

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.

CERTIFICATE OF SERVICE

I, hereby certify that on JANUARY 3, 2014, I filed a
NOTICE OF MOTION
DECLARATION OF JAMES D. LINNAN
AMENDMENT TO DECLARATION OF TRUST AND CANCELLATION
OF PRIVATE ANNUITY CONTRACT

AFFIDAVIT OF LYNN R. SMITH

PROPOSED AFFIDAVIT OF DAVID R. SMITH

AFFIDAVIT OF GEOFFREY R. SMITH

AFFIDAVIT OF LAUREN T. SMITH

and served a copy of such by CM/ECF and electronic mail to the following:

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