

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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**ORDER APPROVING MOTION OF WILLIAM J. BROWN, AS RECEIVER,
FOR AN ORDER DISALLOWING PAPER CLAIMS**

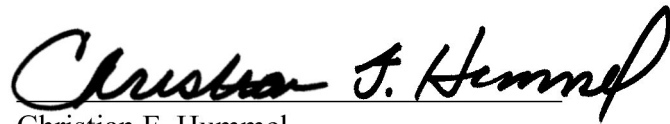
Upon the Motion of William J. Brown, as Receiver, for an Order Disallowing Paper Claims; and notice of the Motion having been given to the Securities and Exchange Commission, each investor listed on Exhibit A, Exhibit B and Exhibit C to the Motion by first class mail, and all parties who have filed a 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 each of the filed paper claims listed on Exhibit A, Exhibit B and Exhibit C to the Motion as attached to this Order other than those claims marked as “withdrawn by Investor Consent” is disallowed, and the rights of the Receiver to object on any other basis to the claims of all investors or claimants is expressly preserved; and it is further

ORDERED, that the asserted claims of H. Smith and B. Smith in TDM Verifier 07 or TDM 07R are allowed per the recommendation of the Receiver provided that each of H. Smith and B. Smith duly sign an affidavit in form provided by the Receiver stating under penalty of perjury that they did not redeem or recover a redemption of any monies with respect to either of those investments.

Dated: April 12, 2018

A handwritten signature in black ink that reads "Christian F. Hummel". The signature is written in a cursive style with a horizontal line underneath the name.

Christian F. Hummel
U.S. Magistrate Judge

Doc #01-3098042.3