

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 JULY 8, 2014, I filed an AFFIDAVIT OF JAMES D. LINNAN,
AFFIDAVIT OF GEOFFREY R. SMITH, MEMORANDUM OF LAW, STATEMENT OF
MATERIAL FACTS, NOTICE TO PRO SE LITIGANT, NANCY MCGINN AND EXHIBITS,
and served a copy of such by CM/ECF and electronic mail to the following:

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Dated: Albany, New York
July 8, 2014

Linnan & Fallon, LLP
By /s/ James D. Linnan
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the David L. and Lynn A. Smith Irrevocable
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