacktrust.com FAX: (518) 584-5633

LYNN A. SMITH
 SARATOGA SPRINGS NY 12866

A

██████████ 420
 ACCOUNT NUMBER

PAGE	ENCLOSURES
1	
2/19/2011	3/18/2011

STATEMENT PERIOD

ELECTRONIC FUNDS TRANSFER SERVICE - If you need to know whether or not an electronic funds transfer has occurred, call collect. 518 584-5644

ACCOUNT NUMBER	PREVIOUS BALANCE	PAYMENTS, DEPOSITS & OTHER ITEMS		CHECKS & OTHER ITEMS		SERVICE CHARGES	NEW BALANCE
		NO	AMOUNT	NO	AMOUNT		
██████████ 420	6,846.62	0	0.00	13	6,497.11	2.98	346.53

TRAN/CK#	WITHDRAWALS/DEBITS	DATE	AMOUNT
163	CKPAYMT W VZ WIRELESS ARC DATA ARC	2/25	98.56
166	CKPAYMT O EXXON MOBIL PYMT CHECK PYMT	3/02	157.21
168	CKPAYMT S CHASE CHECK PYMT	3/11	112.90
171	CKPAYMT FPL PAYMENT CTR 1-800-226-3545 BILL PY	3/17	73.21
	SERVICE CHARGE	3/18	2.98

CHECKS CK NO	(CHECK NUMBER ORDER) DATE	AMOUNT	CK NO	DATE	AMOUNT	(* DENOTES GAP IN SEQUENCE) CK NO	DATE	AMOUNT
*			*			0172	3/18	66.55
0162	2/25	55.27	0167	3/11	643.08	0173	3/16	393.57
0164	2/25	44.49	0169	3/14	86.00	*		
0165	3/01	99.27	*			0220	2/22	4667.00

DAILY BALANCES

DATE	AMOUNT	DATE	AMOUNT	DATE	AMOUNT
2/18	6846.62	3/02	1724.82	3/17	416.06
2/22	2179.62	3/11	968.84	3/18	346.53
2/25	1981.30	3/14	882.84		
3/01	1882.03	3/16	489.27		

SERVICE CHARGE BREAKDOWN

8 CHECKS AT .20 EACH	1.60	0 DEPOSITS	0.00
0 FOREIGN ITEMS	0.00	0 NYCE WDLs	0.00
MAINTENANCE FEE	3.00	.02% EARNINGS CR ON	1,425.00
TOTAL SERVICE CHARGE		2.98	1.62CR

170 17.50

OK the 173

3



73 BROADWAY, SARATOGA SPRINGS, NY 12866-2282

PHONE (518) 584-6644 www.adirondacktrust.com AT YOUR CALL (877) 4093

LYNN A. SMITH
SARATOGA SPRINGS NY 12866

A

██████████42 0
ACCOUNT NUMBER

PAGE	ENCLOSURES
1	
1/22/2011	2/18/2011

STATEMENT PERIOD

ELECTRONIC FUNDS TRANSFER SERVICE - If you need to know whether or not an electronic funds transfer has occurred, call collect 518-684-6644

ACCOUNT NUMBER	PREVIOUS BALANCE	PAYMENTS, DEPOSITS & OTHER ITEMS NO.	AMOUNT	CHECKS & OTHER ITEMS NO.	AMOUNT	SERVICE CHARGES	NEW BALANCE
██████████120	969.65	1	28,000.00	22	22,123.03	0.00	6,846.62

DEPOSITS/CREDITS

DEPOSIT

DATE AMOUNT
2/07 28000.00

TRAN/CK# WITHDRAWALS/DEBITS

DATE AMOUNT

2197 ATM WITHDRAWAL CHURCH STREET OFFICE 2/07 500.00
 2196 ATM WITHDRAWAL CHURCH STREET OFFICE 2/07 500.00
 2195 ATM WITHDRAWAL CHURCH STREET OFFICE 2/07 500.00
 CITIZENS COB 95 WEIBEL AVENUE SARATOGA SPRINYUS 2/10 202.75
 211 CKPAYMT O EXXON MOBIL PYMT CHECK PYMT 2/11 197.24
 218 CKPAYMT A TWCABLE BOX 0377 20110210037700440377 C 2/11 223.08
 217 CKPAYMT C TMCC 20110210710002067100 CHECKPAYMT 2/11 575.00
 213 CKPAYMT R AMERIGAS PROPANE CHECKPYMT 2/14 118.77
 WEB PURCH S CHASE EPAY 2/14 3853.77
 DELUXE CHECK CHECK/ACC. 2/15 5.20
 WEB PURCH I CITI CARD ONLINE PAYMENT 2/15 10618.50
 161 CKPAYMT I VERIZON ARC DATA CHECK PYMT 2/18 141.70
 219 CKPAYMT C NMAC-BMD-LEASE 20110217610005356100 CHE 2/18 595.52

CHECKS (CHECK NUMBER ORDER)

(* DENOTES GAP IN SEQUENCE)

CK NO	DATE	AMOUNT	CK NO	DATE	AMOUNT	CK NO	DATE	AMOUNT
*			0210	2/09	335.25	*		
0206	2/11	2323.42	*			0216	2/14	118.31
0207	2/11	18.55	0212	2/11	59.30	*		
0208	2/11	60.99	*			215	2/16	87.00
0209	2/10	930.56	0214	2/08	158.12			

DAILY BALANCES

DATE	AMOUNT	DATE	AMOUNT	DATE	AMOUNT
1/21	969.65	2/10	25842.97	2/16	7583.84
2/07	27469.65	2/11	22385.39	2/18	6846.62
2/08	27311.53	2/14	18294.54		
2/09	26976.28	2/15	7670.84		

211
212



17 BROADWAY, SARATOGA SPRINGS, NY 12859-2202

PHONE (518) 684-6844 WWW.adirondacktrust.com AT YOUR CALL 607-493-1000

LYNN A. SMITH
 2 SOLLING BROOK DRIVE
 SARATOGA SPRINGS NY 12866

A

542 0

ACCOUNT NUMBER

PAGE	ENCLOSURES
1	
12/25/2010	1/21/2011

STATEMENT PERIOD

ELECTRONIC FUNDS TRANSFER SERVICE - If you need to know whether or not an electronic funds transfer has occurred, call collect. 518.684.6812

ACCOUNT NUMBER	PREVIOUS BALANCE	PAYMENTS, DEPOSITS & OTHER ITEMS		CHECKS & OTHER ITEMS		SERVICE CHARGES	NEW BALANCE
		NO.	AMOUNT	NO.	AMOUNT		
5420	5,330.10	2	9,334.61	15	13,693.10	1.96	969.65

DEPOSITS/CREDITS

DEPOSIT
DEPOSIT

DATE	AMOUNT
1/03	334.61
1/10	9000.00

TRAN/CK# WITHDRAWALS/DEBITS

- 197 CKPAYMT FPL PAYMENT CTR 1-800-226-3545 BILL PY
- 195 CKPAYMT G TruGreen 0000000001 041204975 CHECK PYM
- Cardtronics CCS3031 RT. 50 SARATOGO SPRINYUS
- STEWART'S #101 402 LAKE AVENUE SARATOGA SPRINYUS
- WEB PURCH I CITI CARD ONLINE PAYMENT
- WEB PURCH S CHASE EPAY
- WEB PURCH B CHUBB & SON ONLINE PMT
- 203 CKPAYMT C NMAC-BMD-LEASE 20110114610023736100 CHE
- 204 CKPAYMT FPL PAYMENT CTR 1-800-226-3545 BILL PY
- WEB PURCH B CHUBB & SON ONLINE PMT
- SERVICE CHARGE

DATE	AMOUNT
12/28	85.86
12/28	140.44
1/04	102.00
1/06	41.75
1/12	1465.83
1/12	4516.41
1/14	472.69
1/18	595.52
1/19	78.72
1/21	1283.16
1/21	1.96

CHECKS (CHECK NUMBER ORDER)		(* DENOTES GAP IN SEQUENCE)			
CK NO	DATE	AMOUNT	CK NO	DATE	AMOUNT
*			0201	1/06	4667.00
0199	12/29	172.67	0202	1/11	16.05
*					
			0205	1/19	55.00

