

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF NEW YORK

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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.*

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**CERTIFICATE OF SERVICE**

I, hereby certify that on July 8, 2014, I served a Notification of the Consequences of Failing to Respond to a Summary Judgment Motion, Notice of Motion in support of Relief Defendant/Defendant, Lynn A. Smith's Motion Pursuant to Federal Rule of Civil Procedure 56 for Partial Summary Judgment, Affidavit of James D. Featherstonhaugh in support, Memorandum of Law in support, and Statement of Material Facts by overnight delivery by mailing the same in a sealed envelope, with postage prepared thereon, in an

official depository of the Federal Express Services within the State of New York to the last known address of the addressee as follows:

Nancy McGinn  
426 8<sup>th</sup> Avenue  
Troy, New York 12182

**Featherstonhaugh, Wiley & Clyne, LLP**

By: s/James D. Featherstonhaugh  
James D. Featherstonhaugh  
Bar Roll No. 101616  
*Attorneys for Defendant/Relief  
Defendant, Lynn A. Smith*  
99 Pine Street, Suite 207  
Albany, NY 12207  
Tel: (518) 436-078