

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 FORTY-SECOND PAYMENT SCHEDULE  
OF FIRST INVESTOR DISTRIBUTION**

PLEASE TAKE NOTICE that on December 7, 2018, William J. Brown, as Receiver,  
filed the attached McGinn, Smith & Co. Inc. - Forty-Second 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: December 7, 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 #01-3037018.42

**McGinn Smith & Co. Inc. - Forty-Second Payment Schedule of Investor Distributions**

**December 7, 2018**

<i>Claim #</i>	<i>Description of Investment</i>	<i>Amount of Investment (100%)</i>	<i>Amount of First Distribution</i>
5796A	Firstline Trust 07B Junior Contract Certificates 11% Due 10/01/12	\$ 7,935.69	\$ 794.00
5797A	Fortress Trust 08	\$ 7,964.44	\$ 796.00
5798A	McGinn, Smith Firstline Funding, LLC	\$ 1,500.00	\$ 150.00
5799A	McGinn, Smith Transaction Funding Corp.	\$ 25,000.00	\$ 2,500.00
5800A	TDM Cable Trust 06 10% Contract Certificates Due 11/15/10	\$ 10,000.00	\$ 1,000.00
5801A	TDM Verifier Trust 08 Contract Certificates 36	\$ 10,000.00	\$ 1,000.00
6045A	Seton Hall Mortgage Note Holders	\$ 43,154.02	\$ 4,315.00

Doc #01-3166745.1A