

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 THIRD PAYMENT SCHEDULE
OF THIRD AND FINAL INVESTOR DISTRIBUTION
(Preferred Investors)**

PLEASE TAKE NOTICE that on May 12, 2021, William J. Brown, as Receiver, filed the attached McGinn, Smith & Co. Inc. - Third Payment Schedule of Third and Final Investor Distribution (Preferred Investors), pursuant to the Approved Plan of Distribution of Estate Assets.

The attached Payment Schedule reports the claim numbers and amount to be paid as a third and final 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. The attached Payment Schedule is the third and final of three Payment Schedules to be filed in connection with the Third and Final Investor Distribution.

Dated: May 12, 2021

PHILLIPS LYTTLE LLP

By /s/ William J. Brown

William J. Brown (Bar Roll #601330)

Catherine N. Eisenhut (Bar Roll #520849)

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Doc #9674989.3

McGinn Smith Co. Inc. - Third Payment Schedule of THIRD and Final Investor Distribution (Preferred Investors)

Claim #	Description of Investment	Amount of Investment (100%)	Remaining Recovery Offset Amount	Third Distribution After Application of Recovery Offset**
5781	FIIN SECURED SENIOR SUBORDINATED NOTES DUE 12/15/2008	\$75,000.00		(see below amount)
5782	FIIN SECURED SENIOR SUBORDINATED NOTES DUE 12/15/2008	\$125,000.00		(see below amount)
5783	McGinn, Smith Capital Holdings Corp.	\$50,000.00		(see below amount)
5784	McGinn, Smith Transaction Funding Corp.	\$25,000.00		(see below amount)
5785	McGinn, Smith Transaction Funding Corp.	\$75,000.00		(see below amount)
5793	TAIN SECURED JUNIOR NOTES DUE 12/15/2009	\$0.00		(see below amount)
5794	TAIN SECURED JUNIOR NOTES DUE 12/15/2009	\$0.00		(see below amount)
5795	"TDM VERIFIER TRUST 09	\$13,535.63	\$191,865.88	(\$177,921.85)
6160	FIIN 10.25% SECURED JUNIOR NOTES DUE 12/15/2008	\$0.00		(see below amount)
6161	FIIN 10.25% SECURED JUNIOR NOTES DUE 12/15/2008	\$0.00		(see below amount)
6162	FIIN 10.25% SECURED JUNIOR NOTES DUE 12/15/2008	\$0.00		(see below amount)
6163	FIRSTLINE TRUST 07 9.25% SENIOR CONTRACT CERTIFICATES DUE 09/01/10	\$0.00		(see below amount)
6164	McGinn, Smith Funding, LLC	\$0.00		(see below amount)
6165	McGinn, Smith Firstline Funding, LLC	\$0.00	\$780,435.00	(\$780,435.00)
6312	TDMM Benchmark Trust 09 12%	\$150,000.00	\$672,588.17	(\$666,834.67)
6655	TAIN SECURED JUNIOR NOTES DUE 12/15/2009	\$0.00		(see below amount)
6656	TAIN SECURED JUNIOR NOTES DUE 12/15/2009	\$0.00		(see below amount)
6657	TAIN SECURED JUNIOR NOTES DUE 12/15/2009	\$0.00		(see below amount)

McGinn Smith Co. Inc. - Third Payment Schedule of THIRD and Final Investor Distribution (Preferred Investors)

Claim #	Description of Investment	Amount of Investment (100%)	Remaining Recovery Offset Amount	Third Distribution After Application of Recovery Offset**
6658	TDM LUXURY CRUISE TRUST 07 CONTRACT CERTIFICATES 10% DUE 9/1/11	\$92,500.00	\$272,849.75	(\$269,301.76)
6722	FAIN 10.25% SECURED JUNIOR NOTES DUE 11/15/2010	\$0.00		(see below amount)
6723	FAIN 10.25% SECURED JUNIOR NOTES DUE 11/15/2010	\$0.00		(see below amount)
6724	FAIN 10.25% SECURED JUNIOR NOTES DUE 11/15/2010	\$0.00		(see below amount)
6725	FIIN 10.25% SECURED JUNIOR NOTES DUE 12/15/2008	\$0.00		(see below amount)
6726	TAIN SECURED JUNIOR NOTES DUE 12/15/2009	\$0.00		(see below amount)
6727	"TDM VERIFIER TRUST 09	\$45,118.75	\$193,557.25	(\$191,826.64)
6732	FAIN 10.25% SECURED JUNIOR NOTES DUE 11/15/2010	\$0.00		(see below amount)
6733	FAIN 10.25% SECURED JUNIOR NOTES DUE 11/15/2010	\$0.00		(see below amount)
6734	FEIN 10.25% SECURED JUNIOR NOTES DUE 01/30/2010	\$0.00		(see below amount)
6735	FEIN 10.25% SECURED JUNIOR NOTES DUE 01/30/2011	\$0.00		(see below amount)
6736	FIIN 10.25% SECURED JUNIOR NOTES DUE 12/15/2008	\$0.00		(see below amount)
6737	FIIN 10.25% SECURED JUNIOR NOTES DUE 12/15/2008	\$0.00		(see below amount)
6738	FIIN 10.25% SECURED JUNIOR NOTES DUE 12/15/2008	\$0.00		(see below amount)
6739	FIIN 10.25% SECURED JUNIOR NOTES DUE 12/15/2008	\$0.00		(see below amount)
6740	TAIN SECURED JUNIOR NOTES DUE 12/15/2009	\$0.00		(see below amount)

