

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 SEVENTEENTH PAYMENT SCHEDULE
OF SECOND INVESTOR DISTRIBUTION
(Preferred/Collateral Recovery Investors)**

PLEASE TAKE NOTICE that on January 15, 2021, William J. Brown, as Receiver, filed the attached McGinn, Smith & Co. Inc. - Seventeenth Payment Schedule of Second Investor Distribution (Preferred/Collateral Recovery Investors), pursuant to the Approved Plan of Distribution of Estate Assets.

In accordance with the Plan, Payment Schedules of Second 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 second distribution to the holders of the listed claim numbers (who have received preferred recoveries and collateral recoveries), which amount has been rounded to the nearest whole dollar in accordance with Section 12 of the Plan.

Dated: January 15, 2021

PHILLIPS LYTTLE LLP

By /s/ Catherine N. Eisenhut
William J. Brown (Bar Roll #601330)
Catherine N. Eisenhut (Bar Roll #520849)
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 #9154014.18

PART A - PREFERENTIAL OFFSET

Claim #	Description of Investment	Amount of Investment (100%)	Remaining Specified Preferential Offset	Second Distribution After Application of Remaining Specified Preferential Offset, if any**	Remaining Unspecified Preferential Offset	Further Adjusted Second Distribution After Application of Remaining Unspecified Preferential Offset **
4814	TAIN SECURED JUNIOR NOTES D	\$10,000.00	\$31.25	\$968.75	N/A	N/A
4818	FAIN 10.25% SECURED JUNIOR N	\$25,000.00	\$0.00	\$2,500.00	(see below)	(see below)
4819	FEIN 10.25% SECURED JUNIOR N	\$20,000.00	\$0.00	\$2,000.00	(see below)	(see below)
4822	TAIN SECURED JUNIOR NOTES D	\$40,000.00	(see below)	(see below)	(see below)	(see below)
4823	TAIN SECURED JUNIOR NOTES D	\$55,000.00	\$0.00	\$9,500.00	(see below)	(see below)
4822-4823					\$19,376.12	(\$5,376.12)
4893	FIN SECURED SENIOR SUBORDI	\$10,000.00	\$0.00	\$1,000.00	\$24,755.39	(\$23,755.39)
5945	FEIN 10.25% SECURED JUNIOR N	\$700,000.00	\$0.00	\$70,000.00	(see below)	(see below)
5946	FIIN 10.25% SECURED JUNIOR N	\$0.00	(see below)	(see below)	(see below)	(see below)
5947	FIIN 10.25% SECURED JUNIOR N	\$0.00	\$0.00	\$0.00	(see below)	(see below)
5948	TAIN SECURED JUNIOR NOTES D	\$0.00	\$0.00	\$0.00	(see below)	(see below)
5945-5948					\$164,573.75	(\$94,573.75)
5977	FEIN 10.25% SECURED JUNIOR N	\$12,000.00	(see below)	(see below)	N/A	N/A
5978	FEIN 10.25% SECURED JUNIOR N	\$13,000.00	\$0.00	\$2,500.00	N/A	N/A
5979	FIIN 10.25% SECURED JUNIOR N	\$1,000.00	(see below)	(see below)	N/A	N/A
5980	FIIN 10.25% SECURED JUNIOR N	\$8,000.00	(see below)	(see below)	N/A	N/A
5981	FIIN 10.25% SECURED JUNIOR N	\$9,000.00	(see below)	(see below)	N/A	N/A
5982	FIIN 10.25% SECURED JUNIOR N	\$17,000.00	\$0.00	\$3,500.00	N/A	N/A
5983	FIIN SECURED SENIOR SUBORDI	\$2,000.00	(see below)	(see below)	N/A	N/A
5984	FIIN SECURED SENIOR SUBORDI	\$13,000.00	(see below)	(see below)	N/A	N/A
5985	FIIN SECURED SENIOR SUBORDI	\$25,000.00	(see below)	(see below)	N/A	N/A
5986	FIIN SECURED SENIOR SUBORDI	\$29,000.00	\$0.00	\$6,900.00	N/A	N/A
5989	TAIN SECURED JUNIOR NOTES D	\$15,000.00	(see below)	(see below)	N/A	N/A
5990	TAIN SECURED JUNIOR NOTES D	\$15,000.00	(see below)	(see below)	N/A	N/A
5991	TAIN SECURED JUNIOR NOTES D	\$85,000.00	\$359.39	\$11,140.61	N/A	N/A
6331	FIIN 10.25% SECURED JUNIOR N	\$30,000.00	\$662.51	\$2,337.49	(see below)	(see below)
6332	TAIN SECURED JUNIOR NOTES D	\$5,000.00	(see below)	(see below)	(see below)	(see below)
6333	TAIN SECURED JUNIOR NOTES D	\$10,000.00	(see below)	(see below)	(see below)	(see below)
6334	TAIN SECURED JUNIOR NOTES D	\$11,000.00	(see below)	(see below)	(see below)	(see below)
6335	TAIN SECURED JUNIOR NOTES D	\$19,000.00	\$0.00	\$4,500.00	(see below)	(see below)
6331-6335					\$6,437.27	\$400.22

