

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 SIXTH PAYMENT SCHEDULE  
OF FIRST INVESTOR DISTRIBUTION**

PLEASE TAKE NOTICE that on July 21, 2017, William J. Brown, as Receiver, filed the attached McGinn, Smith & Co. Inc. - Sixth 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: July 21, 2017

PHILLIPS LYTTLE LLP

By /s/ William J. Brown  
William J. Brown (Bar Roll #601330)  
Attorneys for Receiver  
Omni Plaza  
30 South Pearl Street  
Albany, New York 12207  
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and

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125 Main Street  
Buffalo, New York 14203  
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Doc #01-3037018.6

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

July 21, 2017

<i>Claim #</i>	<i>Description of Investment</i>	<i>Amount of Investment (100%)</i>	<i>Amount of First Distribution</i>
4121A	Firstline Trust 07 B Senior Contract Certificates 9.50% Due 10/01/2011	\$ 8,276.78	\$ 828.00
4122A	TDM Cable Trust 06 9.25% 48 Months Contract Certificates 11/15/2010	\$ 20,000.00	\$ 2,000.00
4546A	FAIN 10.25% Secured Junior Notes Due 11/15/2010	\$ 13,000.00	\$ 1,300.00
4564A	FAIN Secured Senior Subordinated Notes	\$ 40,000.00	\$ 4,000.00
4565A	FEIN Secured Senior Notes	\$ 13,799.30	\$ 1,380.00
4566A	TAIN Secured Senior Notes	\$ 9,093.29	\$ 909.00
4567A	TAIN Secured Senior Notes	\$ 36,373.14	\$ 3,637.00
4568A	FEIN Secured Senior Notes	\$ 91,995.36	\$ 9,200.00
4675A	FIIN 10.25% Secured Junior Notes Due 12/15/2008	\$ 200,000.00	\$ 20,000.00
4701A	FAIN 10.25% Secured Junior Notes Due 11/15/2010	\$ 25,000.00	\$ 2,500.00
4702A	FIIN 10.25% Secured Junior Notes Due 12/15/2008	\$ 10,000.00	\$ 1,000.00
4703A	FIIN 10.25% Secured Junior Notes Due 12/15/2008	\$ 25,000.00	\$ 2,500.00
4704A	TAIN Secured Junior Notes Due 12/15/2009	\$ 40,000.00	\$ 4,000.00
4705A	TDM Luxury Cruise Trust 07 Contract Certificates 10% Due 09/01/2011	\$ 23,125.00	\$ 2,313.00
5003A	FAIN 10.25% Secured Junior Notes Due 11/15/2010	\$ 25,000.00	\$ 2,500.00
5004A	FEIN 10.25% Secured Junior Notes Due 01/30/2009	\$ 25,000.00	\$ 2,500.00
5005A	TDM Cable Trust 06 9.25% 48 Months Contract Certificates 11/15/2010	\$ 10,000.00	\$ 1,000.00
5146A	TAIN Secured Junior Notes Due 12/15/2009	\$ 10,000.00	\$ 1,000.00
5163A	Firstline Trust 07 B Junior Contract Certificates 11% Due 10/01/2012	\$ 15,871.38	\$ 1,587.00
5164A	Fortress Trust 08	\$ 15,928.88	\$ 1,593.00
5165A	McGinn, Smith Transaction Funding Corp.	\$ 25,000.00	\$ 2,500.00
5166A	McGinn, Smith Transaction Funding Corp.	\$ 25,000.00	\$ 2,500.00
5167A	TDM Cable Trust 06 10% Contract Certificates Due 11/15/2010	\$ 20,000.00	\$ 2,000.00
5168A	TDM Verifier Trust 08 Contract Certificate 36	\$ 10,000.00	\$ 1,000.00
5169A	TDM Verifier Trust 08 Contract Certificate 36	\$ 20,000.00	\$ 2,000.00
5170A	TDM Verifier Trust 09 10% Contract Certificates Due 12/31/2011	\$ 18,047.50	\$ 1,805.00
5173P	FEIN Secured Senior Subordinated Notes Due 01/30/2009	\$ 25,000.00	\$ 2,500.00
5174P	Fortress Trust 08	\$ 31,857.76	\$ 3,186.00
5178A	TAIN Secured Senior Subordinated Notes 7.75% Due 12/15/2009	\$ 53,000.00	\$ 5,300.00
5184A	Firstline Trust 07 B Senior Contract Certificates 9.50% Due 10/01/2011	\$ 8,276.78	\$ 828.00
5183A	TAIN Secured Senior Subordinated Notes 7.75% Due 12/15/2009	\$ 25,000.00	\$ 2,500.00
5185A	FAIN Secured Senior Subordinated Notes	\$ 10,000.00	\$ 1,000.00
