

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 FORTIETH PAYMENT SCHEDULE  
OF FIRST INVESTOR DISTRIBUTION**

PLEASE TAKE NOTICE that on November 9, 2018, William J. Brown, as Receiver,  
filed the attached McGinn, Smith & Co. Inc. - Fortieth 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: November 9, 2018

PHILLIPS LYTTLE LLP

By /s/ William J. Brown  
William J. Brown (Bar Roll #601330)  
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Doc #01-3037018.40

November 9, 2018

<i>Claim #</i>	<i>Description of Investment</i>	<i>Amount of Investment (100%)</i>	<i>Amount of First Distribution</i>
5858A	TDM Luxury Cruise Trust 0 Contract Certificates 10% Due 9/1/11	\$ 9,250.00	\$ 925.00
5188A	TDMM Benchmark Trust 09 12%	\$30,000.00	\$3,000.00
5189A	TDM Verifier Trust 07R Contract Certificates	\$25,000.00	\$2,500.00
5190A	TDMM Benchmark Trust 09 11%	\$30,000.00	\$3,000.00
5191A	TDMM Benchmark Trust 09 9%	\$40,000.00	\$4,000.00
5192A	TDMM Cable Jr. Trust 09 11%	\$50,000.00	\$5,000.00

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