DAILY BALANCES

DATE	AMOUNT	DATE	AMOUNT	DATE	AMOUNT
12/24	5330.10	1/06	454.99	1/18	2388.49
12/28	5103.80	1/10	9454.99	1/19	2254.77
12/29	4931.13	1/11	9438.94	1/21	969.65
1/03	5265.74	1/12	3456.70		
1/04	5163.74	1/14	2984.01		

OK thru 205

325 SC 611.57



THE ADIRONDACK TRUST
 COMPANY - LIFE, ACCIDENT & HEALTH INSURANCE INVESTMENTS

470 BROADWAY, SARATOGA SPRINGS, NY 12866-2262

PHONE (518) 584-5244 WWW.ADIRONDACKTRUST.COM FAX (518) 584-5083

LYNN A. SMITH
 BROOK DRIVE
 SARATOGA SPRINGS NY 12866

A

542 0
 ACCOUNT NUMBER

PAGE	ENCLOSURES
1	
11/20/2010	12/24/2010

STATEMENT PERIOD
 ELECTRONIC FUNDS TRANS
 PER SERVICE - If you need to
 know whether or not an electronic funds
 transfer has occurred, call collect.
 518.584.5244

ACCOUNT NUMBER	PREVIOUS BALANCE	PAYMENTS, DEPOSITS & OTHER ITEMS NO	AMOUNT	CHECKS & OTHER ITEMS NO	AMOUNT	SERVICE CHARGES	NEW BALANCE
5420	559.45	1	17,000.00	16	12,229.35	0.00	5,330.10

DEPOSITS/CREDITS

DEPOSIT

DATE AMOUNT
 12/10 17000.00

TRAN/CK# WITHDRAWALS/DEBITS

DATE AMOUNT

193	CKPAYMT	A	TWCABLE BOX 0377 20101216037713250377 C	12/17	222.45
192	CKPAYMT	C	TMCC 20101216710055587100 CHECKPAYMT	12/17	575.00
157	CKPAYMT	O	EXXON MOBIL PYMT CHECK PYMT	12/20	215.85
191	CKPAYMT	R	AMERIGAS PROPANE CHECKPYMT	12/22	351.47
196	CKPAYMT	W	VZ WIRELESS ARC DATA ARC	12/24	93.72
198	CKPAYMT	C	NMAC-BMD-LEASE 20101223610060476100 CHE	12/24	595.52

CHECKS (CHECK NUMBER ORDER)

(* DENOTES GAP IN SEQUENCE)

CK NO	DATE	AMOUNT	CK NO	DATE	AMOUNT	CK NO	DATE	AMOUNT
0001	12/21	100.00	0159	12/17	3474.15	0194	12/17	545.88
0158	12/15	64.89	0160	12/17	472.69	*		
						0200	12/24	630.95

DAILY BALANCES

DATE	AMOUNT	DATE	AMOUNT	DATE	AMOUNT
11/19	559.45	12/15	12670.53	12/22	6713.04
12/10	17559.45	12/17	7380.36	12/23	6650.29
12/13	14234.79	12/20	7164.51	12/24	5330.10
12/14	12735.42	12/21	7064.51		

The average daily balance is multiplied by the number of days in the billing cycle and the periodic rate applied to the product to determine the amount of the FINANCE CHARGE.



THE ADIRONDACK TRUST
 COMPANY FINANCIAL INVESTMENTS

473 BROADWAY SARATOGA SPRINGS, NY 12866-2282

PHONE (518) 684-5844 WWW.ADIRONDACKTRUST.COM EMAIL: CUSTSERV@ADIRONDACKTRUST.COM

LYNN A. SMITH
 [REDACTED] DRIVE
 SARATOGA SPRINGS NY 12866

A

[REDACTED] 42 0
ACCOUNT NUMBER

PAGE	ENCLOSURES
1	
10/23/2010	11/19/2010

STATEMENT PERIOD

ELECTRONIC FUNDS TRANSFER SERVICE - If you need to know whether or not an electronic funds transfer has occurred, call collect 518-684-5844

ACCOUNT NUMBER	PREVIOUS BALANCE	PAYMENTS, DEPOSITS & OTHER ITEMS		CHECKS & OTHER ITEMS		SERVICE CHARGES	NEW BALANCE
		NO	AMOUNT	NO	AMOUNT		
[REDACTED] 420	2,559.43	0	0.00	6	1,999.98	0.00	559.45

TRAN/CK#	WITHDRAWALS/DEBITS	DATE	AMOUNT
153 CKPAYMT	W VZ WIRELESS ARC DATA ARC	10/25	93.72
151 CKPAYMT	FPL PAYMENT CTR 1-800-226-3545 BILL PY	10/25	241.62
152 CKPAYMT	C NMAC-BMD-LEASE 20101022610016556100 CHE	10/25	595.52
154 CKPAYMT	I VERIZON ARC DATA CHECK PYMT	10/27	148.68

CHECKS CK NO	(CHECK NUMBER ORDER) DATE	AMOUNT	CK NO	DATE	AMOUNT	(* DENOTES GAP IN SEQUENCE) CK NO	DATE	AMOUNT
*	0156 11/15	472.69	*	0155 11/17	447.75			

DAILY BALANCES

DATE	AMOUNT	DATE	AMOUNT	DATE	AMOUNT
10/22	2559.43	10/27	1479.89	11/17	559.45
10/25	1628.57	11/15	1007.20	11/19	559.45

The average daily balance is multiplied by the number of days in the billing cycle and the periodic rate applied to the product to determine the amount of the FINANCE CHARGE.



LYNN A. SMITH
 [REDACTED] DRIVE
 SARATOGA SPRINGS NY 12866

[REDACTED] 542 0
 ACCOUNT NUMBER

PAGE	ENCLOSURES
1	
9/25/2010	10/22/2010

STATEMENT PERIOD
 ELECTRONIC FUNDS TRANSFER SERVICE - If you need to know whether or not an electronic funds transfer has occurred, call collect. 518-584-5844

ACCOUNT NUMBER	PREVIOUS BALANCE	PAYMENTS, DEPOSITS & OTHER ITEMS		CHECKS & OTHER ITEMS		SERVICE CHARGES	NEW BALANCE
		NO	AMOUNT	NO	AMOUNT		
[REDACTED] 120	221.12	2	79,100.00	25	76,761.69	0.00	2,559.43

DEPOSITS/CREDITS

DEPOSIT
 DEPOSIT

DATE	AMOUNT
9/27	75000.00
10/06	4100.00

TRAN/CK# WITHDRAWALS/DEBITS

132 CKPAYMT g Trugreen CHECK PYMT
 WEB PURCH i CITI CARD ONLINE PAYMENT
 139 CKPAYMT o EXXON MOBIL PYMT CHECK PYMT

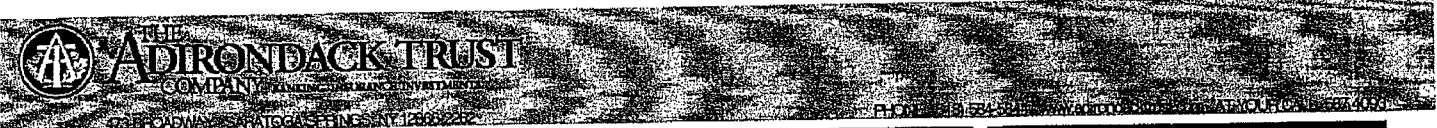
DATE	AMOUNT
9/29	140.44
10/01	3418.74
10/05	270.38

CHECKS CK NO	(CHECK NUMBER ORDER)		CK NO	DATE	AMOUNT	(* DENOTES GAP IN SEQUENCE)		
	DATE	AMOUNT				CK NO	DATE	AMOUNT
*			0133	9/28	43.42	0142	10/12	447.75
0125	9/28	<i>Ny Lawyer</i> 50000.00	0134	9/30	100.00	*		
0126	9/27	9529.55	0135	10/05	214.00	0145	10/12	5000.00
0127	9/28	4667.00	0136	10/08	225.37	0146	10/12	561.54
0128	9/29	60.99	0137	10/07	923.30	0147	10/15	1671.95
0129	9/30	165.00	0138	10/06	2474.50	0148	10/06	15.00
0130	10/01	86.00	*			0149	10/12	30.00
0131	9/30	370.25	0140	10/05	279.02	0150	10/22	44.49
*			0141	10/08	23.00			

DAILY BALANCES

DATE	AMOUNT	DATE	AMOUNT	DATE	AMOUNT
9/24	221.12	10/01	10639.73	10/12	4275.87
9/27	69691.57	10/05	9876.33	10/15	2603.92
9/28	14981.15	10/06	11486.83	10/22	2559.43
9/29	14779.72	10/07	10563.53		
9/30	14144.47	10/08	10315.16		

The average daily balance is multiplied by the number of days in the billing cycle and the periodic rate applied to the product to determine the amount of the FINANCE CHARGE.