5186A	FEIN Secured Senior Subordinated Notes Due 01/30/2009	\$ 50,000.00	\$ 5,000.00
5187A	FEIN 10.25% Secured Junior Notes Due 01/30/2009	\$ 50,000.00	\$ 5,000.00
5193A	Seton Hall Mortgage Note Holders	\$ 4,315.39	\$ 432.00
5194A	Seton Hall Mortgage Note Holders	\$ 8,630.83	\$ 863.00
5203A	FEIN Secured Senior Notes	\$ 22,998.83	\$ 2,300.00
5227A	FIIN 10.25% Secured Junior Notes Due 12/15/2008	\$ 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>
5235A	TDM Verifier Trust 07RContract Certificates	\$ 20,000.00	\$ 2,000.00
5236A	TDMM Cable Sr Trust 09 9%	\$ 7,793.26	\$ 779.00
5237A	TAIN Secured Senior Notes	\$ 272,798.58	\$ 27,280.00
5250A	FIIN 10.25% Secured Junior Notes Due 12/15/2008	\$ 60,000.00	\$ 6,000.00
5255A	FAIN 10.25% Secured Junior Notes Due 11/15/2010	\$ 100,000.00	\$ 10,000.00
5256A	FEIN 10.25% Secured Junior Notes Due 01/30/2009	\$ 25,000.00	\$ 2,500.00
5257A	Fortress Trust 08	\$ 39,822.21	\$ 3,982.00
5258A	TDM Cable Trust 06 9.25% 48 Months Contract Certificates 11/15/2010	\$ 60,000.00	\$ 6,000.00
5259A	TDM Luxury Cruise Trust 07 Contract Certificates 10% Due 09/01/2011	\$ 46,250.00	\$ 4,625.00
5260A	TDMM Benchmark Trust 09 12%	\$ 60,000.00	\$ 6,000.00
5261A	TDMM Cable Jr Trust 09 11%	\$ 25,000.00	\$ 2,500.00
5269A	TAIN Secured Senior Notes	\$ 18,186.57	\$ 1,819.00
5270A	TAIN Secured Senior Notes	\$ 45,466.43	\$ 4,547.00
5271A	TAIN Secured Senior Notes	\$ 45,466.43	\$ 4,547.00
5291A	FEIN 10.25% Secured Junior Notes Due 01/30/2009	\$ 25,000.00	\$ 2,500.00
5293A	TAIN Secured Senior Notes	\$ 40,919.79	\$ 4,092.00
5294A	TAIN Secured Senior Subordinated Notes 7.75% Due 12/15/2009	\$ 40,000.00	\$ 4,000.00
5304A	Fortress Trust 08	\$ 19,911.10	\$ 1,991.00
5306A	FAIN Secured Senior Subordinated Notes	\$ 25,000.00	\$ 2,500.00
5307A	TAIN Secured Senior Notes	\$ 22,733.21	\$ 2,273.00
5308A	FEIN Secured Senior Notes	\$ 20,698.96	\$ 2,070.00
5309A	TAIN Secured Senior Notes	\$ 9,093.29	\$ 909.00
5333A	FEIN Secured Senior Subordinated Notes Due 01/30/2009	\$ 25,000.00	\$ 2,500.00
5334A	FEIN Secured Senior Subordinated Notes Due 01/30/2009	\$ 60,000.00	\$ 6,000.00
5336A	Seton Hall Mortgage Note Holders	\$ 4,315.39	\$ 432.00
5338A	Seton Hall Mortgage Note Holders	\$ 8,630.83	\$ 863.00
5344A	Seton Hall Mortgage Note Holders	\$ 6,041.46	\$ 604.00
5345A	Cruise Charter Ventures, LLC	\$ 50,000.00	\$ 5,000.00
5346A	TDM Verifier Trust 07RContract Certificates	\$ 50,000.00	\$ 5,000.00
5347A	TDM Verifier Trust 07RContract Certificates	\$ 75,000.00	\$ 7,500.00
5348A	TDMM Cable Jr Trust 09 11%	\$ 25,000.00	\$ 2,500.00
5349A	TDMM Cable Sr Trust 09 9%	\$ 19,483.15	\$ 1,948.00
5361A	FAIN 10.25% Secured Junior Notes Due 11/15/2010	\$ 25,000.00	\$ 2,500.00
5362A	FIIN Secured Senior Notes	\$ 27,279.86	\$ 2,728.00
5369A	FEIN 10.25% Secured Junior Notes Due 01/30/2009	\$ 50,000.00	\$ 5,000.00
5370A	TAIN Secured Junior Notes Due 12/15/2009	\$ 60,000.00	\$ 6,000.00
5371A	TAIN Secured Junior Notes Due 12/15/2009	\$ 100,000.00	\$ 10,000.00
5377A	FEIN 10.25% Secured Junior Notes Due 01/30/2009	\$ 50,000.00	\$ 5,000.00
5381A	FAIN 10.25% Secured Junior Notes Due 11/15/2010	\$ 140,000.00	\$ 14,000.00
5382A	Firstline Trust 07 B Junior Contract Certificates 11% Due 10/01/2012	\$ 19,839.22	\$ 1,984.00
5387A	TDMM Benchmark Trust 09 08%	\$ 30,000.00	\$ 3,000.00
5388A	TDMM Benchmark Trust 09 10%	\$ 30,000.00	\$ 3,000.00

