

**UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF NEW YORK**

**SECURITIES AND EXCHANGE COMMISSION,**

*Plaintiff,*

v.

**10 Civ. 457  
(GLS/DRH)**

**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, DAVID L. SMITH,  
LYNN A. SMITH, DAVID M. WOJESKI, 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,**

*Defendants,*

**LYNN A. SMITH, and  
NANCY MCGINN,**

*Relief Defendants, and*

**DAVID M. WOJESKI, Trustee of the  
David L. and Lynn A. Smith Irrevocable  
Trust U/A 8/04/04,**

*Intervenor.*

**SUPPLEMENTAL DECLARATION OF ROSEANN DANIELLO**

I, Roseann Daniello, pursuant to 28 U.S.C. § 1746, declare as follows:

1. I submit this declaration in further support of the plaintiff Securities and Exchange Commission's motion for emergency relief.

2. I have reviewed bank records obtained pursuant to subpoena from several banks, including First National Bank of Scotia and SEFCU for the following accounts:

Account Name	Institution	Statements Reviewed
Nancy E. Lastrup	SEFCU	January 2003 to January 2006
Nancy E. Lastrup / Nancy E. McGinn	First National Bank of Scotia	January 2006 to June 2010

3. The bank records included account opening forms, monthly account statements, deposit slips, and canceled checks. The documents also included a copy of a marriage certificate which states that Timothy McGinn and Nancy Lastrup were married on July 19, 2006.

4. I have also reviewed bank records from M&T Bank for several accounts in the name of Timothy McGinn.

5. Attached as Exhibit 1 is a chart I prepared showing transfers from Timothy McGinn to Nancy Lastrup or Nancy McGinn from October 2003 through March 2010.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on August 2, 2010  
New York, New York

  
Roseann Daniello

TRANSFERS TO NANCY MCGINN

DATE	TRANSACTION TYPE	CHECK #	SOURCE ACCOUNT	BANK	FUNDS TO NANCY MCGINN	NANCY MCGINN'S BANK
10/29/2003	Check	1330	Timothy McGinn	M&T Bank	(1,200.00)	SEFCU
11/25/2003	Check	1336	Timothy McGinn	M&T Bank	(2,750.00)	SEFCU
12/10/2003	Check	6579	Timothy McGinn	M&T Bank	(1,000.00)	SEFCU
2/11/2004	Check	1360	Timothy McGinn	M&T Bank	(700.00)	SEFCU
4/21/2004	Check	6734	Timothy McGinn	M&T Bank	(1,800.00)	SEFCU
5/25/2004	Check	6784	Timothy McGinn	M&T Bank	(2,000.00)	SEFCU
6/18/2004	Check	6813	Timothy McGinn	M&T Bank	(2,100.00)	SEFCU
8/5/2004	Check	6878	Timothy McGinn	M&T Bank	(2,000.00)	SEFCU
8/30/2004	Check	6958	Timothy McGinn	M&T Bank	(2,000.00)	SEFCU
9/30/2004	Check	7014	Timothy McGinn	M&T Bank	(2,000.00)	SEFCU
11/2/2004	Check	7051	Timothy McGinn	M&T Bank	(1,670.00)	SEFCU
12/3/2004	Check	7084	Timothy McGinn	M&T Bank	(1,350.00)	SEFCU
1/4/2005	Check	7157	Timothy McGinn	M&T Bank	(1,500.00)	SEFCU
2/1/2005	Check	7201	Timothy McGinn	M&T Bank	(1,200.00)	SEFCU
3/3/2005	Check	7240	Timothy McGinn	M&T Bank	(1,500.00)	SEFCU
4/4/2005	Check	7290	Timothy McGinn	M&T Bank	(1,200.00)	SEFCU
10/3/2005	Check	7541	Timothy McGinn	M&T Bank	(5,094.72)	SEFCU
12/29/2005	Check	7681	Timothy McGinn	M&T Bank	(950.00)	SEFCU
1/20/2006	Check	7719	Timothy McGinn	M&T Bank	(1,000.00)	First National Bank of Scotia
2/27/2006	Check	7768	Timothy McGinn	M&T Bank	(1,224.00)	First National Bank of Scotia
4/28/2006	Wire Transfer		Timothy McGinn	M&T Bank	(2,200.00)	First National Bank of Scotia
6/27/2006	Check	7908	Timothy McGinn	M&T Bank	(2,200.00)	First National Bank of Scotia
7/14/2006	Check	7912	Timothy McGinn	M&T Bank	(3,300.00)	First National Bank of Scotia
6/4/2007	Wire Transfer		Timothy McGinn	M&T Bank	(11,000.00)	First National Bank of Scotia
7/3/2008	Check	8796	Timothy McGinn	M&T Bank	(286.00)	First National Bank of Scotia
10/28/2008	Check	8942	Timothy McGinn	M&T Bank	(500.00)	First National Bank of Scotia
2/3/2009	Check	1032	Timothy McGinn	M&T Bank	(1,060.00)	First National Bank of Scotia
3/11/2009	Check	1066	Timothy McGinn	M&T Bank	(200.00)	First National Bank of Scotia

TRANSFERS TO NANCY MCGINN

DATE	TRANSACTION TYPE	CHECK #	SOURCE ACCOUNT	BANK	FUNDS TO NANCY MCGINN	NANCY MCGINN'S BANK
3/25/2009	Check	1083	Timothy McGinn	M&T Bank	(500.00)	First National Bank of Scotia
4/15/2009	Check	1100	Timothy McGinn	M&T Bank	(500.00)	First National Bank of Scotia
11/12/2009	Check	1296	Timothy McGinn	M&T Bank	(500.00)	First National Bank of Scotia
12/15/2009	Check	1316	Timothy McGinn	M&T Bank	(300.00)	First National Bank of Scotia
1/8/2010	Check	1331	Timothy McGinn	M&T Bank	(250.00)	First National Bank of Scotia
2/17/2010	Check	1362	Timothy McGinn	M&T Bank	(8,400.00)	First National Bank of Scotia
3/15/2010	Check	1384	Timothy McGinn	M&T Bank	(350.00)	First National Bank of Scotia
				Total	(65,684.72)	