LYNN A. SMITH
 SARATOGA SPRINGS NY 12866

ACCOUNT NUMBER
 [REDACTED] 42 0

PAGE	ENCLOSURES
1	
8/21/2010	9/24/2010

STATEMENT PERIOD
 ELECTRONIC FUNDS TRANSFER SERVICE -- If you need to know whether or not an electronic funds transfer has occurred, call collect. 518-594-8944

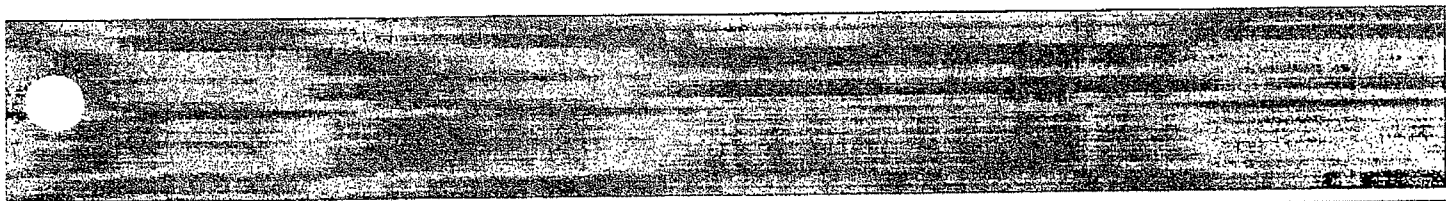
ACCOUNT NUMBER	PREVIOUS BALANCE	PAYMENTS, DEPOSITS & OTHER ITEMS		CHECKS & OTHER DEBITS		SERVICE CHARGES	NEW BALANCE
		NO	AMOUNT	NO	AMOUNT		
[REDACTED] 420	117.15	1	2,900.00	2	2,793.23	2.80	221.12

DEPOSITS/CREDITS
 DEPOSIT DATE AMOUNT
 9/20 2900.00

TRAN/CK# WITHDRAWALS/DEBITS DATE AMOUNT
 WEB PURCH I CITI CARD ONLINE PAYMENT 9/20 2793.23
 SERVICE CHARGE 9/24 2.80

MONTHLY BALANCES
 DATE AMOUNT DATE AMOUNT DATE AMOUNT
 8/20 117.15 9/20 223.92 9/24 221.12

SERVICE CHARGE BREAKDOWN
 0 CHECKS 0.00 1 DEPOSITS AT .15 EACH 0.15
 0 FOREIGN ITEMS 0.00 0 NYCE WDLS 0.00
 MAINTENANCE FEE 3.00 .02% EARNINGS CR ON 138.00 0.35CR
 TOTAL SERVICE CHARGE 2.80





LYNN A SMITH
SARATOGA SPRINGS NY 12866

██████████ 42 0
ACCOUNT NUMBER

PAGE	ENCLOSURES
1	
7/12/2010	7/23/2010

STATEMENT PERIOD
ELECTRONIC FUNDS TRANSFER SERVICE - If you need to know whether or not an electronic funds transfer has occurred, call collect. 518-594-6544

ACCOUNT NUMBER	PREVIOUS BALANCE	PAYMENTS DEPOSITS & OTHER ITEMS NO	AMOUNT	CHECKS & OTHER ITEMS NO	AMOUNT	SERVICE CHARGES	NEW BALANCE
██████████ 42 0	0.00	4	600,878.00	6	126,856.90	0.00	474,021.10

DEPOSITS/CREDITS

	DATE	AMOUNT
DEPOSIT	7/12	1000.00
GEOFFREY SMITH ONLNE TRNSFR88871070 SENDER	7/15	75000.00
INCOMING WIRE LAUREN SMITH	7/15	75000.00
INCOMING WIRE DAVID&LYNN SMITH IRR	7/23	449878.00

TRAN/CK# WITHDRAWALS/DEBITS

	DATE	AMOUNT
MISC SERVICE FEE	7/15	15.00
CITIZENS COB 95 WEIBEL AVENUE SARATOGA SPRINYUS	7/23	102.75
MISC SERVICE FEE	7/23	15.00

CHECKS CK NO	(CHECK NUMBER ORDER) DATE	AMOUNT	CK NO	DATE	AMOUNT	(* DENOTES GAP IN SEQUENCE) CK NO	DATE	AMOUNT
* 0093	7/16	28250.00	0094	7/20	95000.00			
			0095	7/22	3474.15			

- Marty d Marty NYC lawyers

DAILY BALANCES

DATE	AMOUNT	DATE	AMOUNT	DATE	AMOUNT
7/11	1000.00	7/16	122735.00	7/22	24260.85
7/15	150985.00	7/20	27735.00	7/23	474021.10



LYNN A. SMITH
 SARATOGA SPRINGS NY 12866

B

ACCOUNT NUMBER
 [REDACTED] 420

PAGE	ENCLOSURES
1	
STATEMENT PERIOD	
7/24/2010	8/20/2010

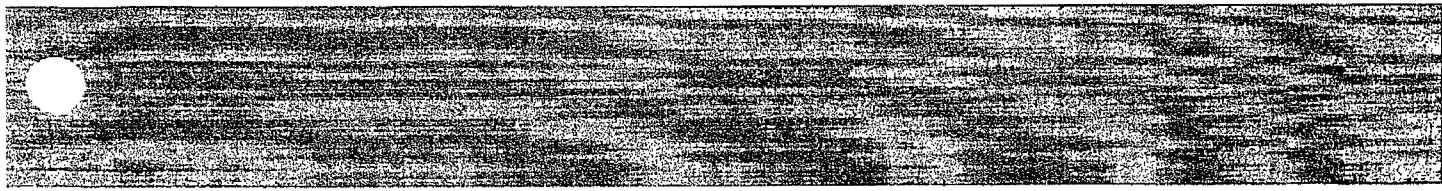
ELECTRONIC FUNDS TRANSFER SERVICE -- If you need to know whether or not an electronic funds transfer has occurred, call collect. 518-834-6344

ACCOUNT NUMBER	PREVIOUS BALANCE	PAYMENTS, DEPOSITS & OTHER ITEMS NO.	AMOUNT	CHECKS & OTHER ITEMS NO.	AMOUNT	SERVICE CHARGES	NEW BALANCE
[REDACTED] 420	474,021.10	0	0.00	31	473,903.95	0.00	117.15

TRAN/CK#	WITHDRAWALS/DEBITS	DATE	AMOUNT
101	CKPAYMT C NMAC-BMD-LEASE 20100723610007116100 CHE	7/26	595.52
106	CKPAYMT S CHASE CHECK PYMT	7/26	7000.00
	STEWART'S #101 402 LAKE AVENUE SARATOGA SPRINYUS	7/26	101.75
108	CKPAYMT I VERIZON ARC DATA CHECK PYMT	7/27	150.89
107	CKPAYMT W FPL PAYMENT CTR 1-800-226-3545 BILL PY	7/27	226.35
109	CKPAYMT W VZ WIRELESS ARC DATA ARC	7/28	82.29
110	CKPAYMT W VZ WIRELESS ARC DATA ARC	7/28	104.15
	WEB PURCH I CITI CARD ONLINE PAYMENT	7/28	8497.10
	WEB PURCH S CHASE EPAY	7/29	7042.12
	WEB PURCH B CHUBB & SON ONLINE PMT	8/06	532.07
	WEB PURCH B CHUBB & SON ONLINE PMT	8/06	1760.48
120	CKPAYMT O EXXON MOBIL PYMT CHECK PYMT	8/09	256.21

CHECKS CK NO	(CHECK NUMBER ORDER) DATE	AMOUNT	CK NO	DATE	AMOUNT	(* DENOTES GAP IN SEQUENCE) CK NO	DATE	AMOUNT
*			0105	8/04	75.00	0117	8/09	48.10
0096	7/28	660.54	*			0118	8/12	250.00
0097	8/04	300.00	0111	7/28	1797.35	0119	8/09	358.50
0098	7/29	374.00	0112	7/27	435000.00	*		
*			0113	8/02	80.00	0121	8/06	267.50
0102	7/28	325.00	0114	8/04	21.86	0122	8/20	447.75
0103	7/28	165.00	0115	8/11	674.06	0123	8/05	2000.00
0104	7/26	4667.00	0116	8/06	43.42			

DAILY BALANCES					
DATE	AMOUNT	DATE	AMOUNT	DATE	AMOUNT
7/23	474021.10	8/02	7152.04	8/11	814.90
7/26	461656.83	8/04	6755.18	8/12	564.90
7/27	26279.59	8/05	4755.18	8/20	117.15
7/28	14648.16	8/06	2151.71		
7/29	7232.04	8/09	1488.90		



The average daily balance is multiplied by the number of days in the billing cycle and the periodic rate applied to the product to determine the amount of the FINANCE CHARGE.

