

DISTRIBUTION LIST

Elizabeth Angelucci
Joseph G. Araszewski III
Richard Arpino
Nancy Bloom Crucetti
Gerald Canuso
Madeline Forgea c/o Joel Forgea
Eugene Gage c/o Thomas Gage
James & Diana Gargiulo Charitable Remainder Trust
James V. & Frances Gargiulo
Timothy M. McGinn, Executor
Nancy J. Klein
Jan Lukens
Harold Morgan
Alien Parker c/o Marita Tretter
James Prior c/o Maureen P. Buturla
Harold Alvin Smith
Estate of Ruth Wikert c/o Neal J. Wikert
Anne White c/o Mark White

**William J. Brown, as Receiver
of McGinn, Smith & Co., Inc., et al.**

Tel: 716.847.7089
www.mcginnsmithreceiver.com

One Canalside
125 Main Street
Buffalo, NY 14203

IMPORTANT NOTICE AFFECTING YOUR CLAIMS

FINAL DEADLINE FOR SUBMISSION OF DOCUMENTATION

August 11, 2020

Re: McGinn, Smith & Co., Inc. - Receiver's Motion 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 ("Motion")

Dear Investor:

You are receiving this Letter because you have submitted an Information Questionnaire to the Receiver or have otherwise contacted the Receiver regarding your Abandoned Claim(s) (as defined in the above-referenced Motion). At this time, you have not submitted to the Receiver the requested properly completed Investor Questionnaire(s) and/or additional documentation required by the Receiver to make a distribution on account of your claim(s).

Pursuant to the Order of the Court ("Order") granting the relief requested in the Motion, a copy of which is enclosed with this Letter, the Receiver may supplement the Abandoned Claims List (as defined in the Motion) with Abandoned Claims held by investors who initially responded to the Receiver if such investors do not respond to at least one follow-up attempt by the Receiver to properly complete the documentation necessary to allow the Receiver to make a distribution. This letter constitutes the follow-up attempt.

IF THE RECEIVER DOES NOT RECEIVE ALL PROPERLY COMPLETED REQUESTED DOCUMENTATION FROM YOU BY MAIL BY AUGUST 31, 2020, YOUR CLAIM(S) WILL BE ADDED TO THE ABANDONED CLAIMS LIST AND EXPUNGED, AND YOU WILL NOT RECEIVE A DISTRIBUTION.

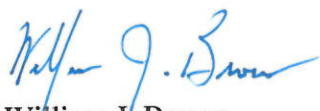
If you wish to avoid your claim(s) being expunged, kindly send to the Receiver the requested properly completed documentation by August 31, 2020.

IMPORTANT NOTICE AFFECTING YOUR CLAIMS
FINAL DEADLINE FOR SUBMISSION OF DOCUMENTATION

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If you have any questions regarding the above, or if you do not know what additional documentation the Receiver requires, you may call Karen Ludlow at (716) 218-4404.

Very truly yours,

A handwritten signature in blue ink that reads "William J. Brown". The signature is written in a cursive style with a large initial "W".

William J. Brown
Receiver

EEEht
Doc #9062040.2
Enclosure

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF NEW YORK

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.

**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**

Upon the Motion 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 (“Motion”); and notice of the Motion having been given to the Securities and Exchange Commission, each of the claimants listed on each Exhibit to the Motion by first class mail at the address contained in the Receiver’s records, and all parties who have filed a Notice of Appearance in this action by ECF, and all creditors of the McGinn, Smith entities and other parties in interest via the Receiver’s website, which notice is deemed good and sufficient notice; and the Court having deemed that sufficient cause exists; it is therefore

ORDERED, that the Motion is approved, and it is further

ORDERED, that the Final Notice Procedure,¹ as described in the Motion, is approved, and it is further

ORDERED, that the Receiver is authorized to prominently post on the Receiver’s Website a list of the names of the Lost Investors listed on Exhibit A-1 to the Motion and Incomplete Investors listed on Exhibit A-2 to the Motion holding Abandoned Claims, and it is further

ORDERED, that after the date which is thirty-one days after entry of this Order and the posting of the Lost Investor and Incomplete Investor names on the Receiver’s Website, the Receiver shall file the Abandoned Claims List, and it is further

ORDERED, that the Abandoned Claims on the Abandoned Claims List shall be deemed struck and expunged, and it is further

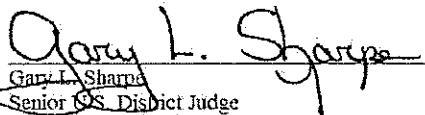
ORDERED, that the Receiver’s rights to supplement the Abandoned Claims List should investors who initially respond to the Final Notice Procedure fail after at least one

¹ Capitalized terms used but not defined herein shall have the meaning assigned to them in the Motion.

more follow-up attempt by the Receiver to properly complete the documentation necessary to allow the Receiver to make a distribution are expressly preserved, and it is further

ORDERED, that each of the Remaining Paper Claims listed on Exhibit B to the Motion are disallowed; and the rights of the Receiver to object on any other basis to the claims of all investors or claimants are expressly preserved.

July 7, 2020
Albany, New York


Gary L. Sharpe
Senior U.S. District Judge