

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

PLEASE TAKE NOTICE that on June 1, 2018, William J. Brown, as Receiver, filed the attached McGinn, Smith & Co. Inc. - Thirty-Eighth 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: June 1, 2018

PHILLIPS LYTTLE LLP

By /s/ William J. Brown
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Doc #01-3037018.38

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

June 1, 2018

<i>Claim #</i>	<i>Description of Investment</i>	<i>Amount of Investment (100%)</i>	<i>Amount of First Distribution*</i>
4938A	FAIN Secured Senior Subordinated Notes	\$ 65,000.00	<i>See amount below</i>
4939A	FIIN Secured Senior Notes	\$ 45,466.43	<i>See amount below</i>
4940A	Firstline Trust 07 9.25% Senior Contract Certificates Due 09/01/10	\$ 24,332.99	<i>See amount below</i>
4941A	TAIN Secured Senior Subordinated Notes 7.75% Due 12/15/2009	\$ 20,000.00	<i>See amount below</i>
4942A	TAIN Secured Senior Subordinated Notes 7.75% Due 12/15/2009	\$ 45,000.00	<i>See amount below</i>
4943A	TAIN Secured Senior Subordinated Notes 7.75% Due 12/15/2009	\$ 120,000.00	<i>See amount below</i>
4944A	TDM Verifier Trust 07R Contract Certificates	\$ 10,000.00	<i>See amount below</i>
4945A	TDM Verifier Trust 09 10% Contract Certificates Due 12/31/11	\$ 31,583.13	<i>See amount below</i>
4946A	FAIN Secured Senior Notes	\$ 13,799.30	<i>See amount below</i>
4947A	FAIN Secured Senior Notes	\$ 50,597.44	<i>See amount below</i>
4948A	FEIN Secured Senior Subordinated Notes Due 01/30/2009	\$ 35,000.00	<i>See amount below</i>
4949A	Firstline Trust 07 9.25% Senior Contract Certificates Due 09/01/10	\$ 28,757.17	<i>See amount below</i>
4950A	TDMM Cable Sr. Trust 09 9%	\$ 23,379.78	\$ 5,426.02

Doc #01-3126180.1A

* 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.