

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 THIRD PAYMENT SCHEDULE  
OF FIRST INVESTOR DISTRIBUTION**

PLEASE TAKE NOTICE that on June 7, 2017, William J. Brown, as Receiver, filed the attached McGinn, Smith & Co. Inc. - Third Payment Schedule of Investor Distributions, pursuant to the Approved Plan of Distribution of Estate Assets.

In accordance with the Plan, Payment Schedules of Investor Distributions will continue to be filed on a rolling basis with increasing frequency. 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, which amount has been rounded to the nearest whole dollar in accordance with Section 12 of the Plan.

Dated: June 7, 2017

PHILLIPS LYTTLE LLP

By /s/ William J. Brown  
William J. Brown (Bar Roll #601330)  
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Doc #01-3037018.3

## McGinn Smith &amp; Co. Inc. - Third Payment Schedule of Investor Distributions

June 7, 2017

<i>Claim #</i>	<i>Description of Investment</i>	<i>Amount of Investment (100%)</i>	<i>Amount of First Distribution</i>
4187A	TAIN Secured Senior Subordinated Notes 7.75% Due 12/15/2009	\$ 25,000.00	\$ 2,500.00
4273A	FAIN 10.25% Secured Junior Notes Due 11/15/2010	\$ 75,000.00	\$ 7,500.00
4274A	FAIN 10.25% Secured Junior Notes Due 11/15/2010	\$165,000.00	\$16,500.00
4275A	TDM Verifier Trust 08 Contract Certificate 36	\$250,000.00	\$25,000.00
4276A	TDMM Benchmark Trust 09 9%	\$ 25,000.00	\$ 2,500.00
4381A	FEIN 10.25% Secured Junior Notes Due 01/30/2009	\$ 15,000.00	\$ 1,500.00
4382A	FEIN 10.25% Secured Junior Notes Due 01/30/2009	\$ 30,000.00	\$ 3,000.00
4383A	FEIN 10.25% Secured Junior Notes Due 01/30/2009	\$ 40,000.00	\$ 4,000.00
4384A	FEIN 10.25% Secured Senior Notes Due 01/30/2009	\$ 15,000.00	\$ 1,500.00
4385A	FIIN Secured Senior Subordinated Notes Due 12/15/2008	\$ 30,000.00	\$ 3,000.00
4386A	TAIN Secured Junior Notes Due 12/15/2009	\$ 70,000.00	\$ 7,000.00
4387A	TDM Cable Trust 06 9.25% 48 months Contract Certificates 11/15/10	\$ 10,000.00	\$ 1,000.00
4388A	TDM Luxury Cruise Trust 07 Contract Certificates 10% Due 9/1/11	\$ 9,250.00	\$ 925.00
4601A	FEIN Secured Senior Notes	\$ 32,198.37	\$ 3,220.00
5402A	FEIN 10.25% Secured Junior Notes Due 01/30/2009	\$ 10,000.00	\$ 1,000.00
5405A	FIIN Secured Senior Subordinated Notes Due 12/15/2008	\$ 15,000.00	\$ 1,500.00
5406A	Firstline Trust 07 9.25% Senior Contract Certificates Due 09/01/10	\$ 22,120.90	\$ 2,212.00
5407A	McGinn, Smith Firstline Funding, LLC	\$ 3,000.00	\$ 300.00
5416A	FAIN Secured Senior Subordinated Notes	\$ 25,000.00	\$ 2,500.00
5417A	TAIN Secured Senior Subordinated Notes 7.75% Due 12/15/2009	\$ 15,000.00	\$ 1,500.00
5419A	Seton Hall Mortgage Note Holders	\$ 17,261.89	\$ 1,726.00
5421A	FAIN Secured Senior Notes	\$ 22,998.83	\$ 2,300.00
5422A	TAIN Secured Senior Notes	\$ 22,733.21	\$ 2,273.00

