

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 TWENTY-THIRD PAYMENT SCHEDULE  
OF FIRST INVESTOR DISTRIBUTION**

PLEASE TAKE NOTICE that on January 26, 2018, William J. Brown, as Receiver, filed the attached McGinn, Smith & Co. Inc. - Twenty-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. 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: January 26, 2018

PHILLIPS LYTTLE LLP

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

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Doc #01-3037018.23

January 26, 2018

<i>Claim #</i>	<i>Description of Investment</i>	<i>Amount of Investment (100%)</i>	<i>Amount of First Distribution</i>
4645A	TAIN Secured Junior Notes Due 12/15/2009	\$ 75,000.00	\$ 7,500.00
5062A	TAIN Secured Senior Subordinated Notes 7.75% Due 12/15/2009	\$ 20,000.00	\$ 2,000.00
4970A	FIIN Secured Senior Subordinated Notes Due 12/15/2008	\$ 5,000.00	\$ 500.00
4971A	FIIN Secured Senior Subordinated Notes Due 12/15/2008	\$ 20,000.00	\$ 2,000.00
4972A	TAIN Secured Senior Subordinated Notes 7.75% Due 12/15/2009	\$ 10,000.00	\$ 1,000.00
5088A	FIIN 10.25% Secured Junior Notes Due 12/15/2008	\$ 50,000.00	\$ 5,000.00
5089A	TAIN Secured Junior Notes Due 12/15/2009	\$ 100,000.00	\$ 10,000.00
5196P	Fortress Trust 08	\$ 159,288.82	\$ 15,929.00
5197P	McGinn, Smith Transaction Funding Corp.	\$ 200,000.00	\$ 20,000.00
5198P	TDM Cable Trust 06 10% Contract Certificates Due 11/15/10	\$ 100,000.00	\$ 10,000.00
5199P	TDM Verifier Trust 07R Contract Certificates	\$ 100,000.00	\$ 10,000.00
5200P	TDMM Benchmark Trust 09 12%	\$ 100,000.00	\$ 10,000.00
6687A	FAIN Secured Senior Subordinated Notes	\$ 20,000.00	\$ 2,000.00
6688A	FIIN Secured Senior Subordinated Notes Due 12/15/2008	\$ 45,000.00	\$ 4,500.00
5438A	FIIN Secured Senior Subordinated Notes Due 12/15/2008	\$ 115,000.00	\$ 11,500.00
5439A	TAIN Secured Junior Notes Due 12/15/2009	\$ 30,000.00	\$ 3,000.00
5691A	Cruise Charter Ventures, LLC	\$ 75,000.00	\$ 7,500.00
5693A	TDMM Benchmark Trust 09 12%	\$ 100,000.00	\$ 10,000.00
5694A	TDMM Cable Funding LLC	\$ 79,508.05	\$ 7,950.80
5695A	McGinn, Smith Funding, LLC	\$ 190,000.00	\$ 19,000.00
5696A	TDMM Benchmark Trust 09 10%	\$ 25,000.00	\$ 2,500.00
5697A	TDMM Benchmark Trust 09 11%	\$ 25,000.00	\$ 2,500.00
5698A	TDMM Benchmark Trust 09 12%	\$ 25,000.00	\$ 2,500.00
5699A	TDMM Benchmark Trust 09 9%	\$ 25,000.00	\$ 2,500.00

January 26, 2018

<i>Claim #</i>	<i>Description of Investment</i>	<i>Amount of Investment (100%)</i>	<i>Amount of First Distribution</i>
5702A	TDMM Benchmark Trust 09 12%	\$ 25,000.00	\$ 2,500.00
5704A	McGinn, Smith Funding, LLC	\$ 100,000.00	\$ 9,000.00
5703A	TDMM Cable Funding, LLC	\$ 100,000.00	\$ 10,000.00
5871A	FEIN 10.25% Secured Junior Notes Due 01/30/2009	\$ 25,000.00	\$ 2,500.00
5873A	TDM Luxury Cruise Trust 07 Contract Certificates 10% Due 9/1/11	\$ 9,250.00	\$ 925.00
6206A	FEIN 10.25% Secured Junior Notes Due 01/30/2009	\$ 5,000.00	\$ 500.00
6207A	FEIN 10.25% Secured Junior Notes Due 01/30/2009	\$ 15,000.00	\$ 1,500.00
6208A	TAIN Secured Junior Notes Due 12/15/2009	\$ 45,000.00	\$ 4,500.00
6209A	Seton Hall Mortgage Note Holders	\$ 6,041.46	\$ 604.00
6276A	FIIN Secured Senior Subordinated Notes Due 12/15/2008	\$ 250,000.00	\$ 25,000.00
6277A	Firstline Trust 07B Senior Contract Certificates 9.50% Due 10/01/11	\$ 8,276.78	\$ 828.00
6278A	TAIN Secured Senior Subordinated Notes 7.75% Due 12/15/2009	\$ 30,000.00	\$ 3,000.00
6279A	FAIN Secured Senior Notes	\$ 68,996.51	\$ 6,900.00
6285A	Firstline Trust 07B Senior Contract Certificates 9.50% Due 10/01/11	\$ 16,553.56	\$ 1,655.00
6286A	TAIN Secured Senior Subordinated Notes 7.75% Due 12/15/2009	\$ 185,000.00	\$ 18,500.00
6572A	Seton Hall Mortgage Note Holders	\$ 17,261.59	\$ 1,726.00
6755A	FAIN 10.25% Secured Junior Notes Due 11/15/2010	\$ 25,000.00	\$ 2,500.00
6642A	FAIN 10.25% Secured Junior Notes Due 11/15/2010	\$ 18,000.00	\$ 1,800.00