EXHIBIT C



201 Mohawk Avenue
 Scotia, NY 12302
 www.firstscotia.com

Statement of Account

Statement Start July 28, 2013
 Statement End August 27, 2013
 Page: 2 of 3

Checks Paid/Debits/Charges

Date	Description	Amount
------	-------------	--------

Summary By Check Number

Number	Amount	Date	Number	Amount	Date	Number	Amount	Date
548	522.00	08/06	552	175.00	08/08	556	150.00	08/02
549	405.20	08/06	553	1,080.00	08/02	557	450.00	08/01
550	79.93	08/02	554	643.70	08/07			
551	47.08	08/05	555	179.51	08/07			

Balance Summary

Date	Balance	Date	Balance	Date	Balance
07/27	4,561.94	08/05	933.82	08/08	6.81
08/01	2,280.83	08/06	1,005.02		
08/02	980.90	08/07	181.81		

5,551

Statement Start July 28, 2013
 Statement End August 27, 2013
 Page: 3 of 3

DAVID L SMITH
 3 ROLLING BROOK DRIVE
 SARATOGA SPRINGS, NY 12866

DATE July 30 2013

PAID TO United State Treasury \$ 522.00
 FROM Hand check by New Bill

1st National Bank of Scotia

MEMO David L Smith

0548 70000052200

08/06/2013 548 \$522.00

DAVID L SMITH
 3 ROLLING BROOK DRIVE
 SARATOGA SPRINGS, NY 12866

DATE 7/16/13

PAID TO Texas Instruments \$ 179.50
 FROM One hundred seventy nine and 50/100

1st National Bank of Scotia

MEMO David L Smith

0555

08/07/2013 555 \$179.51

DAVID L SMITH
 3 ROLLING BROOK DRIVE
 SARATOGA SPRINGS, NY 12866

DATE 7/2/13

PAID TO Commission of Finance \$ 79.93
 FROM Security check of 89/100

1st National Bank of Scotia

MEMO David L Smith

0550

08/02/2013 550 \$79.93

DAVID L SMITH
 3 ROLLING BROOK DRIVE
 SARATOGA SPRINGS, NY 12866

DATE 7/2/13

PAID TO Cash \$ 150.00
 FROM One hundred and fifty and 00/100

1st National Bank of Scotia

MEMO David L Smith

0556

08/02/2013 556 \$150.00

DAVID L SMITH
 3 ROLLING BROOK DRIVE
 SARATOGA SPRINGS, NY 12866

DATE 7/1/13

PAID TO County Bank \$ 47.08
 FROM Money order of 47/100

1st National Bank of Scotia

MEMO David L Smith

0551

08/05/2013 551 \$47.08

DAVID L SMITH
 3 ROLLING BROOK DRIVE
 SARATOGA SPRINGS, NY 12866

DATE 8/1/13

PAID TO Cash \$ 450.00
 FROM Four hundred and fifty and 00/100

1st National Bank of Scotia

MEMO David L Smith

0557

08/01/2013 557 \$450.00

DAVID L SMITH
 3 ROLLING BROOK DRIVE
 SARATOGA SPRINGS, NY 12866

DATE 7/1/13

PAID TO Storcom De Regalia \$ 175.00
 FROM One hundred seventy five and 00/100

1st National Bank of Scotia

MEMO David L Smith

0552

08/08/2013 552 \$175.00

DAVID L SMITH
 3 ROLLING BROOK DRIVE
 SARATOGA SPRINGS, NY 12866

DATE 7/1/13

PAID TO Community Resources \$ 1080.00
 FROM One thousand eighty and 00/100

1st National Bank of Scotia

MEMO David L Smith

0553

08/02/2013 553 \$1080.00

DAVID L SMITH
 3 ROLLING BROOK DRIVE
 SARATOGA SPRINGS, NY 12866

DATE 7/1/13

PAID TO National Guard \$ 643.70
 FROM Six hundred forty three and 70/100

1st National Bank of Scotia

MEMO David L Smith

0554

08/07/2013 554 \$643.70



201 Mohawk Avenue
 Scotia, NY 12302
 www.firstscotia.com

Statement of Account

Statement Start June 28, 2013
 Statement End July 26, 2013
 Page: 2 of 5

Deposits/Credits/Interest Paid (Continued)

Summary By Check Number

Number	Amount	Date	Number	Amount	Date	Number	Amount	Date
516	224.83	07/24	533	185.28	07/08	537	270.00	07/03
530*	3,091.27	07/02	534	375.66	07/09	538	29.81	07/05
531	160.45	07/03	535	363.76	07/05	539	47.08	07/08
532	150.00	07/08	536	101.30	07/09	540	264.00	07/08



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Statement Start June 28, 2013
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Summary By Check Number (Continued)

Number	Amount	Date	Number	Amount	Date	Number	Amount	Date
541	114.70	07/08	544	155.36	07/18	547	500.00	07/23
542	1,806.50	07/01	545	121.91	07/19			
543	605.53	07/19	546	272.85	07/22			

Balance Summary

Date	Balance	Date	Balance	Date	Balance
06/27	10,835.63	07/08	3,378.98	07/22	1,446.37
07/01	9,029.13	07/09	2,902.02	07/23	2,538.77
07/02	5,937.86	07/17	4,602.02	07/24	4,561.94
07/03	4,507.41	07/18	2,446.66		
07/05	4,120.04	07/19	1,719.22		

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DAVID L SMITH
 3 ROLLING BROOK DRIVE
 SARATOGA SPRINGS, NY 12866
 DATE: 7/24/13
 PAY TO: *Paulina Matos* \$ 224.83
 THE ORDER OF: *Two hundred twenty four and 83/100*
 1st National Bank of Scotia
 MEMO: *Paulina Matos*

07/24/2013 516 \$224.83

DAVID L SMITH
 3 ROLLING BROOK DRIVE
 SARATOGA SPRINGS, NY 12866
 DATE: 7/1/13
 PAY TO: *Community Resources* \$ 270.00
 THE ORDER OF: *Two hundred seventy and 00/100*
 1st National Bank of Scotia
 MEMO: *Community Resources*

07/03/2013 537 \$270.00

DAVID L SMITH
 3 ROLLING BROOK DRIVE
 SARATOGA SPRINGS, NY 12866
 DATE: 6/28/13
 PAY TO: *SARATOGA CHRYSLER-JEEP* \$ 3091.27
 THE ORDER OF: *Three thousand ninety one and 27/100*
 1st National Bank of Scotia
 MEMO: *Paulina Matos*

07/02/2013 530 \$3091.27

DAVID L SMITH
 3 ROLLING BROOK DRIVE
 SARATOGA SPRINGS, NY 12866
 DATE: 7/1/13
 PAY TO: *Allstate Emergency System LLC* \$ 23.61
 THE ORDER OF: *Twenty three and 61/100*
 1st National Bank of Scotia
 MEMO: *Paulina Matos*

07/05/2013 538 \$23.61

DAVID L SMITH
 3 ROLLING BROOK DRIVE
 SARATOGA SPRINGS, NY 12866
 DATE: 6/25/13
 PAY TO: *Paulina Matos* \$ 160.45
 THE ORDER OF: *One hundred sixty and 45/100*
 1st National Bank of Scotia
 MEMO: *Paulina Matos*

