

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 FOURTH PAYMENT SCHEDULE  
OF FIRST INVESTOR DISTRIBUTION**

PLEASE TAKE NOTICE that on July 7, 2017, William J. Brown, as Receiver, filed the attached McGinn, Smith & Co. Inc. - Fourth 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 with increasing frequency. 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: July 7, 2017

PHILLIPS LYTTLE LLP

By /s/ William J. Brown  
William J. Brown (Bar Roll #601330)  
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Doc #01-3037018.4

## McGinn Smith &amp; Co. Inc. - Fourth Payment Schedule of Investor Distributions

July 7, 2017

<i>Claim #</i>	<i>Description of Investment</i>	<i>Amount of Investment (100%)</i>	<i>Amount of First Distribution</i>
4155A	Firstline Trust 07 B Junior Contract Certificates 11% due 10/01/12	\$ 39,678.45	\$ 3,968.00
4156A	TDM Verifier Trust 08RContract Certificate 9%	\$ 10,000.00	\$ 1,000.00
4157A	TDM Verifier Trust 08RContract Certificate 9%	\$ 50,000.00	\$ 5,000.00
5493A	Seton Hall Mortgage Note Holders	\$ 32,797.90	\$ 3,280.00
5758A	FIIN Secured Senior Subordinated Notes Due 12/15/2008	\$ 42,500.00	\$ 4,250.00
5759A	McGinn, Smith Capital Holdings Corp.	\$ 30,000.00	\$ 3,000.00
5760A	FIIN Secured Senior Subordinated Notes Due 12/15/2008	\$ 17,500.00	\$ 1,750.00
5761A	McGinn, Smith Capital Holdings Corp.	\$ 20,000.00	\$ 2,000.00
5766A	Seton Hall Mortgage Note Holders	\$ 43,154.05	\$ 4,315.00
5908A	TAIN Secured Junior Notes Due 12/15/2009	\$ 31,000.00	\$ 3,100.00
6201A	Seton Hall Mortgage Note Holders	\$ 21,576.97	\$ 2,158.00
6386A	TAIN Secured Senior Subordinated Notes 7.75% Due 12/15/2009	\$ 40,000.00	\$ 4,000.00
6387A	Firstline Trust 07 B Junior Contract Certificates 11% due 10/01/2012	\$ 7,935.69	\$ 794.00
6388A	Firstline Trust 07 B Junior Contract Certificates 11% due 10/01/2012	\$ 19,839.22	\$ 1,984.00
6389A	TAIN Secured Junior Notes Due 12/15/2009	\$ 60,000.00	\$ 6,000.00
6390A	TDM Verifier Trust 0910% Contract Certificates Due 12/31/2011	\$ 9,023.75	\$ 902.00
6391A	FAIN Secured Senior Notes	\$ 13,799.30	\$ 1,380.00
6392A	Seton Hall Mortgage Note Holders	\$ 8,630.83	\$ 863.00
6398A	FIIN 10.25% Secured Junior Notes Due 12/15/2008	\$ 35,000.00	\$ 3,500.00
6400A	FAIN 10.25% Secured Junior Notes Due 11/15/2010	\$ 40,000.00	\$ 4,000.00
6402A	Seton Hall Mortgage Note Holders	\$ 8,630.83	\$ 863.00
6423A	TAIN Secured Senior Notes	\$ 90,932.86	\$ 9,093.00
6424A	FAIN Secured Senior Notes	\$114,994.19	\$ 11,499.00
6425A	FEIN Secured Senior Notes	\$ 45,997.68	\$ 4,600.00
6426A	FEIN Secured Senior Notes	\$137,993.04	\$ 13,799.00
6412A	FEIN Secured Senior Subordinated Notes Due 01/30/2009	\$ 10,000.00	\$ 1,000.00
6413A	FEIN Secured Senior Subordinated Notes Due 01/30/2009	\$ 25,000.00	\$ 2,500.00
6414A	FIIN Secured Senior Subordinated Notes Due 12/15/2008	\$ 18,000.00	\$ 1,800.00
6415A	FIIN Secured Senior Subordinated Notes Due 12/15/2008	\$ 25,000.00	\$ 2,500.00
6416A	TAIN Secured Junior Notes Due 12/15/2009	\$ 15,000.00	\$ 1,500.00
6417A	TAIN Secured Junior Notes Due 12/15/2009	\$ 35,000.00	\$ 3,500.00
6418A	TDM Cable Trust 06 9.25% 48 Months Contract Certificates 11/15/2010	\$ 10,000.00	\$ 1,000.00
6419A	TAIN Secured Senior Notes	\$ 9,093.29	\$ 909.00
6420A	TAIN Secured Senior Notes	\$ 13,639.93	\$ 1,364.00

