

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 TENTH PAYMENT SCHEDULE  
OF FIRST INVESTOR DISTRIBUTION**

PLEASE TAKE NOTICE that on August 25, 2017, William J. Brown, as Receiver, filed the attached McGinn, Smith & Co. Inc. - Tenth 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: August 25, 2017

PHILLIPS LYTTLE LLP

By /s/ William J. Brown  
William J. Brown (Bar Roll #601330)  
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and

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Doc #01-3037018.10

August 25, 2017

<i>Claim #</i>	<i>Description of Investment</i>	<i>Amount of Investment (100%)</i>	<i>Amount of First Distribution</i>
4219A	FIIN 10.25% Secured Junior Notes Due 12/15/2008	\$ 25,000.00	\$ 2,500.00
4445A	FEIN 10.25% Secured Junior Notes Due 01/30/2009	\$ 55,500.00	\$ 5,500.00
5018A	TAIN Secured Junior Notes Due 12/15/2009	\$ 200,000.00	\$ 2,000.00
5019A	TAIN Secured Junior Notes Due 12/15/2009	\$ 300,000.00	\$ 3,000.00
5162A	TDM Verifier Trust 07R Contract Certificates	\$ 10,000.00	\$ 1,000.00
5324A	FAIN 10.25% Secured Junior Notes Due 11/15/2010	\$ 25,000.00	\$ 2,500.00
5325A	TDM Luxury Cruise Trust 07 Contract Certificates 10% Due 9/1/11	\$ 23,125.00	\$ 2,313.00
5455A	Fortress Trust 08	\$ 15,928.88	\$ 1,593.00
5456A	TAIN Secured Junior Notes Due 12/15/2009	\$ 10,000.00	\$ 1,000.00
5457A	TAIN Secured Junior Notes Due 12/15/2009	\$ 50,000.00	\$ 5,000.00
5458A	Fortress Trust 08	\$ 39,822.21	\$ 3,982.00
5459A	TAIN Secured Junior Notes Due 12/15/2009	\$ 20,000.00	\$ 2,000.00
5460A	TAIN Secured Junior Notes Due 12/15/2009	\$ 50,000.00	\$ 5,000.00
5461A	TDM Luxury Cruise Trust 07 Contract Certificates 10% Due 9/1/11	\$ 92,500.00	\$ 9,250.00
5462A	Firstline Trust 07 11% Junior Contract Certificates Due 05/01/12	\$ 89,771.00	\$ 8,977.00
5845A	FAIN Secured Senior Notes	\$ 59,796.98	\$ 5,980.00
5846A	FEIN Secured Senior Subordinated Notes Due 01/30/2009	\$ 30,000.00	\$ 3,000.00
5847P	FIIN Secured Senior Notes	\$ 13,175.35	\$ 1,318.00
5848P	FIIN Secured Senior Notes	\$ 31,228.58	\$ 3,123.00
6359A	FAIN 10.25% Secured Junior Notes Due 11/15/2010	\$ 100,000.00	\$ 10,000.00
6360A	FEIN 10.25 Secured Junior Notes Due 01/30/2009	\$ 30,000.00	\$ 3,000.00
6361A	Fortress Trust 08	\$ 7,964.44	\$ 796.00
6362A	TDM Cable Trust 06 9.25% 48 Months Contract Certificates 11/15/10	\$ 75,000.00	\$ 7,500.00
6363A	TDM Verifier Trust 08 Contract Certificate 36	\$ 10,000.00	\$ 1,000.00
6371A	TDM Luxury Cruise Trust 07 Contract Certificates 10% Due 9/1/11	\$ 13,875.00	\$ 1,388.00
6372A	Firstline Trust 07B Senior Contract Certificates 9.50% Due 10/01/11	\$ 20,691.95	\$ 2,069.00
6373A	TDM Verifier Trust 11 Contract Certificates 9%	\$ 23,849.63	\$ 2,385.00
6374A	TDMM Cable Jr Trust 09 11%	\$ 25,000.00	\$ 2,500.00
6461A	TDMM Cable Jr Trust 09 11%	\$ 20,000.00	\$ 2,000.00
6393A	FEIN 10.25% Secured Junior Notes Due 01/30/2009	\$ 25,000.00	\$ 2,500.00
6394A	FEIN Secured Senior Subordinated Notes Due 01/30/2009	\$ 25,000.00	\$ 2,500.00
6395A	FIIN Secured Senior Subordinated Notes Due 12/15/2008	\$ 25,000.00	\$ 2,500.00
6628A	Firstline Trust 07B Senior Contract Certificates 9.50% Due 10/01/11	\$ 33,107.12	\$ 3,311.00
6629A	TDM Verifier Trust 08 Contract Certificate 36	\$ 35,000.00	\$ 3,500.00
6650A	Seton Hall Mortgage Note Holders	\$ 2,156.45	\$ 216.00