07/03/2013 531 \$160.45

DAVID L SMITH
 3 ROLLING BROOK DRIVE
 SARATOGA SPRINGS, NY 12866
 DATE: 7/1/13
 PAY TO: *County Court* \$ 47.08
 THE ORDER OF: *Forty seven and 08/100*
 1st National Bank of Scotia
 MEMO: *Paulina Matos*

07/08/2013 539 \$47.08

DAVID L SMITH
 3 ROLLING BROOK DRIVE
 SARATOGA SPRINGS, NY 12866
 DATE: 7/1/13
 PAY TO: *Northwest Health* \$ 150.00
 THE ORDER OF: *One hundred fifty and 00/100*
 1st National Bank of Scotia
 MEMO: *Paulina Matos*

07/08/2013 532 \$150.00

DAVID L SMITH
 3 ROLLING BROOK DRIVE
 SARATOGA SPRINGS, NY 12866
 DATE: 7/1/13
 PAY TO: *Professional Mutual* \$ 264.00
 THE ORDER OF: *Two hundred sixty four and 00/100*
 1st National Bank of Scotia
 MEMO: *Paulina Matos*

07/08/2013 540 \$264.00

DAVID L SMITH
 3 ROLLING BROOK DRIVE
 SARATOGA SPRINGS, NY 12866
 DATE: 7/1/13
 PAY TO: *Stanton Hospital* \$ 165.28
 THE ORDER OF: *One hundred sixty five and 28/100*
 1st National Bank of Scotia
 MEMO: *Paulina Matos*

07/08/2013 533 \$165.28

DAVID L SMITH
 3 ROLLING BROOK DRIVE
 SARATOGA SPRINGS, NY 12866
 DATE: 7/1/2013
 PAY TO: *Professional Mutual* \$ 114.70
 THE ORDER OF: *One hundred fourteen and 70/100*
 1st National Bank of Scotia
 MEMO: *Paulina Matos*

07/08/2013 541 \$114.70

DAVID L SMITH
 3 ROLLING BROOK DRIVE
 SARATOGA SPRINGS, NY 12866
 DATE: 7/1/13
 PAY TO: *Northwest Health* \$ 375.66
 THE ORDER OF: *Three hundred seventy five and 66/100*
 1st National Bank of Scotia
 MEMO: *Paulina Matos*

07/09/2013 534 \$375.66

DAVID L SMITH
 3 ROLLING BROOK DRIVE
 SARATOGA SPRINGS, NY 12866
 DATE: 7/1/13
 PAY TO: *First National Bank of Scotia* \$ 1806.50
 THE ORDER OF: *One thousand eight hundred six and 50/100*
 1st National Bank of Scotia
 MEMO: *Paulina Matos*

07/01/2013 542 \$1806.50

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Statement End
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June 28, 2013
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DAVID L SMITH
3 ROLLING BROOK DRIVE
SARATOGA SPRING, NY 12866

DATE: 7/19/13

PAY TO: Met. O. Gaud. \$ 605.53

Five hundred and five and 00/100

1st National Bank of Scotia

MEMO: David L. Smith

0543

07/19/2013 543 \$605.53

DAVID L SMITH
3 ROLLING BROOK DRIVE
SARATOGA SPRING, NY 12866

DATE: 7/22/13

PAY TO: Secondary Transportation Services \$ 272.85

Two hundred and seventy two and 85/100

1st National Bank of Scotia

MEMO: David L. Smith

0546

07/22/2013 546 \$272.85

DAVID L SMITH
3 ROLLING BROOK DRIVE
SARATOGA SPRING, NY 12866

DATE: 7/23/13

PAY TO: Cash \$ 500.00

Five hundred and 00/100

1st National Bank of Scotia

MEMO: David L. Smith

0547

07/23/2013 547 \$500.00



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Deposits/Credits/Interest Paid (Continued)

Summary By Check Number

Number	Amount	Date	Number	Amount	Date	Number	Amount	Date
518	150.00	06/12	522	270.00	06/05	526	286.41	06/20
519	321.09	06/07	523	20.12	06/12	528*	50.00	06/24
520	101.30	06/10	524	638.17	06/11	529	172.90	06/26
521	47.08	06/07	525	159.93	06/20			

527 void





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Balance Summary

Date	Balance	Date	Balance	Date	Balance
05/27	3,289.23	06/10	2,265.16	06/14	11,256.87
06/03	1,289.23	06/11	1,626.99	06/20	8,810.53
06/05	1,019.23	06/12	1,456.87	06/24	8,760.53
06/07	2,366.46	06/13	456.87	06/26	10,835.63

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May 28, 2013
June 27, 2013

DAVID L SMITH 518
 2181 LENT BROWN DRIVE
 SARATOGA SPRING, NY 12864
 DATE: 6/12/13
 PAY TO: My Heart Health \$ 150.00
 FOR DEPOSIT ONLY
One hundred and 00/100
 1st National Bank of Scotia
 [Signature]

06/12/2013 518 \$150.00

DAVID L SMITH 521
 3 ROLLING BROOK DRIVE
 SARATOGA SPRING, NY 12864
 DATE: 6/12/13
 PAY TO: County Rate \$ 47.08
 FOR DEPOSIT ONLY
Forty seven and 00/100
 1st National Bank of Scotia
 [Signature]

06/07/2013 521 \$47.08

DAVID L SMITH 522
 3 ROLLING BROOK DRIVE
 SARATOGA SPRING, NY 12864
 DATE: 6/12/13
 PAY TO: Community Resource \$ 270.00
 FOR DEPOSIT ONLY
Two hundred and 00/100
 1st National Bank of Scotia
 [Signature]

06/05/2013 522 \$270.00

DAVID L SMITH 523
 3 ROLLING BROOK DRIVE
 SARATOGA SPRING, NY 12864
 DATE: 6/12/13
 PAY TO: Cooper Medical \$ 20.12
 FOR DEPOSIT ONLY
Twenty and 12/100
 1st National Bank of Scotia
 [Signature]

06/12/2013 523 \$20.12

DAVID L SMITH 524
 3 ROLLING BROOK DRIVE
 SARATOGA SPRING, NY 12864
 DATE: 6/12/13
 PAY TO: The Home Depot \$ 638.17
 FOR DEPOSIT ONLY
Six hundred and 38 and 17/100
 1st National Bank of Scotia
 [Signature]

06/11/2013 524 \$638.17

DAVID L SMITH 528
 3 ROLLING BROOK DRIVE
 SARATOGA SPRING, NY 12864
 DATE: 6/12/13
 PAY TO: Home Resources \$ 50.00
 FOR DEPOSIT ONLY
Fifty and 00/100
 1st National Bank of Scotia
 [Signature]

06/24/2013 528 \$50.00



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Deposits/Credits/Interest Paid (Continued)

Summary By Check Number

Number	Amount	Date	Number	Amount	Date	Number	Amount	Date
449	96.29	04/30	502	150.00	05/07	504	47.08	05/03
501*	359.45	04/30	503	101.30	05/08	505	37.23	05/02



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Summary By Check Number (Continued)

Number	Amount	Date	Number	Amount	Date	Number	Amount	Date
506	270.00	05/02	510	18.00	05/15	514	153.12	05/20
507	268.12	05/06	511	532.14	05/13	515	85.00	05/17
508	1,250.00	05/17	512	600.00	05/14	517*	3,500.00	05/24
509	22.35	05/13	513	263.17	05/20			

Balance Summary

Date	Balance	Date	Balance	Date	Balance
04/27	3,379.08	05/07	2,866.31	05/17	5,957.52
04/30	2,923.34	05/08	2,765.01	05/20	4,541.23
05/02	4,331.51	05/13	2,210.52	05/22	6,789.23
05/03	4,284.43	05/14	8,810.52	05/24	3,289.23
05/06	3,016.31	05/15	7,292.52		

Statement Start April 28, 2013
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DAVID L SMITH
 2 ROLLING BROOK DRIVE
 SARATOGA SPRINGS, NY 12866
 DATE 5/2/2013
 449
 PAY TO: Adriana's Appliances \$ 96.29
 INTEREST: Twenty six and 00/100
 1st National Bank of Scotia
 [Signature]

