

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

SECURITIES AND EXCHANGE COMMISSION,

Plaintiff,

v.

McGINN, SMITH & CO., INC., et al.,

Defendants.

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**TURNOVER ORDER (FED. R. CIV. P. 69(a) AND
NY CPLR §§ 5225(b) AND 5227) TO BANK OF AMERICA**

The Plaintiff-Judgment Creditor Securities and Exchange Commission (the “Commission”) having moved for a turnover order pursuant to Rule 69(a) of the Federal Rules of Civil Procedure and New York Civil Practice Law and Rules (“NY CPLR”) §§ 5225(b) and 5227, directed to the Respondent Bank of America, and the Court having considered the papers submitted on such motion, and it appearing that such an order should be issued, it is hereby:

I.

ORDERED that the Respondent Bank of America turn over to the Court-appointed Receiver, William J. Brown, Esq. (the “Receiver”) certain property in its hands described as the balances in the following accounts:

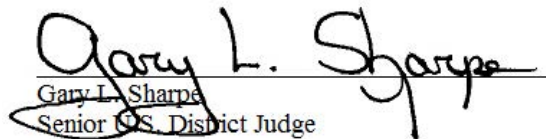
<u>Account Title</u>	<u>Account Number</u>	<u>Balance (approx.)</u>
Geoffrey R. Smith	--6219	\$1,950.98
Geoffrey R. Smith	--2199	\$1,163.43
Timothy McGinn/ Nancy E. McGinn	--5452	\$4.70

Bank of America shall, within 14 days of the service of this turnover order, make such payment to the Receiver, for inclusion in the receivership estate in this action and distribution pursuant to the Court-approved Plan. Payment shall be: (a) made by United States postal money order, certified check, bank cashier's check, or bank money order; (b) made payable to "William J. Brown, Receiver"; (c) hand-delivered or mailed to William J. Brown, Phillips Lytle LLP, Omni Plaza, 30 South Pearl Street, Albany, NY 12207; and (d) submitted with a copy of this Order and a cover letter that identifies: (i) Bank of America as submitting the payment and (ii) the name and number of this proceeding (*SEC v. McGinn Smith & Co., Inc.*, 10-cv-457 (N.D.N.Y.)). Further, Respondent shall simultaneously transmit photocopies of evidence of payment, the cover letter sent to the Receiver, and this Order to David Stoelting, Senior Trial Counsel, Division of Enforcement, Securities and Exchange Commission, 200 Vesey Street, Suite 400, New York, NY 10281.

II.

ORDERED that this Court shall retain jurisdiction to enforce compliance with this Order.

August 11, 2020
Albany, New York


Gary L. Sharpe
Senior U.S. District Judge