

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 AUGUST 27, 2014, I served a copy of **REPLY TO PLAINTIFF'S OPPOSITION TO DEFENDANT, GEOFFREY R. SMITH, TRUSTEE OF THE DAVID L. AND LYNN A. SMITH IRREVOCABLE TRUST U/A 8/04/04, DEFENDANT, GEOFFREY R. SMITH AND DEFENDANT, LAUREN T. SMITH'S MOTION FOR SUMMARY JUDGMENT** by delivery by mailing the same in a sealed

envelope, with postage prepared thereon, in an official depository of the United Parcel Services within the State of New York to the last known address of the addressee as follows:

Nancy McGinn
426 – 8th Avenue
Troy, New York 12182

Dated: Albany, New York
August 27, 2014

Linnan & Fallon, LLP
By /s/ James D. Linnan
James D. Linnan (Bar Roll #102058)
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the David L. and Lynn A. Smith Irrevocable
Trust U/A 8/04/04, Geoffrey R. Smith and
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