04/30/2013 449 \$96.29

DAVID L SMITH
 2 ROLLING BROOK DRIVE
 SARATOGA SPRINGS, NY 12866
 DATE 5/8/13
 509
 PAY TO: Capital Region Co. Repurchase \$ 22.35
 INTEREST: Twenty two and 00/100
 1st National Bank of Scotia
 [Signature]

05/13/2013 509 \$22.35

DAVID L SMITH
 2 ROLLING BROOK DRIVE
 SARATOGA SPRINGS, NY 12866
 DATE 5/1/13
 502
 PAY TO: Mr. Kant Han \$ 150.00
 INTEREST: One hundred fifty and 00/100
 1st National Bank of Scotia
 [Signature]

05/07/2013 502 \$150.00

DAVID L SMITH
 2 ROLLING BROOK DRIVE
 SARATOGA SPRINGS, NY 12866
 DATE 5/1/13
 510
 PAY TO: HGTU \$ 18.00
 INTEREST: Eighteen and 00/100
 1st National Bank of Scotia
 [Signature]

05/15/2013 510 \$18.00

DAVID L SMITH
 2 ROLLING BROOK DRIVE
 SARATOGA SPRINGS, NY 12866
 DATE 5/1/13
 504
 PAY TO: County of Saratoga \$ 47.08
 INTEREST: Forty seven and 00/100
 1st National Bank of Scotia
 [Signature]

05/03/2013 504 \$47.08

DAVID L SMITH
 2 ROLLING BROOK DRIVE
 SARATOGA SPRINGS, NY 12866
 DATE 5/1/13
 511
 PAY TO: Mr. Tom Boyd \$ 532.14
 INTEREST: Five hundred thirty two and 14/100
 1st National Bank of Scotia
 [Signature]

05/13/2013 511 \$532.14

DAVID L SMITH
 2 ROLLING BROOK DRIVE
 SARATOGA SPRINGS, NY 12866
 DATE 5/1/13
 505
 PAY TO: City of Saratoga Springs \$ 37.23
 INTEREST: Thirty seven and 23/100
 1st National Bank of Scotia
 [Signature]

05/02/2013 505 \$37.23

DAVID L SMITH
 2 ROLLING BROOK DRIVE
 SARATOGA SPRINGS, NY 12866
 DATE 5/14/13
 512
 PAY TO: Cash \$ 600.00
 INTEREST: Six hundred and 00/100
 1st National Bank of Scotia
 [Signature]

05/14/2013 512 \$600.00

DAVID L SMITH
 2 ROLLING BROOK DRIVE
 SARATOGA SPRINGS, NY 12866
 DATE 5/1/13
 506
 PAY TO: Community Resources \$ 270.00
 INTEREST: Two hundred seventy and 00/100
 1st National Bank of Scotia
 [Signature]

05/02/2013 506 \$270.00

DAVID L SMITH
 2 ROLLING BROOK DRIVE
 SARATOGA SPRINGS, NY 12866
 DATE 5/16/2013
 515
 PAY TO: Carrie Turner \$ 85.00
 INTEREST: Eighty five and 00/100
 1st National Bank of Scotia
 [Signature]

05/17/2013 515 \$85.00

DAVID L SMITH
 2 ROLLING BROOK DRIVE
 SARATOGA SPRINGS, NY 12866
 DATE 5/1/13
 508
 PAY TO: Christina Searcrott \$ 1250.00
 INTEREST: One thousand two hundred fifty and 00/100
 1st National Bank of Scotia
 [Signature]

05/17/2013 508 \$1250.00

DAVID L SMITH
 2 ROLLING BROOK DRIVE
 SARATOGA SPRINGS, NY 12866
 DATE 5/22/13
 517
 PAY TO: Camille Smith \$ 3500.00
 INTEREST: Three thousand five hundred and 00/100
 1st National Bank of Scotia
 [Signature]

05/24/2013 517 \$3500.00



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Statement of Account

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Deposits/Credits/Interest Paid (Continued)

Date Description

Summary By Check Number

Number	Amount	Date	Number	Amount	Date
487	10.00	03/28	492		
488	17.50	04/04	493		
489	47.08	04/04	494		
490	362.74	04/05	495		
491	74.57	04/08	496		
			497	155.40	04/15
			498	245.45	04/12
			499	76.00	04/19
			500	796.28	04/17

Balance Summary

Date	Balance	Date	Balance	Date	Balance
03/27	1,060.81	03/28	1,050.81	04/01	4,287.21



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Balance Summary (Continued)

Date	Balance	Date	Balance	Date	Balance
04/02	3,087.21	04/09	1,812.62	04/17	3,007.08
04/03	2,817.21	04/10	4,812.62	04/18	1,207.08
04/04	2,752.63	04/12	4,567.17	04/19	1,131.08
04/05	2,389.89	04/15	4,406.77	04/24	3,379.08
04/08	2,063.92	04/16	3,803.36		

Summary of Service Charge

Account Maintenance	5.00
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DAVID L SMITH
3 HOLLAND BROOK DRIVE
SARATOGA SPRING, NY 12868
DATE: 4/8/13
MEMO: Hogan \$ 10.00
Two hundred 100/100
1st National Bank of Saratoga
MEMO: [Redacted]

03/29/2013 487 \$10.00

DAVID L SMITH
3 HOLLAND BROOK DRIVE
SARATOGA SPRING, NY 12868
DATE: 4/1/13
MEMO: Professional Honor \$ 251.40
Two hundred fifty one 100/100
1st National Bank of Saratoga
MEMO: [Redacted]

04/08/2013 495 \$251.40

DAVID L SMITH
3 HOLLAND BROOK DRIVE
SARATOGA SPRING, NY 12868
DATE: 4/4/13
MEMO: Commission of State Vehicles \$ 17.50
Seventeen 50/100
1st National Bank of Saratoga
MEMO: 49 EN 79

04/04/2013 488 \$17.50

DAVID L SMITH
3 HOLLAND BROOK DRIVE
SARATOGA SPRING, NY 12868
DATE: 4/16/13
MEMO: W/ from D. Bird \$ 603.41
Five hundred and three 100/100
1st National Bank of Saratoga
MEMO: [Redacted]

04/16/2013 498 \$603.41

DAVID L SMITH
3 HOLLAND BROOK DRIVE
SARATOGA SPRING, NY 12868
DATE: 4/1/13
MEMO: County Vehicle \$ 47.08
Forty seven 100/100
1st National Bank of Saratoga
MEMO: [Redacted]

04/04/2013 489 \$47.08

DAVID L SMITH
3 HOLLAND BROOK DRIVE
SARATOGA SPRING, NY 12868
DATE: 4/6/13
MEMO: 15-N-12 \$ 245.45
Two hundred forty five 100/100
1st National Bank of Saratoga
MEMO: [Redacted]

04/12/2013 498 \$245.45

DAVID L SMITH
3 HOLLAND BROOK DRIVE
SARATOGA SPRING, NY 12868
DATE: 4/1/13
MEMO: SVRO \$ 74.57
Seventy four 100/100
1st National Bank of Saratoga
MEMO: [Redacted]

04/08/2013 491 \$74.57

DAVID L SMITH
3 HOLLAND BROOK DRIVE
SARATOGA SPRING, NY 12868
DATE: 4/6/13
MEMO: Commission of State Vehicles \$ 76.00
Seventy six 100/100
1st National Bank of Saratoga
MEMO: H.D. 11245

04/19/2013 499 \$76.00

DAVID L SMITH
3 HOLLAND BROOK DRIVE
SARATOGA SPRING, NY 12868
DATE: 4/6/13
MEMO: At Heart 76.00 \$ 150.00
One hundred fifty 100/100
1st National Bank of Saratoga
MEMO: [Redacted]

04/09/2013 492 \$150.00

DAVID L SMITH
3 HOLLAND BROOK DRIVE
SARATOGA SPRING, NY 12868
DATE: 4/6/13
MEMO: Community Program \$ 270.00
Two hundred seven 100/100
1st National Bank of Saratoga
MEMO: [Redacted]

04/03/2013 494 \$270.00



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Deposits/Credits/Interest Paid (Continued)