<i>Claim #</i>	<i>Description of Investment</i>	<i>Amount of Investment (100%)</i>	<i>Amount of First Distribution</i>
6630A	FEIN 10.25% Secured Junior Notes Due 01/30/2009	\$ 3,000.00	\$ 300.00
6631A	FEIN 10.25% Secured Junior Notes Due 01/30/2009	\$ 4,000.00	\$ 400.00
6632A	FEIN 10.25% Secured Junior Notes Due 01/30/2009	\$ 8,000.00	\$ 800.00
6633A	FEIN 10.25% Secured Junior Notes Due 01/30/2009	\$ 10,000.00	\$ 1,000.00
6634A	FEIN 10.25% Secured Junior Notes Due 01/30/2009	\$ 10,000.00	\$ 1,000.00
6635A	FEIN 10.25% Secured Junior Notes Due 01/30/2009	\$ 10,000.00	\$ 1,000.00
6636A	FEIN 10.25% Secured Junior Notes Due 01/30/2009	\$ 11,000.00	\$ 1,100.00
6637A	FEIN 10.25% Secured Junior Notes Due 01/30/2009	\$ 25,000.00	\$ 2,500.00
6638A	FEIN 10.25% Secured Junior Notes Due 01/30/2009	\$ 80,000.00	\$ 8,000.00
6639A	FEIN 10.25% Secured Junior Notes Due 01/30/2009	\$ 100,000.00	\$ 10,000.00
6640A	TAIN Secured Junior Notes Due 12/15/2009	\$ 25,000.00	\$ 2,500.00
6641A	TAIN Secured Junior Notes Due 12/15/2009	\$ 25,000.00	\$ 2,500.00
6643A	FEIN 10.25% Secured Junior Notes Due 01/30/2009	\$ 25,000.00	\$ 2,500.00
6644A	FEIN 10.25% Secured Junior Notes Due 01/30/2009	\$ 25,000.00	\$ 2,500.00
6645A	Firstline Trust 07 11% Junior Contract Certificates Due 05/01/2012	\$ 22,442.75	\$ 2,244.00
6646A	TAIN Secured Junior Notes Due 12/15/2009	\$ 40,000.00	\$ 4,000.00
6690A	FAIN Secured Senior Subordinated Notes	\$ 40,000.00	\$ 4,000.00
6691A	FEIN Secured Senior Subordinated Notes Due 01/30/2009	\$ 10,000.00	\$ 1,000.00
6692A	FEIN Secured Senior Subordinated Notes Due 01/30/2009	\$ 20,000.00	\$ 2,000.00
6693A	FEIN Secured Senior Subordinated Notes Due 01/30/2009	\$ 30,000.00	\$ 3,000.00
6694A	FIIN Secured Senior Subordinated Notes Due 12/15/2008	\$ 45,000.00	\$ 4,500.00
6695A	TAIN Secured Senior Subordinated Notes 7.75% Due 12/15/2009	\$ 30,000.00	\$ 3,000.00
6696A	TDM Verifier Trust 11 Contract Certificates 9%	\$ 14,309.77	\$ 1,431.00
6697A	FEIN Secured Senior Subordinated Notes Due 01/30/2009	\$ 40,000.00	\$ 4,000.00
6698A	FEIN 10.25% Secured Junior Notes Due 01/30/2009	\$ 116,000.00	\$ 11,600.00
6702A	TDM Cable Trust 06 9.25% 48 Months Contract Certificates 11/15/2010	\$ 10,000.00	\$ 1,000.00
6709A	Seton Hall Mortgage Note Holders	\$ 4,315.39	\$ 432.00
6711A	FIIN Secured Senior Notes	\$ 45,466.43	\$ 4,547.00
6712A	FIIN Secured Senior Notes	\$ 9,093.29	\$ 909.00
6713A	FIIN Secured Senior Notes	\$ 9,093.29	\$ 909.00
6714A	TAIN Secured Senior Notes	\$ 40,919.79	\$ 4,092.00
6715A	TAIN Secured Senior Notes	\$ 77,292.93	\$ 7,729.00
6716A	TDM Cable Trust 06 10% Contract Certificates Due 11/15/2010	\$ 5,000.00	\$ 500.00
6717A	TDM Verifier Trust 07R Contract Certificates	\$ 10,000.00	\$ 1,000.00
6718A	TDM Verifier Trust 07R Contract Certificates	\$ 10,000.00	\$ 1,000.00
6719A	TDM Verifier Trust 09 10% Contract Certificates Due 12/31/2011	\$ 9,023.75	\$ 902.00
6720A	TDM Verifier Trust 09 10% Contract Certificates Due 12/31/2011	\$ 9,023.75	\$ 902.00
6721A	TDMM Cable Jr Trust 09 11%	\$ 10,000.00	\$ 1,000.00
6745A	TDM Verifier Trust 07 Contract Certificates	\$ 35,000.00	\$ 3,500.00
6746A	TDMM Benchmark Trust 09 08%	\$ 20,000.00	\$ 2,000.00
6747A	FEIN Secured Senior Subordinated Notes Due 01/30/2009	\$ 40,000.00	\$ 4,000.00

