

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/CFH)**

**STIPULATION AND
PROPOSED ORDER
REGARDING 2013
LYNN A. SMITH TAXES**

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.

IT IS HEREBY STIPULATED AND AGREED, by and among Plaintiff, Securities and Exchange Commission, the Receiver, and Relief Defendant/Defendant, Lynn A. Smith, by their respective undersigned counsel, that the Receiver shall pay \$10,565 in federal income tax, and \$2,990 in New York State income tax (collectively, "2013 Net Lynn Smith Taxes") on behalf of Lynn A. Smith for the tax year ending December 31, 2013. The 2013 Net Lynn Smith Taxes amounts represent Lynn A. Smith's 2013 federal and state income taxes that accrued from security dividends held inside the Lynn A. Smith stock account, RMR Wealth Management,

account number RMR-040916, and Pine Street Capital Partners, LP proceeds held in Receiver accounts.

IT IS FURTHER stipulated that the Receiver shall pay the 2013 Net Lynn Smith Taxes from either (i) the available cash equivalent holdings in the Lynn A. Smith stock account, RMR Wealth Management, account number RMR-040916, or (ii) Pine Street proceeds in the name of Lynn Smith currently held by the Receiver.

Date: October 15, 2014

Featherstonhaugh, Wiley & Clyne, LLP

By: 

James D. Featherstonhaugh, Esq.
Bar Roll No. 101616
Attorneys for Relief Defendant/
Defendant Lynn A. Smith
99 Pine Street, Suite 207
Albany, NY 12207
Tel: (518) 436-0786
Fax: (518) 427-0452

**United States Securities and
Exchange Commission**

By: 

Kevin McGrath, Esq.
Bar Roll No. 106326
3 World Financial Center
Room 400
New York, New York 10281
Tel: (212) 336-0533
Fax: (212) 336-1324

Phillips Lytle LLP

By: s/ William J. Brown

William J. Brown, Esq.
Bar Roll No. 601330
Attorneys for Receiver
125 Main Street
Buffalo, NY 14203
Tel: (716) 847-7089
Fax: (716) 852-6100

SO ORDERED

United States Magistrate Judge