Summary By Check Number

Number	Amount	Date	Number	Amount	Date	Number	Amount	Date
471	41.19	03/12	476	47.08	03/07	481	988.92	03/14
472	72.50	02/28	477	100.00	03/07	482	153.20	03/20
473	347.75	03/05	478	176.70	03/07	483	68.44	03/21
474	400.42	03/05	479	251.40	03/07	484	280.55	03/21
475	101.30	03/06	480	328.12	03/15	485	422.65	03/22



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Summary By Check Number (Continued)

Number	Amount	Date	Number	Amount	Date	Number	Amount	Date
486	25.00	03/22						

Balance Summary

Date	Balance	Date	Balance	Date	Balance
02/27	3,565.33	03/12	2,367.39	03/21	808.16
02/28	3,492.83	03/14	1,378.47	03/22	360.51
03/04	3,833.23	03/15	1,045.35	03/25	2,060.81
03/05	3,085.06	03/18	2,310.35	03/26	1,060.81
03/06	2,983.76	03/19	1,310.35		
03/07	2,408.58	03/20	1,157.15		

Summary of Service Charge

Account Maintenance	5.00
---------------------	------

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DAVID L. SMITH
 2 HOLLING BROOK DRIVE
 SARATOGA SPRING, NY 12866
 DATE: 2/21/2013
 TO: General Merich, Inc. \$ 41.19
 FROM: City one and two
 1st National Bank of Saratoga
 [Signature]

03/12/2013 471 \$41.19

DAVID L. SMITH
 2 HOLLING BROOK DRIVE
 SARATOGA SPRING, NY 12866
 DATE: 2/1/13
 TO: Personal Merich, Inc. \$ 251.40
 FROM: Two hundred fifty one and two
 1st National Bank of Saratoga
 [Signature]

03/07/2013 479 \$251.40

DAVID L. SMITH
 2 HOLLING BROOK DRIVE
 SARATOGA SPRING, NY 12866
 DATE: 2/26/13
 TO: Commercial Merich, Inc. \$ 72.50
 FROM: Two hundred and 50/100
 1st National Bank of Saratoga
 [Signature]

02/28/2013 472 \$72.50

DAVID L. SMITH
 2 HOLLING BROOK DRIVE
 SARATOGA SPRING, NY 12866
 DATE: 2/6/13
 TO: Tom Wynn, LLC \$ 328.12
 FROM: Three hundred twenty eight and 12/100
 1st National Bank of Saratoga
 [Signature]

03/15/2013 480 \$328.12

DAVID L. SMITH
 2 HOLLING BROOK DRIVE
 SARATOGA SPRING, NY 12866
 DATE: 3/1/13
 TO: OPC Rent Control \$ 347.75
 FROM: Three hundred forty seven and 75/100
 1st National Bank of Saratoga
 [Signature]

03/05/2013 473 \$347.75

DAVID L. SMITH
 2 HOLLING BROOK DRIVE
 SARATOGA SPRING, NY 12866
 DATE: 2/6/13
 TO: Nelson J. G... \$ 988.92
 FROM: Nine hundred eighty eight and 92/100
 1st National Bank of Saratoga
 [Signature]

03/14/2013 481 \$988.92

DAVID L. SMITH
 2 HOLLING BROOK DRIVE
 SARATOGA SPRING, NY 12866
 DATE: 3/6/13
 TO: County Credit \$ 47.08
 FROM: Forty seven and 8/100
 1st National Bank of Saratoga
 [Signature]

03/07/2013 476 \$47.08

DAVID L. SMITH
 2 HOLLING BROOK DRIVE
 SARATOGA SPRING, NY 12866
 DATE: 3/21/13
 TO: Guyana Merich, Inc. \$ 68.44
 FROM: Sixty eight and 44/100
 1st National Bank of Saratoga
 [Signature]

03/21/2013 483 \$68.44

DAVID L. SMITH
 2 HOLLING BROOK DRIVE
 SARATOGA SPRING, NY 12866
 DATE: 2/6/13
 TO: Merich, Inc. \$ 100.00
 FROM: One hundred and 0/100
 1st National Bank of Saratoga
 [Signature]

03/07/2013 477 \$100.00

DAVID L. SMITH
 2 HOLLING BROOK DRIVE
 SARATOGA SPRING, NY 12866
 DATE: 2/6/13
 TO: Merich, Inc. \$ 280.55
 FROM: Two hundred eighty and 55/100
 1st National Bank of Saratoga
 [Signature]

03/21/2013 484 \$280.55

DAVID L. SMITH
 2 HOLLING BROOK DRIVE
 SARATOGA SPRING, NY 12866
 DATE: 2/6/13
 TO: Personal Merich, Inc. \$ 176.70
 FROM: One hundred seventy six and 70/100
 1st National Bank of Saratoga
 [Signature]

03/07/2013 478 \$176.70

DAVID L. SMITH
 2 HOLLING BROOK DRIVE
 SARATOGA SPRING, NY 12866
 DATE: 2/6/13
 TO: Guyana Merich, Inc. \$ 25.00
 FROM: Twenty five and 0/100
 1st National Bank of Saratoga
 [Signature]

03/22/2013 486 \$25.00



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Deposits/Credits/Interest Paid (Continued)

Summary By Check Number

Number	Amount	Date	Number	Amount	Date	Number	Amount	Date
456	772.36	01/28	461	100.00	02/08	466	128.40	02/15
457	300.00	02/14	462	45.02	02/08	467	153.20	02/15
458	101.30	02/11	463	286.06	02/08	468	140.27	02/21
459	270.00	02/06	464	176.70	02/13	469	897.51	02/26
460	157.58	02/06	465	251.40	02/13	470	315.69	02/27





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Balance Summary

Date	Balance	Date	Balance	Date	Balance
01/27	866.83	02/11	1,183.50	02/20	1,895.80
01/28	242.47	02/13	755.40	02/21	1,755.53
02/04	2,143.46	02/14	455.40	02/26	5,381.02
02/06	1,715.88	02/15	168.80	02/27	3,565.33
02/08	1,284.80	02/19	368.80		

Summary of Service Charge

Maintenance Fee	5.00
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Statement Start January 28, 2013
 Statement End February 27, 2013
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DAVID L SMITH 456
 1 HOLLING BROOK DRIVE
 SARATOGA SPRING, NY 12854
 DATE: 2/28/13
 PAYEE: Ms. Yara D. Giraldo \$ 772.36
 PAYEE: One hundred and seventy two and 36/100
 1st National Bank of Saratoga
 [Signature]

01/28/2013 456 \$772.36

DAVID L SMITH 464
 1 HOLLING BROOK DRIVE
 SARATOGA SPRING, NY 12854
 DATE: 2/6/13
 PAYEE: Professional Mutual \$ 176.70
 PAYEE: One hundred and seventy six and 70/100
 1st National Bank of Saratoga
 [Signature]

02/13/2013 464 \$176.70

DAVID L SMITH 457
 1 HOLLING BROOK DRIVE
 SARATOGA SPRING, NY 12854
 DATE: 2/14/13
 PAYEE: 5/ Avenue D'Angelina \$ 300.00
 PAYEE: Three hundred and 00/100
 1st National Bank of Saratoga
 [Signature]

02/14/2013 457 \$300.00

DAVID L SMITH 465
 1 HOLLING BROOK DRIVE
 SARATOGA SPRING, NY 12854
 DATE: 2/13/13
 PAYEE: Professional Mutual \$ 251.40
 PAYEE: Two hundred and fifty one and 40/100
 1st National Bank of Saratoga
 [Signature]

02/13/2013 465 \$251.40

DAVID L SMITH 459
 1 HOLLING BROOK DRIVE
 SARATOGA SPRING, NY 12854
 DATE: 2/6/13
 PAYEE: Commonwealth Business \$ 270.00
 PAYEE: Two hundred and seventy and 00/100
 1st National Bank of Saratoga
 [Signature]

02/06/2013 459 \$270.00

DAVID L SMITH 466
 1 HOLLING BROOK DRIVE
 SARATOGA SPRING, NY 12854
 DATE: 2/15/13
 PAYEE: Commonwealth Business LLC \$ 128.40
 PAYEE: One hundred and twenty eight and 40/100
 1st National Bank of Saratoga
 [Signature]

02/15/2013 466 \$128.40

DAVID L SMITH 460
 1 HOLLING BROOK DRIVE
 SARATOGA SPRING, NY 12854
 DATE: 2/6/13
 PAYEE: City of Saratoga Springs \$ 157.58
 PAYEE: One hundred and fifty seven and 58/100
 1st National Bank of Saratoga
 [Signature]

