

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF NEW YORK

Return Date and Time:
November 16, 2017 at 9:30 a.m.

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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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**RECEIVER’S STATEMENT IN FURTHERANCE OF RECEIVER’S
MOTION FOR AN ORDER DISALLOWING
DUPLICATIVE CLAIMS (DOCKET NO. 937)**

William J. Brown, as Receiver (“Receiver”), by his counsel, Phillips Lytle LLP,
files this Statement (“Statement”) in furtherance of the Receiver’s Motion for an Order
Disallowing Duplicative Claims dated September 20, 2017 (Docket No. 937) (“Motion”) to
report to the Court on the status of the claims subject to the Motion. In support of the Statement,
the Receiver respectfully represents:

1. On September 21, 2017, the Receiver filed the Motion.¹ The Motion seeks to disallow duplicative paper claims filed by investors for the same amounts as given to those same investors by the Receiver in the 2012 claims process.

2. As of the date of this Statement, the Receiver has not received any objections to the relief sought in the Motion.

3. Following the filing of the Motion, a number of investors whose paper claims were identified as duplicative in the Motion contacted the Receiver to consensually withdraw such claims as suggested in the Receiver's letter (attached to Exhibit A to the Motion) to the investors whose claims are the subject of the Motion. The investors with the Claim Numbers listed on **Exhibit A** attached have agreed to withdraw their paper claims.² The Receiver respectfully requests that the Court enter an order confirming the claims identified on Exhibit A have been withdrawn by consent.

4. The Receiver was also contacted by some investors who were required to file paper claims pursuant to the Claims Procedure Order (Docket No. 481) because their claims were listed as disputed on the Claims Website. The investors with the Claim Numbers listed on **Exhibit B** attached have claims that were listed as disputed on the Claims Website. The Receiver respectfully requests that the Motion be adjourned solely with respect to the claims identified on Exhibit B until the treatment of such claims is resolved.

5. The Receiver intends to proceed with the Motion with respect to the Claim Numbers listed on **Exhibit C** attached, which lists the remaining Duplicative Claims not

¹ Capitalized terms used but not defined in this Statement shall have the meanings given to such terms in the Motion.

² The Exhibits to this Statement have been redacted to contain only claim numbers which have been previously been provided to each investor. The Court previously directed that investor names remain confidential.

withdrawn by consent or listed as disputed. As set forth in the Motion, the Receiver respectfully requests that the Court enter an order expunging these duplicative paper claims because no objection has been interposed and the deadline for objecting to the relief requested in the Motion has passed.

6. A revised form of proposed Order is attached to this Statement.

7. The Receiver reserves all rights to object on any other basis the claims of investors or claimants, including, without limitation, those on Exhibits A, B and C.

Dated: November 9, 2017

PHILLIPS LYTLE LLP

By /s/ Nickolas Karavolas
Nickolas Karavolas (Bar Roll #518522)
William J. Brown (Bar Roll #601330)

Attorneys for Receiver
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Albany, New York 12207
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and

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125 Main Street
Buffalo, New York 14203
Telephone No.: (716) 847-8400

Exhibit A

Exhibit A

Claim Number	Description of Investment or Nature of Claim	Amount of Claim on Receiver's Website	Paper Claim Amount
4355	TAIN SECURED JUNIOR NOTES DUE 12/15/2009	\$50,000.00	\$50,000.00
4737	FIRSTLINE TRUST 07 B SENIOR CONTRACT CERTIFICATES 9.50% DUE 10/01/11	\$57,937.45	\$57,937.45
4744	FEIN 10.25% SECURED JUNIOR NOTES DUE 01/30/2009	\$25,000.00	\$25,000.00
4745	TAIN SECURED JUNIOR NOTES DUE 12/15/2009	\$10,000.00	\$10,000.00
5179	FAIN 10.25% SECURED JUNIOR NOTES DUE 11/15/2010	\$50,000.00	\$50,000.00
5180	FEIN 10.25% SECURED JUNIOR NOTES DUE 01/30/2009	\$20,000.00	\$20,000.00
5181	TAIN SECURED JUNIOR NOTES DUE 12/15/2009	\$40,000.00	\$40,000.00
5182	TAIN SECURED JUNIOR NOTES DUE 12/15/2009	\$50,000.00	\$50,000.00
5383	FAIN 10.25% SECURED JUNIOR NOTES DUE 11/15/2010	\$40,000.00	\$40,000.00
5384	FEIN 10.25% SECURED JUNIOR NOTES DUE 01/30/2009	\$25,000.00	\$25,000.00
5385	FEIN 10.25% SECURED JUNIOR NOTES DUE 01/30/2009	\$25,000.00	\$25,000.00
5386	TAIN SECURED JUNIOR NOTES DUE 12/15/2009	\$50,000.00	\$50,000.00
5499	TAIN SECURED JUNIOR NOTES DUE 12/15/2009	\$50,000.00	\$50,000.00

