

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 THIRTY-FIFTH PAYMENT SCHEDULE  
OF FIRST INVESTOR DISTRIBUTION  
(Collateral Recovery Investors)**

PLEASE TAKE NOTICE that on May 4, 2018, William J. Brown, as Receiver, filed the attached McGinn, Smith & Co. Inc. - Thirty-Fifth Payment Schedule of Investor Distributions (Collateral Recovery Investors), pursuant to the Approved Plan of Distribution of Estate Assets.

In accordance with the Plan, Payment Schedules of Investor Distributions (Collateral Recovery Investors) will continue to be filed on a rolling basis. The attached Payment Schedule reports the claim numbers and amount to be paid as a first distribution to the holders of the listed claim numbers (who have received collateral recoveries), which amount has been rounded to the nearest whole dollar in accordance with Section 12 of the Plan.

Dated: May 4, 2018

PHILLIPS LYTTLE LLP

By /s/ William J. Brown  
William J. Brown (Bar Roll #601330)  
Catherine N. Eisenhut (Bar Roll #520849)  
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Albany, New York 12207  
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Buffalo, New York 14203  
Telephone No.: (716) 847-8400

Doc #01-3037018.35

**McGinn Smith & Co. Inc. - Thirty-Fifth Payment Schedule of Investor Distributions (Collateral Recovery Investors)**

**May 4, 2018**

<i>Claim #</i>	<i>Description of Investment</i>	<i>Amount of Investment (100%)</i>	<i>Amount of First Distribution*</i>
4491A	FAIN Secured Senior Notes	\$ 13,799.30	<i>See amount below</i>
4492A	FEIN Secured Senior Subordinated Notes Due 01/30/2009	\$ 140,000.00	<i>See amount below</i>
4493A	TAIN Secured Senior Subordinated Notes 7.75% Due 12/15/2009	\$ 40,000.00	<i>See amount below</i>
4494A	TDM Verifier Trust 09 10% Contract Certificates Due 12/31/11	\$ 13,535.63	<i>See amount below</i>
4495A	FAIN Secured Senior Notes	\$ 13,799.30	<i>See amount below</i>
4496A	FAIN Secured Senior Nots	\$ 13,799.30	<i>See amount below</i>
4497A	FAIN Secured Senior Notes	\$ 73,596.29	<i>See amount below</i>
4498A	FIIN Secured Senior Notes	\$ 13,639.93	<i>See amount below</i>
4499A	FIIN Secured Senior Notes	\$ 113,666.07	<i>See amount below</i>
4500A	FIIN Secured Senior Notes	\$ 13,639.93	<i>See amount below</i>
4501A	FIIN Secured Senior Notes	\$ 45,466.43	<i>See amount below</i>
4502A	FIIN Secured Senior Notes	\$ 90,932.86	<i>See amount below</i>
4503A	FIIN Secured Senior Subordinated Notes Due 12/15/2008	\$ 55,000.00	<i>See amount below</i>

\* If the Amount of First Distribution is a negative number indicated by (\$xxx) in parenthesis, then the negative amount will be a further charge when second or later distributions are made.

<i>Claim #</i>	<i>Description of Investment</i>	<i>Amount of Investment (100%)</i>	<i>Amount of First Distribution*</i>
4504A	TAIN Secured Senior Notes	\$ 59,106.36	<i>See amount below</i>
4505A	TAIN Secured Senior Subordinated Notes 7.75% Due 12/15/2009	\$ 200,000.00	<i>See amount below</i>
4506A	TDM Verifier Trust 09 10% Contract Certificates Due 12/31/11	\$ 18,047.50	<i>See amount below</i>
4507A	TAIN Secured Senior Notes	\$ 250,137.36	<i>See amount below</i>
4508A	FAIN Secured Senior Notes	\$ 41,397.91	<i>See amount below</i>
4509A	TAIN Secured Senior Notes	\$ 45,466.43	(\$24,819.27)
5901A	FEIN Secured Senior Notes	\$ 18,399.07	<i>See amount below</i>
5902A	FAIN Secured Senior Subordinated Notes	\$ 25,000.00	<i>See amount below</i>
5903A	FAIN Secured Senior Subordinated Notes	\$ 80,000.00	<i>See amount below</i>
5904A	FEIN Secured Senior Subordinated Notes Due 01/30/2009	\$ 40,000.00	<i>See amount below</i>
5905A	FIIN Secured Senior Notes	\$ 18,186.57	<i>See amount below</i>
5906A	TAIN Secured Senior Subordinated Notes 7.75% Due 12/15/2009	\$ 25,000.00	<i>See amount below</i>
5907A	FEIN Secured Senior Notes	\$ 22,998.83	\$5,130.69

Doc #01-3119276.1A

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