<i>Claim #</i>	<i>Description of Investment</i>	<i>Amount of Investment (100%)</i>	<i>Amount of First Distribution</i>
6748A	TAIN Secured Senior Notes	\$ 72,746.29	\$ 7,275.00
6749A	TAIN Secured Senior Notes	\$ 109,119.43	\$ 10,912.00
6750A	FIIN 10.25% Secured Junior Notes Due 12/15/2008	\$ 40,000.00	\$ 4,000.00
6752A	TAIN Secured Junior Notes Due 12/15/2009	\$ 60,000.00	\$ 6,000.00
6753A	FAIN Secured Senior Notes	\$ 22,998.83	\$ 2,300.00
6758A	TAIN Secured Junior Notes Due 12/15/2009	\$ 30,000.00	\$ 3,000.00
6763A	TAIN Secured Junior Notes Due 12/15/2009	\$200,000.00	\$ 20,000.00
6766P	No Liability, TDM Cable Trust 06	\$ 1,110.00	
6767P	No Liability, TDM Cable Trust 06	\$ 1,300.00	
6768A	TDM Cable Trust 06 10% Contract Certificates Due 11/15/2010	\$ 13,000.00	\$ 1,300.00
6769A	TDM Cable Trust 06 9.25% 48 Months Contract Certificates 11/15/2010	\$ 12,000.00	\$ 1,200.00
6770A	Firstline Trust 07 9.25% Senior Contract Certificates Due 09/01/2010	\$ 22,120.90	\$ 2,212.00
6931A	FAIN Secured Senior Notes	\$ 9,199.54	\$ 920.00
6932A	FAIN Secured Senior Subordinated Notes	\$ 10,000.00	\$ 1,000.00
6933A	FAIN Secured Senior Subordinated Notes	\$ 30,000.00	\$ 3,000.00
6934A	FIIN Secured Senior Subordinated Notes Due 12/15/2008	\$ 70,000.00	\$ 7,000.00
6935A	Integrated Excellence Sr Trust 08	\$ 6,836.50	\$ 684.00
6936A	TAIN Secured Senior Subordinated Notes 7.75% Due 12/15/2009	\$ 25,000.00	\$ 2,500.00
6937A	TAIN Secured Senior Subordinated Notes 7.75% Due 12/15/2009	\$250,000.00	\$ 25,000.00
6938A	FAIN Secured Senior Notes	\$ 9,199.54	\$ 920.00
6939A	FAIN Secured Senior Notes	\$ 13,799.30	\$ 1,380.00
6940A	FAIN Secured Senior Notes	\$ 32,198.37	\$ 3,220.00
6941A	FEIN Secured Senior Notes	\$ 22,998.83	\$ 2,300.00
6942A	FIIN Secured Senior Notes	\$ 54,559.72	\$ 5,456.00