*If the Amount of Second Distribution is a negative number indicated by (\$xxx) in parentheses, then the negative amount will be a further charge when final distributions are made.

**These columns reflect the application of Preferential Offsets in accordance with the Court Order entered at Docket No. 1042 but prior to application of Collateral Recovery Offsets, if any (see Part B).

PART B - COLLATERAL RECOVERY OFFSET

Claim #	Description of Investment	Amount of Investment (100%)	Second Distribution After Application of Collateral Recovery Offset
4814	TAIN SECURED JUNIOR NOTES DUE 12/15/2009	\$10,000.00	(See amount below)
4815	TDM VERIFIER TRUST 08 CONTRACT CERTIFICATE 3	\$10,000.00	(See amount below)
4816	FIRSTLINE TRUST 07 11% JUNIOR CONTRACT CERTI	\$13,465.65	(See amount below)
4817	TDM CABLE TRUST 06 9.25% 48 MONTHS CONTRA	\$10,000.00	\$3,549.49
4818	FAIN 10.25% SECURED JUNIOR NOTES DUE 11/15/	\$25,000.00	(See amount below)
4819	FEIN 10.25% SECURED JUNIOR NOTES DUE 01/30/2	\$20,000.00	(See amount below)
4820	INTEGRATED EXCELLENCE JR TRUST 08	\$9,658.96	(See amount below)
4821	McGinn, Smith Transaction Funding Corp.	\$15,000.00	(See amount below)
4822	TAIN SECURED JUNIOR NOTES DUE 12/15/2009	\$40,000.00	(See amount below)
4823	TAIN SECURED JUNIOR NOTES DUE 12/15/2009	\$55,000.00	(See amount below)
4824	TDM CABLE TRUST 06 10% CONTRACT CERTIFICATE	\$17,000.00	(See amount below)
4825	TDM CABLE TRUST 06 9.25% 48 MONTHS CONTRA	\$25,000.00	(See amount below)
4826	TDM LUXURY CRUISE TRUST 07 CONTRACT CERTIFI	\$18,500.00	(\$204,917.76)
4893	FIIN SECURED SENIOR SUBORDINATED NOTES DUE	\$10,000.00	(See amount below)
4894	FIRSTLINE TRUST 07 11% JUNIOR CONTRACT CERTI	\$179,542.00	(See amount below)
4895	TDM LUXURY CRUISE TRUST 07 CONTRACT CERTIFI	\$46,250.00	(See amount below)
4896	TDM VERIFIER TRUST 07 9% 24 MONTH CONTRACT	\$250,000.00	(See amount below)
4897	TDM CABLE TRUST 06 9.25% 48 MONTHS CONTRA	\$15,000.00	(\$65,488.53)
5945	FEIN 10.25% SECURED JUNIOR NOTES DUE 01/30/2	\$700,000.00	(See amount below)
5946	FIIN 10.25% SECURED JUNIOR NOTES DUE 12/15/2	\$0.00	(See amount below)
5947	FIIN 10.25% SECURED JUNIOR NOTES DUE 12/15/2	\$0.00	(See amount below)
5948	TAIN SECURED JUNIOR NOTES DUE 12/15/2009	\$0.00	(\$46,908.99)
5975	FIRSTLINE TRUST 07 11% JUNIOR CONTRACT CERTI	\$8,977.10	(See amount below)
5976	TDM CABLE TRUST 06 9.25% 48 MONTHS CONTRA	\$10,000.00	(See amount below)
5977	FEIN 10.25% SECURED JUNIOR NOTES DUE 01/30/2	\$12,000.00	(See amount below)
5978	FEIN 10.25% SECURED JUNIOR NOTES DUE 01/30/2	\$13,000.00	(See amount below)
5979	FIIN 10.25% SECURED JUNIOR NOTES DUE 12/15/2	\$1,000.00	(See amount below)
5980	FIIN 10.25% SECURED JUNIOR NOTES DUE 12/15/2	\$8,000.00	(See amount below)
5981	FIIN 10.25% SECURED JUNIOR NOTES DUE 12/15/2	\$9,000.00	(See amount below)
5982	FIIN 10.25% SECURED JUNIOR NOTES DUE 12/15/2	\$17,000.00	(See amount below)

