

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF NEW YORK

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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.* :

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**NOTICE OF FILING OF ABANDONED CLAIMS LIST**

PLEASE TAKE NOTICE that pursuant to the Order Approving Motion of William J. Brown, as Receiver, for Order in Aid of Administration (A) Approving Procedure for Notice and Abandonment of Claims of Lost Investors and Investors with Incomplete Claim Files, (B) Approving Redistribution of Allocated Recoveries to Receivership Estate for Benefit of Investors with Allowed Claims, (C) Expunging Abandoned Claims and Incomplete Claims, and

(D) Disallowing Certain Remaining Paper Claims (Docket No. 1128) dated July 7, 2020, the Receiver has filed the list of claims on the attached Schedule 1, which shall constitute the Abandoned Claims List (as defined in the Order); and

PLEASE TAKE FURTHER NOTICE that pursuant to the Order, the Abandoned Claims listed on the Abandoned Claims List are deemed struck and expunged subject to the rights of the Receiver to supplement the Abandoned Claims List should investors who initially responded to the Final Notice Procedure fail, after at least one more follow-up attempt by the Receiver, to properly complete by August 31, 2020 the documentation necessary to allow the Receiver to make a distribution to any such investor with an allowed claim.

Dated: August 12, 2020

PHILLIPS LYTTLE LLP

By /s/ William J. Brown  
William J. Brown (Bar Roll #601330)  
Catherine N. Eisenhut (Bar Roll #520849)  
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SCHEDULE 1

Kavaserrri S. Agneshwar	Cameron Goode
Kavasseri Agneshwar	Marie Goulden
Elizabeth Z. Atkinson	Mark Greenberg
Sadie Bann	Pamela Harris
Mark C. & Kim A. Barabas	Matthew Henderson
Carroll S. & Patricia D. Barton	Samuel Hood
Patricia Barton	Marvin Huyck
Leland P. Beebe Trust VA DTD	Stanley Ingalls
Margaret Bosley Tr.	Olga Irwin
Michael Boyle	Dona Lisa Johnson
Millard Brown	Dorothy Joly
Barry Butler	Deborah Jones-Taylor
C.T.W. Fund, Inc., Atn: Wm. E. Moore	Molly Kantor
A. Peter & Susan Calusic	Grace Karian
Peter Cheese	Richard King
Robert K. & Dorothy Collins JTWROS	Claude Lataillade
Barbara Butler & William & Timothy Conway	Claude & Vicki Lataillade
Ralph D'Abbraccio	Vicki Lataillade
Kenneth Dale	Carmen Lefebvre
Kenneth H. & Mary S. Dale	Bernard Lieberman
Mary Dale	Janice Londino
Mary Dean	Paul & Arlee Maier
John Desimony	Kenneth Male
John & Marilyn Desimony JTWROS	Thomas Mallon
James Didham	J. Howard McIsaac
Robert Dorfman	Elizabeth A. McCullough
Henry Doyle	John J. McLaughlin
Mary Doyle	Robert C. Mead
Maude Harnden Dunlap Trust,	Medical Imaging of Lehigh Valley PC
Christopher G. Gray TTEE	John Meriwether
Wayne Dyer	John Mesko
Wayne R. Dyer	Rita Meyers Trust
Lillian F. Eagan	Diane Morrone
ENERGY Insurance Brokers	Diane Morrone C/F Gianna Vassallu
Family Ear Nose & Throat Services PLC	North American Globex Fund
Griselda Gadsby	Ruth Peck
Adrian Gonyea	Dr. Jeffrey Perkins
	Mark Phelps

Orlando Pozzuoli  
Madeline Renteria  
Grace M. & Warren Reynolds JTWROS  
Roberti Associates Global, LLC  
Bryce Romer  
John A. Ruch  
Jason Salgado  
Paul Sealock  
Dorothy Seaman  
Kiran & Prajakta Shah  
Raymond James Assoc fbo  
AlexanderSinclair  
David A. & Martha Burton Smith  
Sally C. Stout  
James F. Thomas  
Thomas C. Sullivan, MD Inc.  
Kate Thursby  
Linda Trigoboff  
Onecepora Vaflor  
Joyce Vanderzee  
Betty Varsoke  
Christopher Vassalluzzo  
Sophie Weinback Tr.  
Richard S. & Margaret R. Williams  
Helen K. Windbiel  
Gretchen Wright  
James Yeager  
J. Michael Young  
Zapletucker, LLC  
Brommel Resources Ltd.  
Emily Cohen  
Norman Cohen  
Complete Home Care  
Kenneth W. & Karie A. Deming  
Elizabeth Duke Estate, Barbara  
Reppenhagen, Executrix  
Estate of Mary T. Mary McDowell  
Northeastern Subcontractors  
Association Inc.  
Janette Powell  
Nancy Prescott  
Timothy Radice  
Jill F. Sack

John Scarzafava, Esq.  
Richard Spera  
Joseph Stanzione  
Toltec Research Ltd.