02/06/2013 460 \$157.58

DAVID L SMITH 468
 1 HOLLING BROOK DRIVE
 SARATOGA SPRING, NY 12854
 DATE: 2/21/13
 PAYEE: K-11-19 \$ 140.27
 PAYEE: One hundred and forty and 27/100
 1st National Bank of Saratoga
 [Signature]

02/21/2013 468 \$140.27

DAVID L SMITH 461
 1 HOLLING BROOK DRIVE
 SARATOGA SPRING, NY 12854
 DATE: 2/4/13
 PAYEE: Ms. Yara D. Giraldo \$ 100.00
 PAYEE: One hundred and 00/100
 1st National Bank of Saratoga
 [Signature]

02/08/2013 461 \$100.00

DAVID L SMITH 469
 1 HOLLING BROOK DRIVE
 SARATOGA SPRING, NY 12854
 DATE: 2/6/13
 PAYEE: Nation OC \$ 897.51
 PAYEE: Eight hundred and ninety seven and 51/100
 1st National Bank of Saratoga
 [Signature]

02/26/2013 469 \$897.51

DAVID L SMITH 462
 1 HOLLING BROOK DRIVE
 SARATOGA SPRING, NY 12854
 DATE: 2/4/13
 PAYEE: County of Saratoga \$ 45.02
 PAYEE: Forty five and 02/100
 1st National Bank of Saratoga
 [Signature]

02/08/2013 462 \$45.02

DAVID L SMITH 470
 1 HOLLING BROOK DRIVE
 SARATOGA SPRING, NY 12854
 DATE: 2/10/13
 PAYEE: Tom's Kitchen Supply \$ 315.69
 PAYEE: Three hundred and fifteen and 69/100
 1st National Bank of Saratoga
 [Signature]

02/27/2013 470 \$315.69



201 Mohawk Avenue
 Scotia, NY 12302
 www.firstscotia.com

Statement of Account

Statement Start December 28, 2012
 Statement End January 25, 2013
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Checks Paid/Debits/Charges

Summary By Check Number

Number	Amount	Date	Number	Amount	Date	Number	Amount	Date
438	1,215.40	12/31 ✓	444	14.46	01/10 ✓	451	176.70	01/18 ✓
439	86.02	01/04 ✓	445	101.30	01/08 ✓	452	210.41	01/16 ✓
440	48.00	01/02 ✓	446	100.00	01/08 ✓	453	20.99	01/17 ✓
441	100.00	01/07 ✓	447	300.00	01/07 ✓	454	342.46	01/22 ✓
442	45.02	01/08 ✓	448	323.01	01/07 ✓	455	162.85	01/18 ✓
443	270.00	01/04 ✓	450*	251.40	01/18 ✓			



201 Mohawk Avenue
Scotia, NY 12302
www.firstscotia.com

Statement of Account

Statement Start December 28, 2012

Statement End January 25, 2013

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Balance Summary

Date	Balance	Date	Balance	Date	Balance
12/27	4,251.71	01/07	430.42	01/16	1,504.23
12/28	2,245.44	01/08	184.10	01/17	1,483.24
12/31	1,030.04	01/10	169.64	01/18	892.29
01/02	1,509.45	01/11	1,719.64	01/22	866.83
01/04	1,153.43	01/15	1,714.64		

Summary of Service Charge

Maintenance Fee	5.00
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Statement Start December 28, 2012
 Statement End January 25, 2013
 Page: 4 of 5

DAVID L. SMITH
 2 ROLLING BROOK DRIVE
 SARATOGA SPRINGS, NY 12866
 DATE: 12/31/12
 438
 PAY TO: Zorich \$1215.40
 FOR DEPOSIT TO: One thousand two hundred and fifteen and 00/100
 1st National Bank of Saratoga
 [Signature]

12/31/2012 438 \$1215.40

DAVID L. SMITH
 2 ROLLING BROOK DRIVE
 SARATOGA SPRINGS, NY 12866
 DATE: 01/08/13
 446
 PAY TO: Blas \$100.00
 FOR DEPOSIT TO: One hundred and 00/100
 1st National Bank of Saratoga
 [Signature]

01/08/2013 446 \$100.00

DAVID L. SMITH
 2 ROLLING BROOK DRIVE
 SARATOGA SPRINGS, NY 12866
 DATE: 01/02/13
 440
 PAY TO: John - Wood River Property Dev \$48.00
 FOR DEPOSIT TO: Forty eight and 00/100
 1st National Bank of Saratoga
 [Signature]

01/02/2013 440 \$48.00

DAVID L. SMITH
 2 ROLLING BROOK DRIVE
 SARATOGA SPRINGS, NY 12866
 DATE: 01/07/13
 447
 PAY TO: Stacy De Angelo \$300.00
 FOR DEPOSIT TO: Three hundred and 00/100
 1st National Bank of Saratoga
 [Signature]

01/07/2013 447 \$300.00

DAVID L. SMITH
 2 ROLLING BROOK DRIVE
 SARATOGA SPRINGS, NY 12866
 DATE: 01/07/13
 441
 PAY TO: Richard H. [unclear] \$100.00
 FOR DEPOSIT TO: One hundred and 00/100
 1st National Bank of Saratoga
 [Signature]

01/07/2013 441 \$100.00

DAVID L. SMITH
 2 ROLLING BROOK DRIVE
 SARATOGA SPRINGS, NY 12866
 DATE: 01/18/13
 450
 PAY TO: Personal Material \$251.40
 FOR DEPOSIT TO: Two hundred fifty one and 40/100
 1st National Bank of Saratoga
 [Signature]

01/18/2013 450 \$251.40

DAVID L. SMITH
 2 ROLLING BROOK DRIVE
 SARATOGA SPRINGS, NY 12866
 DATE: 01/08/13
 442
 PAY TO: County Utility \$45.02
 FOR DEPOSIT TO: Forty five and 02/100
 1st National Bank of Saratoga
 [Signature]

01/08/2013 442 \$45.02

DAVID L. SMITH
 2 ROLLING BROOK DRIVE
 SARATOGA SPRINGS, NY 12866
 DATE: 01/18/13
 451
 PAY TO: Personal Material Two \$176.70
 FOR DEPOSIT TO: One hundred seventy six and 70/100
 1st National Bank of Saratoga
 [Signature]

01/18/2013 451 \$176.70

DAVID L. SMITH
 2 ROLLING BROOK DRIVE
 SARATOGA SPRINGS, NY 12866
 DATE: 01/04/13
 443
 PAY TO: Community Recovery Fund Assoc \$270.00
 FOR DEPOSIT TO: Two hundred seventy and 00/100
 1st National Bank of Saratoga
 [Signature]

01/04/2013 443 \$270.00

DAVID L. SMITH
 2 ROLLING BROOK DRIVE
 SARATOGA SPRINGS, NY 12866
 DATE: 01/16/13
 452
 PAY TO: H - O - A Tennis \$210.41
 FOR DEPOSIT TO: Two hundred ten and 41/100
 1st National Bank of Saratoga
 [Signature]

01/16/2013 452 \$210.41

DAVID L. SMITH
 2 ROLLING BROOK DRIVE
 SARATOGA SPRINGS, NY 12866
 DATE: 01/10/13
 444
 PAY TO: Wood Hollow \$14.46
 FOR DEPOSIT TO: Fourteen and 46/100
 1st National Bank of Saratoga
 [Signature]

01/10/2013 444 \$14.46

DAVID L. SMITH
 2 ROLLING BROOK DRIVE
 SARATOGA SPRINGS, NY 12866
 DATE: 01/17/13
 453
 PAY TO: Capital Region Office \$20.99
 FOR DEPOSIT TO: Twenty and 99/100
 1st National Bank of Saratoga
 [Signature]

01/17/2013 453 \$20.99

Statement Start December 28, 2012
Statement End January 25, 2041
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DAVID L SMITH
3 BEECHING BROOK DRIVE
SARATOGA SPRING, NY 12864

454

DATE 1/24/13

MEMO To: Mr. [unclear] \$ 342.46
From: [unclear] 100% [unclear]

1st National Bank of Saratoga

[Signature]

01/22/2013 454 \$342.46