

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,

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

Defendants, and

LYNN A. SMITH,

Relief Defendant.

INTERVENOR'S SUPPLEMENTAL EXHIBIT LIST

1. Documents Relating to \$2300 Tax Payment (5 pages)
2. Cancelled Checks showing payments of \$92,195 for Trust's taxes (4 pages)
3. Summary Chart Smith Irrevocable Trust Deposits 2004-2010
4. Form 1065 Schedule K-1 from Pine Street Capital Partners LP to Irrevocable Trust 2005-2009
5. Trust Brokerage Account Statements – 2004-2010
6. Transcript of Deposition of Timothy R. Welles taken June 3, 2010
7. Trust Declaration and Letter dated August 4, 2004
8. Trustee Appointment dated May 17, 2010
9. David L. and Lynn A. Smith Irrevocable Trust Tax Returns 2004 – 2008
10. Summary Chart of David & Lynn Smith Irrevocable Trust Withdrawals 2004-2010
11. Summary Chart of Smith Irrevocable Trust Tax Payments 2004-2010
12. IRS Account Transcripts of Trust's tax liabilities and payments
13. Transcript of Deposition taken of Thomas J. Urbelis June 1, 2010
14. Letter of Authorization (unsigned) dated April 13, 2009
15. M+T Bank Statement David L. Smith Apr. 18 - May 17, 2006

PLEASE TAKE FURTHER NOTICE that Intervenor reserves the right to rely upon and offer into evidence any document in the possession of the Plaintiff or which has been disclosed to the Plaintiff by any party to this litigation. Intervenor will also rely upon all documents previously filed with the Court in this matter. Intervenor reserves the right to supplement this disclosure and to call such additional witnesses and to offer such additional exhibits as is necessary, depending on the proof offered at the hearing by the Plaintiff and other parties.

Dated: June 10, 2010

s/Jill A. Dunn
Jill A. Dunn (Bar Roll No. 506942)
Attorney for Proposed Intervenor
THE DUNN LAW FIRM PLLC
99 Pine Street, Suite 210
Albany, New York 12207-2776
Telephone (518) 694-8380
Email: JDunn708@nycap.rr.com

TO: David Stoelting
Attorney for Plaintiff
Securities and Exchange Commission
3 World Financial Center, Room 400
New York, NY 10281
Tel: (212) 336-0174

James D. Featherstonhaugh, Esq.
Attorneys for Relief Defendant,
Lynn A. Smith
99 Pine Street, Suite 207
Albany, NY 12207
Tel: (518) 436-0786

Michael Koenig, Esquire
Greenberg Traurig LLP
54 State Street, 6th Floor
Albany, NY 12207
Tel: (518) 689-1400