

CLERK U.S. DISTRICT COURT
10 Broad St.
Utica, New York 13501-1233

OFFICIAL BUSINESS
PENALTY FOR PRIVATE USE \$300

NO POSTAGE
NECESSARY
IF MAILED
IN THE
UNITED STATES

DEC 11 2013

LAWRENCE K. BAERMAN, CLERK
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Nancy McGinn
29 Port Huron Drive
Schenectady, NY 12309

Nancy McGinn

DELIVERABLE AS ADDRESSED
UNABLE TO FORWARD
DEC 12 2013

RETURN TO SENDER
NOT DELIVERABLE AS ADDRESSED
UNABLE TO FORWARD

BC: 13501123399 *2537-03574-25-43

13501@1233
12309\$1186

\$0.460
US POSTAGE
FIRST-CLASS
062S0007835611
13501



835543.06

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF NEW YORK

-----X
SECURITIES AND EXCHANGE COMMISSION :

Plaintiff,

vs.

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

McGINN, SMITH & CO., INC., :
McGINN, SMITH ADVISORS, LLC :
McGINN, SMITH CAPITAL HOLDINGS CORP., :
FIRST ADVISORY INCOME NOTES, LLC, :
FIRST EXCELSIOR INCOME NOTES, LLC, :
FIRST INDEPENDENT INCOME NOTES, LLC, :
THIRD ALBANY INCOME NOTES, LLC, :
TIMOTHY M. McGINN, AND :
DAVID L. SMITH, GEOFFREY R. SMITH, :
Individually and as Trustee of the David L. and :
Lynn A. Smith Irrevocable Trust U/A 8/04/04, :
LAUREN T. SMITH, and NANCY McGINN, :

Defendants,

LYNN A. SMITH and
NANCY McGINN,

Relief Defendants. and

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

Intervenor.
-----X

**ORDER APPROVING MOTION OF WILLIAM J. BROWN, AS RECEIVER,
FOR AN ORDER APPROVING PURCHASE AGREEMENT WITH HUNT
TELECOMMUNICATIONS, LLC WITH RESPECT TO THE PURCHASE OF
ALL LLC INTERESTS OF BENCHMARK COMMUNICATIONS, LLC FREE
AND CLEAR OF LIENS, CLAIMS AND ENCUMBRANCES**

Upon the Motion of William J. Brown, as Receiver, for an Order Approving Purchase Agreement with Hunt Telecommunications, LLC with Respect to the Purchase of all LLC Interests of Benchmark Communications, LLC Free and Clear of Liens, Claims and Encumbrances (Docket No. 628) (“Motion”),¹ and a hearing having been held in connection

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

therewith, and no objections having been filed or sustained by the Court, and sufficient notice of the Motion having been given, upon due deliberation and for good cause shown, it is hereby

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

ORDERED, that the Agreement (as defined in the Motion) and all the terms set forth therein, are hereby approved in their entirety and all liens, claims and encumbrances, if any, shall attach to the proceeds of the sale of the LLC Interests.

Dated: November 22, 2013



HON. CHRISTIAN F. HUMMEL
UNITED STATES MAGISTRATE JUDGE

Doc #05-441256.1