McGinn Smith Co. Inc. - Third Payment Schedule of THIRD and Final Investor Distribution (Preferred Investors)

Claim #	Description of Investment	Amount of Investment (100%)	Remaining Recovery Offset Amount	Third Distribution After Application of Recovery Offset**
6741	TAIN SECURED JUNIOR NOTES DUE 12/15/2009	\$0.00		(see below amount)
6742	TAIN SECURED JUNIOR NOTES DUE 12/15/2009	\$0.00		(see below amount)
6743	TDM VERIFIER TRUST 09	\$9,023.75	\$335,830.25	(\$335,484.13)

*If the Amount of Third Distribution is a negative number indicated by (\$xxx) in parentheses, then no distributions are expected to be made.

**This column reflects the application of preferential offsets in accordance with Court Orders entered at Docket Nos. 1104 and 1130.

Part A - Preferential Offset

Claim #	Description of Investment	Amount of Investment (100%)	Remaining Specified Preferential Offset	Third Distribution After Application of Remaining Specified Preferential Offset, if any**	Remaining Unspecified Preferential Offset	Further Adjusted Third Distribution After Application of Remaining Unspecified Preferential Offset **
4818	FAIN 10.25% SECURED JUNIOR N	\$25,000.00	\$0.00	\$959.67	(see below)	(see below)
4819	FEIN 10.25% SECURED JUNIOR N	\$20,000.00	\$0.00	\$767.13	(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	\$3,643.89	(see below)	(see below)
4818-4823				\$5,370.69	\$5,376.12	(\$5.43)
4893	FIIN SECURED SENIOR SUBORDI	\$10,000.00	\$0.00	\$383.57	\$23,755.39	(\$23,371.82)
5945	FEIN 10.25% SECURED JUNIOR N	\$700,000.00	\$0.00	\$26,849.69	(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					\$94,573.75	(\$67,724.06)
6331	FIIN 10.25% SECURED JUNIOR N	\$30,000.00	\$0.00	\$1,150.70	(see below)	
6332	TAIN SECURED JUNIOR NOTES D	\$5,000.00	(see below)	(see below)	(see below)	
6333	TAIN SECURED JUNIOR NOTES D	\$10,000.00	(see below)	(see below)	(see below)	
6334	TAIN SECURED JUNIOR NOTES D	\$11,000.00	(see below)	(see below)	(see below)	
6335	TAIN SECURED JUNIOR NOTES D	\$19,000.00	\$0.00	\$1,726.05	(see below)	
6331-6335					\$0.00	\$2,876.75

*If the Amount of Third Distribution is a negative number indicated by (\$xxx) in parentheses, then no will distributions are expected to be 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%)	Third Distribution After Application of Collateral Recovery Offset
4818	FAIN 10.25% SECURED JUNIOR NOTES DUE 11/15/2010	\$25,000.00	(See amount below)
4819	FEIN 10.25% SECURED JUNIOR NOTES DUE 01/30/2009	\$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 CERTIFICATES DUE 11/15/10	\$17,000.00	(See amount below)
4825	TDM CABLE TRUST 06 9.25% 48 MONTHS CONTRACT CERTIFICATES 11/	\$25,000.00	(See amount below)
4826	TDM LUXURY CRUISE TRUST 07 CONTRACT CERTIFICATES 10% DUE 9/1	\$18,500.00	(\$201,651.34)
4893	FIIN SECURED SENIOR SUBORDINATED NOTES DUE 12/15/2008	\$10,000.00	(See amount below)
4894	FIRSTLINE TRUST 07 11% JUNIOR CONTRACT CERTIFICATES DUE 05/01/	\$179,542.00	(See amount below)
4895	TDM LUXURY CRUISE TRUST 07 CONTRACT CERTIFICATES 10% DUE 9/1	\$46,250.00	(See amount below)
4896	TDM VERIFIER TRUST 07 9% 24 MONTH CONTRACT CERTIFICATES	\$250,000.00	(See amount below)
4897	TDM CABLE TRUST 06 9.25% 48 MONTHS CONTRACT CERTIFICATES 11/	\$15,000.00	(\$46,663.37)
5945	FEIN 10.25% SECURED JUNIOR NOTES DUE 01/30/2009	\$700,000.00	(See amount below)
5946	FIIN 10.25% SECURED JUNIOR NOTES DUE 12/15/2008	\$0.00	(See amount below)
5947	FIIN 10.25% SECURED JUNIOR NOTES DUE 12/15/2008	\$0.00	(See amount below)
5948	TAIN SECURED JUNIOR NOTES DUE 12/15/2009	\$0.00	(\$46,908.99)
6330	FAIN 10.25% SECURED JUNIOR NOTES DUE 11/15/2010	\$0.00	(See amount below)
6331	FIIN 10.25% SECURED JUNIOR NOTES DUE 12/15/2008	\$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 CERTIFICATES DUE 11/15/10	\$20,000.00	(See amount below)
6337	TDM CABLE TRUST 06 9.25% 48 MONTHS CONTRACT CERTIFICATES 11/	\$14,000.00	(\$2,465.13)

*If the amount of Third Distribution is a negative number indicated by (\$xxx) in parentheses, then no distributions are expected to be made.