

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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**AMENDED 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, AND EXHIBITS, and served a copy of such by CM/ECF and electronic  
mail to the following:

David Stoelting  
Securities and Exchange Commission  
*Attorney for Plaintiff*  
3 World Financial Center, Room 400  
New York, NY 10281  
[stoeltingd@sec.gov](mailto:stoeltingd@sec.gov)

Kevin McGrath  
Securities and Exchange Commission  
*Attorney for Plaintiff*  
3 World Financial Center, Room 400  
New York, NY 10281  
[mcgrathk@sec.gov](mailto:mcgrathk@sec.gov)

James D. Featherstonhaugh, Esq.  
Featherstonhaugh, Wiley & Clyne LLP  
*Attorneys for Defendant/Relief*  
*Defendant, Lynn A. Smith*  
99 Pine Street, Suite 207  
Albany, NY 12207  
[jdf@fwc-law.com](mailto:jdf@fwc-law.com)

William J. Dreyer  
Dreyer Boyajian LLP  
*Attorneys for David L. Smith*  
75 Columbia Place  
Albany, New York 12207

E. Stewart Jones, Jr.  
E. Stewart Jones Law Firm  
*Attorneys for Timothy M. McGinn*  
28 Second Street  
Troy, New York 12181  
[esjones@esjlaw.com](mailto:esjones@esjlaw.com)

Nancy McGinn  
426 – 8<sup>TH</sup> Avenue  
Troy, New York 12182  
[nemcginn@yahoo.com](mailto:nemcginn@yahoo.com)

William Brown, Esq.  
Phillips Lytle LLP  
*Attorneys for Receiver*  
3400 HSBC Center  
Buffalo, NY 14203  
[WBrown@phillipslytle.com](mailto:WBrown@phillipslytle.com)

Dated: Albany, New York  
July 8, 2014

Linnan & Fallon, LLP  
By           /s/ James D. Linnan            
James D. Linnan (Bar Roll #102058)  
*Attorneys for Geoffrey R. Smith, Trustee of  
the David L. and Lynn A. Smith Irrevocable  
Trust U/A 8/04/04, Geoffrey R. Smith and  
Lauren T. Smith*  
61 Columbia Street  
Albany, N.Y. 12210  
518-449-5400  
[jdlinnan@linnan-fallon.com](mailto:jdlinnan@linnan-fallon.com)  
[www.linnan-fallon.com](http://www.linnan-fallon.com)