

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

----- X  
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, :  
TIMOTHY M. McGINN, AND :  
DAVID L. SMITH, GEOFFREY R. SMITH, :  
Individually and as Trustee of the David L. and :  
Lynn A. Smith Irrevocable Trust U/A 8/04/04, :  
LAUREN T. SMITH, and NANCY McGINN, :

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

*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.* :

----- X

**AFFIDAVIT OF SERVICE**

STATE OF ILLINOIS )  
COUNTY OF COOK )

I, Kenneth Anderson, being duly sworn, depose and say:

1. I am over the age of eighteen (18) years and employed as a paralegal at Kaye Scholer LLP, 70 W. Madison Street, Suite 4200, Chicago, Illinois, a position I have held for approximately eleven (11) years.

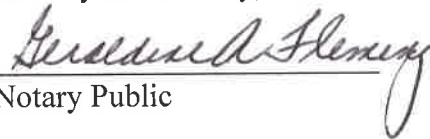
2. On February 16, 2016, I caused unredacted copies of (i) *Stephen Fowler's Objection to the Receiver's Motion for an Order Approving Plan of Distribution of Estate Assets* ("the Objection"); and (ii) *Declaration of Stephen Fowler in Support of the Objection* to be served by electronic mail on the parties listed below.

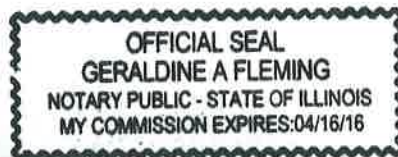
Chicago, Illinois



Kenneth Anderson

Sworn to before me this  
16<sup>th</sup> day of February, 2016

  
Notary Public



**ELECTRONIC MAIL SERVICE LIST**

- **William J. Brown** wbrown@phillipslytle.com, khatch@phillipslytle.com
- **Certain McGinn Smith Investors** apark@weirpartners.com
- **Elizabeth C. Coombe** elizabeth.c.coombe@usdoj.gov, paul.condon@usdoj.gov, kelly.ciccarelli@usdoj.gov
- **William J. Dreyer** wdreyer@dreyerboyajian.com, lbaldwin@dreyerboyajian.com, bhill@dreyerboyajian.com, lowens@dreyerboyajian.com
- **Scott J. Ely** sely@elylawpllc.com, shm@fwc-law.com
- **James D. Featherstonhaugh** jdf@fwc-law.com, jsm@fwc-law.com, cr@fwclaw.com, shm@fwc-law.com
- **James H. Glavin, IV** hglavin@glavinandglavin.com
- **Bonnie R. Golub** bgolub@weirpartners.com
- **Erin K. Higgins** EHiggins@ckrpf.com
- **Benjamin W. Hill** bhill@dreyerboyajian.com, jhurry@dreyerboyajian.com
- **E. Stewart Jones, Jr** bessetca@esjlaw.com, sangerki@esjlaw.com
- **Jack Kaufman** kaufmanja@sec.gov
- **Michael A. Kornstein** mkornstein@coopererving.com
- **James P. Lagios** jlagios@icrh.com, rlaport@icrh.com, mlohman@icrh.com
- **Kevin Laurilliard** laurilliard@mltw.com, chandler@mltw.com

- **James D. Linnan** jdlinnan@linnan-fallon.com,lawinfo@linnan-fallon.com
- **Haimavathi V. Marlier** marlierh@sec.gov
- **Jonathan S. McCardle** jsm@fwc-law.com
- **Kevin P. McGrath** mcgrathk@sec.gov
- **Lara S. Mehraban** mehrabanl@sec.gov,marlierh@sec.gov,newvillej@sec.gov
- **Michael J. Murphy** mmurphy@carterconboy.com, sboncke@carterconboy.com, abell@carterconboy.com
- **Joshua M. Newville** newvillej@sec.gov
- **Craig H. Norman** cnorman@chnesq.com,jbugos@coopererving.com
- **Thomas E. Peisch** TPeisch@ckrpf.com,apower@ckrpf.com
- **Terri L. Reicher** Terri.Reicher@finra.org
- **Richard L. Reiter** reiterr@wemed.com,richard.reiter@wilsonelser.com
- **David P. Stoelting** stoeltingd@sec.gov, mehrabanl@sec.gov, mcgrathk@sec.gov,paleym@sec.gov,wbrown@phillipslytle.com
- **Charles C. Swanekamp** cswanekamp@bsk.com,mhepple@bsk.com,roehla@bsk.com
- **Benjamin Zelermyer** bzlaw@optonline.net,steincav@aol.com