

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF NEW YORK

SECURITIES AND EXCHANGE COMMISSION

Plaintiff-Appellee,

vs.

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,
LYNN A. SMITH, GEOFFREY R. SMITH, Trustee
of the David L. and Lynn Smith Irrevocable Trust
U/A 8/04/04, GEOFFREY R. SMITH, LAUREN
T. SMITH, and NANCY McGINN,

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

**NOTICE OF
APPEARANCE**

Defendants, and

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.

I, the undersigned, hereby appear as the Attorney of Record on behalf of
Defendants Geoffrey R. Smith, Trustee of the David L. and Lynn A. Smith Irrevocable

Trust U/A 8/04/04 and Geoffrey R. Smith and Lauren T. Smith.

DATED: February 15, 2011

Featherstonhaugh, Wiley & Clyne, LLP

By: _____ s/
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SMITH, Trustee of the David L. and
Lynn A. Smith Irrevocable Trust
U/A 8/04/04 and GEOFFREY R.
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