

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

PLEASE TAKE NOTICE that on April 19, 2018, William J. Brown, as Receiver, filed the attached McGinn, Smith & Co. Inc. - Thirty-Third 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: April 19, 2018

PHILLIPS LYTTLE LLP

By /s/ William J. Brown  
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Doc #01-3037018.33

**McGinn Smith & Co. Inc. - Thirty-Third Payment Schedule of Investor Distributions (Collateral Recovery Investors)****April 19, 2018**

<i>Claim #</i>	<i>Description of Investment</i>	<i>Amount of Investment (100%)</i>	<i>Amount of First Distribution*</i>
6599A	FAIN 10.25% Secured Junior Notes Due 11/15/2010	\$ 30,000.00	See amount below
6600A	FEIN 10.25% Secured Junior Notes Due 01/30/2009	\$ 45,000.00	See amount below
6601A	FIIN 10.25% Secured Junior Notes Due 12/15/2008	\$ 106,000.00	See amount below
6602A	TAIN Secured Junior Notes Due 12/15/2009	\$ 56,000.00	(\$6,692.00);

Doc #01-3116164.1A

\* 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.