<i>Claim #</i>	<i>Description of Investment</i>	<i>Amount of Investment (100%)</i>	<i>Amount of First Distribution</i>
5423A	TDM Luxury Cruise Trust 07 Contract Certificates 10% Due 9/1/11	\$ 9,250.00	\$ 925.00
5424A	TDM Verifier Trust 08 Contract Certificate 36	\$ 10,000.00	\$ 1,000.00
5425A	Seton Hall Mortgage Note Holders	\$ 9,493.77	\$ 949.00
5426A	TDM Luxury Cruise Trust 07 Contract Certificates 10% Due 9/1/11	\$ 9,250.00	\$ 925.00
5427A	Seton Hall Mortgage Note Holders	\$ 10,356.85	\$ 1,036.00
5432A	Fortress Trust 08	\$ 39,822.21	\$ 3,982.00
5433A	TDM Verifier Trust 09 10% Contract Certificates Due 12/31/11	\$ 9,023.75	\$ 902.00
5434A	FIIN Secured Senior Notes	\$ 22,733.21	\$ 2,273.00
5435A	FIIN Secured Senior Subordinated Notes Due 12/15/2008	\$ 10,000.00	\$ 1,000.00
5436A	TAIN Secured Senior Subordinated Notes 7.75% Due 12/15/2009	\$ 30,000.00	\$ 3,000.00
5437A	TDM Verifier Trust 07R Contract Certificates	\$ 15,000.00	\$ 1,500.00
5440A	Firstline Trust 07 B Senior Contract Certificates 9.50% Due 10/01/11	\$ 24,830.34	\$ 2,483.00
5441A	TDMM Cable Jr Trust 09 11%	\$ 10,000.00	\$ 1,000.00
5443A	TAIN Secured Junior Notes Due 12/15/2009	\$329,000.00	\$32,900.00
5448A	FEIN 10.25% Secured Junior Notes Due 01/30/2009	\$125,000.00	\$12,500.00
5449A	FEIN Secured Senior Subordinated Notes Due 01/30/2009	\$125,000.00	\$12,500.00
5450A	TAIN Secured Junior Notes Due 12/15/2009	\$ 50,000.00	\$ 5,000.00
5451A	FEIN Secured Senior Notes	\$ 36,798.14	\$ 3,680.00
5453A	TDMM Cable Sr Trust 09 9%	\$ 7,793.26	\$ 779.00
5454A	FIIN 10.25% Secured Junior Notes Due 12/15/2008	\$ 25,000.00	\$ 2,500.00
5503A	McGinn Smith Firstline Funding, LLC	\$ 7,500.00	\$ 750.00
5656A	FIIN 10.25% Secured Junior Notes Due 12/15/2008	\$ 90,000.00	\$ 9,000.00
5657A	TAIN Secured Junior Notes Due 12/15/2009	\$100,000.00	\$10,000.00
5661A	Firstline Trust 07 9.25% Senior Contract Certificates Due 09/01/10	\$ 11,060.45	\$ 1,106.00
5662A	TAIN Secured Junior Notes Due 12/15/2009	\$ 25,000.00	\$ 2,500.00

<i>Claim #</i>	<i>Description of Investment</i>	<i>Amount of Investment (100%)</i>	<i>Amount of First Distribution</i>
5666A	Seton Hall Mortgage Note Holders	\$ 8,630.83	\$ 863.00
5667A	FEIN 10.25% Secured Junior Notes Due 01/30/2009	\$ 40,000.00	\$ 4,000.00
5668A	FIIN Secured Senior Notes	\$ 36,373.14	\$ 3,637.00
5669A	TAIN Secured Junior Notes Due 12/15/2009	\$ 40,000.00	\$ 4,000.00
5670A	TAIN Secured Senior Notes	\$ 9,093.29	\$ 909.00
5671A	FAIN Secured Senior Notes	\$ 22,998.83	\$ 2,300.00
5705A	FAIN 10.25% Secured Junior Notes Due 11/15/2010	\$ 25,000.00	\$ 2,500.00
5709A	TAIN Secured Junior Notes Due 12/15/2009	\$ 47,000.00	\$ 4,700.00
5710A	TAIN Secured Junior Notes Due 12/15/2009	\$ 47,000.00	\$ 4,700.00
5713A	FEIN 10.25% Secured Junior Notes Due 01/30/2009	\$ 40,000.00	\$ 4,000.00
5714A	FIIN 10.25% Secured Junior Notes Due 12/15/2008	\$ 30,000.00	\$ 3,000.00
5715A	McGinn, Smith Firstline Funding LLC	\$ 5,000.00	\$ 5,000.00
5716A	Firstline Trust 07 B Senior Contract Certificates 9.50% Due 10/01/11	\$ 20,691.95	\$ 2,069.00
5852A	Seton Hall Mortgage Note Holders	\$ 2,156.45	\$ 216.00
6108A	FIIN 10.25% Secured Junior Notes Due 12/15/2008	\$ 50,000.00	\$ 5,000.00
6109A	TAIN Secured Senior Notes	\$ 90,932.86	\$ 9,093.00