

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

PLEASE TAKE NOTICE that on March 9, 2018, William J. Brown, as Receiver, filed the attached McGinn, Smith & Co. Inc. - Twenty-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: March 9, 2018

PHILLIPS LYTTLE LLP

By /s/ William J. Brown
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Doc #01-3037018.28

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

March 9, 2018

| <i>Claim #</i> | <i>Description of Investment</i> | <i>Amount of Investment (100%)</i> | <i>Amount of First Distribution*</i> |
|----------------|--|------------------------------------|--------------------------------------|
| 5110A | FAIN Secured Senior Notes | \$ 9,199.54 | See amount below |
| 5111A | FEIN 10.25% Secured Junior Notes Due 01/30/2009 | \$ 25,000.00 | See amount below |
| 5112A | FEIN 10.25% Secured Junior Notes Due 01/30/2009 | \$ 25,000.00 | See amount below |
| 5113A | FIIN 10.25% Secured Junior Notes Due 12/15/2008 | \$ 25,000.00 | See amount below |
| 5114A | TAIN Secured Junior Notes Due 12/15/2009 | \$ 40,000.00 | \$ 4,372.56 |
| 5886A | Fortress Trust 08 | \$ 7,964.44 | See amount below |
| 5887A | FAIN Secured Senior Notes | \$ 55,197.22 | See amount below |
| 5888A | FAIN Secured Senior Subordinated Notes | \$ 20,000.00 | See amount below |
| 5889A | FAIN Secured Senior Subordinated Notes | \$ 15,000.00 | See amount below |
| 5890A | FAIN Secured Senior Subordinated Notes | \$ 45,000.00 | See amount below |
| 5891A | Firstline Trust 07 9.25% Senior Contract Certificates Due 09/01/10 | \$ 11,060.45 | See amount below |
| 5892A | FAIN Secured Senior Notes | \$ 13,799.30 | \$ 1,465.69 |

Doc #01-3102767.1A

* 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.