PART B - COLLATERAL RECOVERY OFFSET

5983	FIIN SECURED SENIOR SUBORDINATED NOTES DUE	\$2,000.00	(See amount below)
5984	FIIN SECURED SENIOR SUBORDINATED NOTES DUE	\$13,000.00	(See amount below)
5985	FIIN SECURED SENIOR SUBORDINATED NOTES DUE	\$25,000.00	(See amount below)
5986	FIIN SECURED SENIOR SUBORDINATED NOTES DUE	\$29,000.00	(See amount below)
5987	FIRSTLINE TRUST 07 11% JUNIOR CONTRACT CERTI	\$8,977.10	(See amount below)
5988	FIRSTLINE TRUST 07 11% JUNIOR CONTRACT CERTI	\$26,931.30	(See amount below)
5989	TAIN SECURED JUNIOR NOTES DUE 12/15/2009	\$15,000.00	(See amount below)
5990	TAIN SECURED JUNIOR NOTES DUE 12/15/2009	\$15,000.00	(See amount below)
5991	TAIN SECURED JUNIOR NOTES DUE 12/15/2009	\$85,000.00	(See amount below)
5992	TDM CABLE TRUST 06 9.25% 48 MONTHS CONTRA	\$10,000.00	(See amount below)
5993	TDM CABLE TRUST 06 9.25% 48 MONTHS CONTRA	\$25,000.00	(See amount below)
5994	TDM CABLE TRUST 06 9.25% 48 MONTHS CONTRA	\$45,000.00	(See amount below)
5996	TDM LUXURY CRUISE TRUST 07 CONTRACT CERTIFI	\$46,250.00	(See amount below)
5997	TDM VERIFIER TRUST 07RCONTRACT CERTIFICATES	\$300,000.00	\$69,562.00
6330	FAIN 10.25% SECURED JUNIOR NOTES DUE 11/15/1	\$0.00	(See amount below)
6331	FIIN 10.25% SECURED JUNIOR NOTES DUE 12/15/2	\$30,000.00	(See amount below)
6332	TAIN SECURED JUNIOR NOTES DUE 12/15/2009	\$5,000.00	(See amount below)
6333	TAIN SECURED JUNIOR NOTES DUE 12/15/2009	\$10,000.00	(See amount below)
6334	TAIN SECURED JUNIOR NOTES DUE 12/15/2009	\$11,000.00	(See amount below)
6335	TAIN SECURED JUNIOR NOTES DUE 12/15/2009	\$19,000.00	(See amount below)
6336	TDM CABLE TRUST 06 10% CONTRACT CERTIFICAT	\$20,000.00	(See amount below)
6337	TDM CABLE TRUST 06 9.25% 48 MONTHS CONTRA	\$14,000.00	(\$6,646.01)

*If the amount of Second Distribution is a negative number indicated by (\$xxx) in parentheses, then the negative amount will be a further charge when final distributions are made.