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5389A	TDMM Benchmark Trust 09 11%	\$ 30,000.00	\$ 3,000.00
5390A	TDMM Benchmark Trust 09 12%	\$ 30,000.00	\$ 3,000.00
5391A	TDMM Benchmark Trust 09 09%	\$ 30,000.00	\$ 3,000.00
5392A	TDMM Cable Sr Trust 09 9%	\$ 38,966.30	\$ 3,897.00
5393A	TDMM Cable Sr Trust 09 9%	\$ 38,966.30	\$ 3,897.00
5463A	FAIN 10.25% Secured Junior Notes Due 11/15/2010	\$ 40,000.00	\$ 4,000.00
5510A	Seton Hall Mortgage Note Holders	\$ 6,041.46	\$ 604.00
5516A	TAIN Secured Junior Notes Due 12/15/2009	\$ 25,000.00	\$ 2,500.00
5518A	Pacific Trust	\$ 19,783.28	\$ 1,978.00
5707A	FIIN 10.25% Secured Junior Notes Due 12/15/2008	\$ 75,000.00	\$ 7,500.00
5708A	TAIN Secured Junior Notes Due 12/15/2009	\$ 107,000.00	\$ 10,700.00
5866A	TAIN Secured Junior Notes Due 12/15/2009	\$ 6,000.00	\$ 600.00
5867A	TAIN Secured Junior Notes Due 12/15/2009	\$ 40,000.00	\$ 4,000.00
5919A	Firstline Trust 07 9.25% Senior Contract Certificates Due 09/01/2010	\$ 44,241.80	\$ 4,424.00
5920A	TDM Verifier Trust 08RContract Certificate 9%	\$ 30,000.00	\$ 3,000.00
6042A	Firstline Trust 07 B Junior Contract Certificates 11% Due 10/01/2012	\$ 19,839.22	\$ 1,984.00
6043A	Fortress Trust 08	\$ 39,822.21	\$ 3,982.00
6044A	TDM Cable Trust 06 10% Contract Certificates Due 11/15/2010	\$ 20,000.00	\$ 2,000.00
6065A	TAIN Secured Senior Subordinated Notes 7.75% Due 12/15/2009	\$ 10,000.00	\$ 1,000.00
6066A	TAIN Secured Senior Subordinated Notes 7.75% Due 12/15/2009	\$ 40,000.00	\$ 4,000.00
6069A	FIIN Secured Senior Subordinated Notes Due 12/15/2008	\$ 15,000.00	\$ 1,500.00
6070A	TAIN Secured Senior Subordinated Notes 7.75% Due 12/15/2009	\$ 10,000.00	\$ 1,000.00
6071A	TDM Cable Trust 06 10% Contract Certificates Due 11/15/2010	\$ 20,000.00	\$ 2,000.00
6090A	TAIN Secured Senior Notes	\$ 22,733.21	\$ 2,273.00
6093A	Seton Hall Mortgage Note Holders	\$ 4,315.39	\$ 432.00
6114A	TDM Verifier Trust 08RContract Certificate 9%	\$ 15,000.00	\$ 1,500.00
6115A	TDMM Cable Jr Trust 09 11%	\$ 20,000.00	\$ 2,000.00
6116A	TDMM Cable Jr Trust 09 11%	\$ 20,000.00	\$ 2,000.00
6119A	FEIN 10.25% Secured Junior Notes Due 01/30/2009	\$ 50,000.00	\$ 5,000.00
6117A	FEIN 10.25% Secured Junior Notes Due 01/30/2009	\$ 50,000.00	\$ 5,000.00
6118A	FEIN 10.25% Secured Junior Notes Due 01/30/2009	\$ 50,000.00	\$ 5,000.00
6138A	FAIN 10.25% Secured Junior Notes Due 11/15/2010	\$ 25,000.00	\$ 2,500.00
6139A	FAIN Secured Senior Subordinated Notes	\$ 25,000.00	\$ 2,500.00
6140A	TAIN Secured Junior Notes Due 12/15/2009	\$ 33,000.00	\$ 3,300.00
6141A	TDM Cable Trust 06 10% Contract Certificates Due 11/15/2010	\$ 25,000.00	\$ 2,500.00
6142A	TDM Cable Trust 06 9.25% 48 Months Contract Certificates 11/15/2010	\$ 25,000.00	\$ 2,500.00
6144A	Seton Hall Mortgage Note Holders	\$ 5,178.41	\$ 518.00
6145A	Seton Hall Mortgage Note Holders	\$ 4,315.39	\$ 432.00
6146A	Fortress Trust 08	\$ 159,288.82	\$ 15,929.00
6147A	TDM Verifier Trust 0910% Contract Certificates Due 12/31/2011	\$ 72,190.00	\$ 7,219.00
6148A	TDMM Benchmark Trust 09 12%	\$ 100,000.00	\$ 10,000.00
6149A	TDMM Cable Jr Trust 09 11%	\$ 45,000.00	\$ 4,500.00

