

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF NEW YORK

-----X  
SECURITIES AND EXCHANGE COMMISSION :

*Plaintiff,* :

vs. :

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

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, 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, :

*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

**CERTIFICATE OF SERVICE**

I, Sinead A. Tyrone, being at all times over 18 years of age, hereby certify that on March 10, 2016 and March 11, 2016, a true and correct copy of the Confidential Declaration of William J. Brown, as Receiver, With Respect to Objections of Certain Investors and Stephen Fowler as to Collateral Recoveries was caused to be served by e-mail upon the following parties:

- **William J. Brown** wbrown@phillipslytle.com,kludlow@phillipslytle.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@fwc-law.com,shm@fwc-law.com

- **James H. Glavin , IV**  
hglavin@glavinandglavin.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,mlohman@icrh.com
- **Kevin Laurilliard** laurilliard@mltw.com
- **James D. Linnan** jdlinnan@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** norman@wilhelmnorman.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
- **Charles C. Swanekamp** Cswanekamp@jaeckle.com,Jmoore@jaeckle.com
- **Benjamin Zelermyer** bzlaw@optonline.net,steincav@aol.com
- **Bonnie R. Golub**  
bgolub@weirpartners.com
- **Andrew Park**  
apark@weirpartners.com; jmarciniszyn@weirpartners.com
- **Sheldon L. Solow**  
sheldon.solow@kayescholer.com,kenneth.anderson@kayescholer.com,elise.neveau@kayescholer.com
- **Walter Weir**  
wweir@weirpartners.com,smorris@weirpartners.com
- **Bryan M. Westhoff**  
bryan.westhoff@kayescholer.com

Dated: March 11, 2016

/s/ Sinead A. Tyrone  
Sinead A. Tyrone