

December 29, 2016

Honorable Gary L. Sharpe
James T. Foley U.S. Court House
445 Broadway
Albany, NY 12207

1:10-CV-457

Dear Judge Sharpe,

I am currently the acting trustee for the David L. and Lynn A. Smith Irrevocable Trust, which has been the subject of litigation in the McGinn Smith civil proceedings over the last six years. I originally took on this role after two trustees resigned, and feeling that I could act as a fiduciary to the beneficiaries of the trust, my sister Lauren and myself. As you are aware, the trust has since been awarded to the pool of funds to be distributed by the McGinn Smith Receiver, William Brown.

Over the past few years Mr. Brown has controlled the bank accounts for the trust, and upon request has paid expenses relating to real estate holdings, tax preparation, and both federal and state taxes. In one of your previous rulings on the matter of the Sacandaga Lake property, an asset of the trust, you wrote that Mr. Brown was "the effective trustee."

Most recently, the trust has received notices from New York State and the IRS for taxes due in relation to late filing and payment. Twice I have sent these notices to Mr. Brown and have not received a response. Since I am unable to perform the fiduciary responsibilities to the trust due to the litigation, and make prompt payment of these invoices I hereby resign as trustee. It is unreasonable to ask me to be held as a fiduciary, without the power to enact the responsibilities that are necessary to be held as such.

Please accept this letter as my formal resignation.

Sincerely,



Geoffrey Smith, TTEE

Cc: James Linnan, Esq.
William J. Brown Esq. (Receiver)

Smith G
455 N. Spring St.
Aspen, CO 81611

GRAND JUNCTION 8-55

28 DEC 2016 PM 11:00



The Honorable Judge Gary Sharpe

United States District Judge

United States District Court

Northern District of New York

James T. Foley Courthouse, Suite 509

445 Broadway

Albany, NY

12207

U.S. DISTRICT COURT

N.D. OF N.Y.

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