<i>Claim #</i>	<i>Description of Investment</i>	<i>Amount of Investment (100%)</i>	<i>Amount of First Distribution</i>
6150A	TDMM Cable Sr Trust 09 9%	\$ 35,069.67	\$ 3,507.00
6151A	Fortress Trust 08	\$ 159,288.82	\$ 15,929.00
6152A	TDM Cable Trust 06 9.25% 48 Months Contract Certificates 11/15/2010	\$ 25,000.00	\$ 2,500.00
6153A	TDM Verifier Trust 08RContract Certificate 9%	\$ 25,000.00	\$ 2,500.00
6154A	TDM Verifier Trust 0910% Contract Certificates Due 12/31/2011	\$ 90,237.50	\$ 9,024.00
6155A	TDMM Benchmark Trust 09 12%	\$ 100,000.00	\$ 10,000.00
6156A	TDMM Cable Jr Trust 09 11%	\$ 45,000.00	\$ 4,500.00
6157A	TDMM Cable Sr Trust 09 9%	\$ 35,069.67	\$ 3,507.00
6158A	TDM Cable Trust 06 10% Contract Certificates Due 11/15/2010	\$ 10,000.00	\$ 1,000.00
6159A	FEIN Secured Senior Subordinated Notes Due 01/30/2009	\$ 25,000.00	\$ 2,500.00
6166A	TDMM Cable Jr Trust 09 11%	\$ 10,000.00	\$ 1,000.00
6167A	FIIN Secured Senior Subordinated Notes Due 12/15/2008	\$ 25,000.00	\$ 2,500.00
6190A	FAIN Secured Senior Subordinated Notes	\$ 25,000.00	\$ 2,500.00
6191A	TDM Verifier Trust 08 Contract Certificate 36	\$ 25,000.00	\$ 2,500.00
6212A	TAIN Secured Senior Subordinated Notes 7.75% Due 12/15/2009	\$ 25,000.00	\$ 2,500.00
6227A	FAIN Secured Senior Subordinated Notes	\$ 10,000.00	\$ 1,000.00
6228A	TAIN Secured Junior Notes Due 12/15/2009	\$ 10,000.00	\$ 1,000.00
6229A	TAIN Secured Junior Notes Due 12/15/2009	\$ 20,000.00	\$ 2,000.00
6230A	TAIN Secured Senior Subordinated Notes 7.75% Due 12/15/2009	\$ 15,000.00	\$ 1,500.00
6231A	FEIN 10.25% Secured Junior Notes Due 01/30/2009	\$ 15,000.00	\$ 1,500.00
6247A	TAIN Secured Senior Notes	\$ 22,733.21	\$ 2,273.00
6248A	TAIN Secured Senior Notes	\$ 68,199.64	\$ 6,820.00
6249A	TAIN Secured Senior Subordinated Notes 7.75% Due 12/15/2009	\$ 50,000.00	\$ 5,000.00
6253A	FAIN Secured Senior Subordinated Notes	\$ 25,000.00	\$ 2,500.00
6254A	TDM Verifier Trust 08 Contract Certificate 36	\$ 25,000.00	\$ 2,500.00
6252A	TAIN Secured Junior Notes Due 12/15/2009	\$ 15,000.00	\$ 1,500.00
6257A	FEIN 10.25% Secured Junior Notes Due 01/30/2009	\$ 45,000.00	\$ 4,500.00
6258A	FIIN Secured Senior Subordinated Notes Due 12/15/2008	\$ 30,000.00	\$ 3,000.00
6261A	FIIN 10.25% Secured Junior Notes Due 12/15/2008	\$ 26,000.00	\$ 2,600.00
6262A	TAIN Secured Junior Notes Due 12/15/2009	\$ 30,000.00	\$ 3,000.00
6263A	TDMM Benchmark Trust 09 11%	\$ 15,000.00	\$ 1,500.00
6260A	TDMM Cable Jr Trust 09 11%	\$ 10,000.00	\$ 1,000.00
6264A	FEIN 10.25% Secured Junior Notes Due 01/30/2009	\$ 25,000.00	\$ 2,500.00
6308A	McGinn, Smith Transaction Funding Corp.	\$ 40,000.00	\$ 4,000.00
6309A	Integrated Excellence Jr Trust 08	\$ 19,317.92	\$ 1,932.00
6310A	McGinn, Smith Transaction Funding Corp.	\$ 25,000.00	\$ 2,500.00
6311A	McGinn, Smith Transaction Funding Corp.	\$ 30,000.00	\$ 3,000.00
6547A	TAIN Secured Junior Notes Due 12/15/2009	\$ 75,000.00	\$ 7,500.00
6548A	TAIN Secured Junior Notes Due 12/15/2009	\$ 400,000.00	\$ 40,000.00
6549A	TAIN Secured Senior Subordinated Notes 7.75% Due 12/15/2009	\$ 400,000.00	\$ 40,000.00
6550A	FEIN 10.25% Secured Junior Notes Due 01/30/2009	\$ 20,000.00	\$ 2,000.00
6551A	FEIN 10.25% Secured Junior Notes Due 01/30/2009	\$ 20,000.00	\$ 2,000.00

