

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF NEW YORK

-----X
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. :

-----X

**NOTICE OF FILING OF THIRTY-SEVENTH PAYMENT SCHEDULE
OF FIRST INVESTOR DISTRIBUTION**

PLEASE TAKE NOTICE that on June 1, 2018, William J. Brown, as Receiver, filed the attached McGinn, Smith & Co. Inc. - Thirty-Seventh 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: June 1, 2018

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
Telephone No. (518) 472-1224

and

One Canalside
125 Main Street
Buffalo, New York 14203
Telephone No.: (716) 847-8400

Doc #01-3037018.37

June 1, 2018

<i>Claim #</i>	<i>Description of Investment</i>	<i>Amount of Investment (100%)</i>	<i>Amount of First Distribution</i>
4588A	TAIN Secured Junior Notes Due 12/15/2009	\$ 50,000.00	\$ 5,000.00
5177A	Seton Hall Mortgage Note Holders	\$ 17,261.59	\$ 1,726.00
6867A	Seton Hall Mortgage Note Holders	\$ 8,630.83	\$ 863.00
6868A	FIIN 10.25% Secured Junior Notes Due 12/15/2008	\$ 10,000.00	\$ 1,000.00
6869A	FIIN 10.25% Secured Junior Notes Due 12/15/2008	\$ 15,000.00	\$ 1,500.00
6870A	FIIN 10.25% Secured Junior Notes Due 12/15/2008	\$ 30,000.00	\$ 3,000.00

Doc #01-3125011.1A