

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 SIXTY-FIRST PAYMENT SCHEDULE  
OF FIRST INVESTOR DISTRIBUTION  
(Preferred Investors)**

PLEASE TAKE NOTICE that on August 14, 2020, William J. Brown, as Receiver, filed the attached McGinn, Smith & Co. Inc. - Sixty-First Payment Schedule of Investor Distributions (Preferred Investors), 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 (who have received preferred recoveries), which amount has been rounded to the nearest whole dollar in accordance with Section 12 of the Plan.

Dated: August 14, 2020

PHILLIPS LYTTLE LLP

By /s/ Catherine N. Eisenhut  
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Doc #01-3037018.63

## McGinn Smith Co. Inc. - Sixty-First Payment Schedule of Investor Distributions (Preferred Investors)

August 14, 2020

Claim #	Description of Investment	Amount of Investment (100%)	Preferential Offset Amount	First Distribution After Application of Recovery Offset**
5444	TDM Cable Funding LLC	\$50,000.00	\$4,098.98	\$901.02
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	\$264,573.00	(\$228,219.44)
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	\$837,588.17	(\$687,588.17)
6492	TDMM Benchmark Trust 09 12%	\$50,000.00	\$4,890.65	\$109.35
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)
6658	TDM LUXURY CRUISE TRUST 07 CONTRACT CERTIFICATES 10% DUE 9/1/11	\$92,500.00	\$291,349.75	(\$282,099.75)
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)

McGinn Smith Co. Inc. - Sixty-First Payment Schedule of Investor Distributions (Preferred Investors)

August 14, 2020

Claim #	Description of Investment	Amount of Investment (100%)	Preferential Offset Amount	First Distribution After Application of Recovery Offset**
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	\$202,581.00	(\$198,069.13)
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)
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	\$337,635.00	(\$336,732.63)

\* if the Amount of First Distribution is a negative number indicated by (\$xxx) in parenthesis, then the negative amount will be a further charge when second or later distributions are made.

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