<i>Claim #</i>	<i>Description of Investment</i>	<i>Amount of Investment (100%)</i>	<i>Amount of First Distribution</i>
6552A	FEIN 10.25% Secured Junior Notes Due 01/30/2009	\$ 30,000.00	\$ 3,000.00
6553A	FEIN 10.25% Secured Junior Notes Due 01/30/2009	\$ 40,000.00	\$ 4,000.00
6554A	FEIN Secured Senior Subordinated Notes Due 01/30/2009	\$ 40,000.00	\$ 4,000.00
6555A	FIIN Secured Senior Subordinated Notes Due 12/15/2008	\$ 60,000.00	\$ 6,000.00
6560A	FEIN Secured Senior Subordinated Notes Due 01/30/2009	\$ 25,000.00	\$ 2,500.00
6561A	TAIN Secured Senior Subordinated Notes 7.75% Due 12/15/2009	\$ 25,000.00	\$ 2,500.00
6562A	McGinn, Smith Transaction Funding Corp.	\$ 2,500,000.00	\$250,000.00
6263A	McGinn, Smith Funding, LLC	\$ 100,000.00	\$ 10,000.00
6567A	FAIN Secured Senior Subordinated Notes	\$ 10,000.00	\$ 1,000.00
6568A	FIIN Secured Senior Notes	\$ 31,826.50	\$ 3,183.00
6569A	TDMM Cable Sr. Trust 09 9%	\$ 77,932.60	\$ 7,793.00
6570A	FEIN Secured Senior Notes	\$ 4,599.76	\$ 460.00
6571A	FEIN Secured Senior Notes	\$ 13,799.30	\$ 1,380.00
6582A	Firstline Trust 07 9.25% Senior Contract Certificates Due 09/01/2010	\$ 11,060.45	\$ 1,106.00
6592A	Firstline Trust 07 B Junior Contract Certificates 11% Due 10/01/2012	\$ 19,839.22	\$ 1,984.00
6593A	TAIN Secured Junior Notes Due 12/15/2009	\$ 20,000.00	\$ 2,000.00
6594A	TAIN Secured Junior Notes Due 12/15/2009	\$ 20,000.00	\$ 2,000.00
6595A	TAIN Secured Junior Notes Due 12/15/2009	\$ 20,000.00	\$ 2,000.00
6596A	TDM Luxury Cruise Trust 07 Contract Certificates 10% Due 09/01/2011	\$ 18,500.00	\$ 1,850.00
6597A	FAIN 10.25% Secured Junior Notes Due 11/15/2010	\$ 25,000.00	\$ 2,500.00
6598A	TAIN Secured Junior Notes Due 12/15/2009	\$ 25,000.00	\$ 2,500.00
6626A	Seton Hall Mortgage Note Holders	\$ 8,630.83	\$ 863.00