Exhibit A

Claim Number	Description of Investment or Nature of Claim	Amount of Claim on Receiver's Website	Paper Claim Amount
5531	TDM CABLE TRUST 06 9.25% 48 MONTHS CONTRACT CERTIFICATES 11/15/10	\$45,000.00	\$45,000.00
5832	FIRSTLINE TRUST 07 B SENIOR CONTRACT CERTIFICATES 9.50% DUE 10/01/11	\$82,767.79	\$82,767.79
5833	TDM VERIFIER TRUST 08 CONTRACT CERTIFICATE 36	\$115,000.00	\$115,000.00
5834	TDM VERIFIER TRUST 08 CONTRACT CERTIFICATE 36	\$130,000.00	\$130,000.00
5835	McGinn, Smith Firstline Funding, LLC	\$14,000.00	\$14,000.00
6083	TAIN SECURED SENIOR SUBORDINATED NOTES 7.75% DUE 12/15/2009	\$200,000.00	\$200,000.00
6401	FIIN 10.25% SECURED JUNIOR NOTES DUE 12/15/2008	\$25,000.00	\$25,000.00
6599	FAIN 10.25% SECURED JUNIOR NOTES DUE 11/15/2010	\$30,000.00	\$30,000.00
6600	FEIN 10.25% SECURED JUNIOR NOTES DUE 01/30/2009	\$45,000.00	\$45,000.00
6601	FIIN 10.25% SECURED JUNIOR NOTES DUE 12/15/2008	\$106,000.00	\$106,000.00
6602	TAIN SECURED JUNIOR NOTES DUE 12/15/2009	\$56,000.00	\$56,000.00
6800	FAIN SECURED SENIOR SUBORDINATED NOTES	\$20,000.00	\$20,000.00
490574.1			

Exhibit B

Exhibit B

Claim Number	Description of Investment or Nature of Claim	Amount of Claim on Receiver's Website	Paper Claim Amount
4451	TAIN SECURED JUNIOR NOTES DUE 12/15/2009	\$50,000.00	\$50,000.00
4778	TAIN SECURED JUNIOR NOTES DUE 12/15/2009	\$47,000.00	\$47,000.00
4814	TAIN SECURED JUNIOR NOTES DUE 12/15/2009	\$10,000.00	\$10,000.00
4815	TDM VERIFIER TRUST 08 CONTRACT CERTIFICATE 36	\$10,000.00	\$10,000.00
4834	FEIN 10.25% SECURED JUNIOR NOTES DUE 01/30/2009	\$525,000.00	\$525,000.00
4835	FEIN SECURED SENIOR SUBORDINATED NOTES DUE 01/30/2009	\$250,000.00	\$250,000.00
4863	TAIN SECURED SENIOR SUBORDINATED NOTES 7.75% DUE 12/15/2009	\$165,000.00	\$165,000.00
4876	TDM VERIFIER TRUST 08 CONTRACT CERTIFICATE TDMVER 18	\$100,000.00	\$100,000.00
4879	TAIN SECURED JUNIOR NOTES DUE 12/15/2009	\$25,000.00	\$25,000.00
4880	TDM CABLE TRUST 06 10% CONTRACT CERTIFICATES DUE 11/15/10	\$20,000.00	\$20,000.00
4881	TDM CABLE TRUST 06 9.25% 48 MONTHS CONTRACT CERTIFICATES 11/15/10	\$10,000.00	\$10,000.00
4889	TAIN SECURED JUNIOR NOTES DUE 12/15/2009	\$25,000.00	\$25,000.00
4890	TDM CABLE TRUST 06 10% CONTRACT CERTIFICATES DUE 11/15/10	\$20,000.00	\$20,000.00

Exhibit B

Claim Number	Description of Investment or Nature of Claim	Amount of Claim on Receiver's Website	Paper Claim Amount
4891	TDM CABLE TRUST 06 9.25% 48 MONTHS CONTRACT CERTIFICATES 11/15/10	\$10,000.00	\$10,000.00
5444	TDM Cable Funding LLC	\$50,000.00	\$50,000.00
5546	TDM VERIFIER TRUST 08 CONTRACT CERTIFICATE 36	\$50,000.00	\$50,000.00
5547	FAIN SECURED SENIOR SUBORDINATED NOTES	\$100,000.00	\$100,000.00
5548	FIIN SECURED SENIOR SUBORDINATED NOTES DUE 12/15/2008	\$55,000.00	\$55,000.00
5549	TAIN SECURED SENIOR NOTES	\$9,093.29	\$9,093.29
5550	TAIN SECURED SENIOR NOTES	\$4,546.64	\$4,546.64
5551	TAIN SECURED SENIOR NOTES	\$113,666.07	\$113,666.07
5554	FIIN SECURED SENIOR NOTES	\$9,093.29	\$9,093.29
5555	FIIN SECURED SENIOR NOTES	\$150,039.22	\$150,039.22
5556	FAIN SECURED SENIOR NOTES	\$25,758.70	\$25,758.70
5557	FAIN SECURED SENIOR NOTES	\$27,598.61	\$27,598.61
5558	FAIN SECURED SENIOR SUBORDINATED NOTES	\$125,000.00	\$125,000.00
5559	TAIN SECURED SENIOR NOTES	\$45,466.43	\$45,466.43
5560	TAIN SECURED SENIOR NOTES	\$54,559.72	\$54,559.72
5561	TDM VERIFIER TRUST 08 CONTRACT CERTIFICATE 36	\$100,000.00	\$100,000.00
5563	FIRSTLINE TRUST 07 9.25% SENIOR CONTRACT CERTIFICATES DUE 09/01/10	\$55,302.25	\$55,302.25
5694	TDMM Cable Funding LLC	\$100,000.00	\$100,000.00
5702	TDMM BENCHMARK TRUST 09 12%	\$25,000.00	\$25,000.00

Exhibit B

Claim Number	Description of Investment or Nature of Claim	Amount of Claim on Receiver's Website	Paper Claim Amount
5781	FIIN SECURED SENIOR SUBORDINATED NOTES DUE 12/15/2008	\$75,000.00	\$75,000.00
5782	FIIN SECURED SENIOR SUBORDINATED NOTES DUE 12/15/2008	\$125,000.00	\$125,000.00
5783	McGinn, Smith Capital Holdings Corp.	\$50,000.00	\$50,000.00
5784	McGinn, Smith Transaction Funding Corp.	\$25,000.00	\$25,000.00
5785	McGinn, Smith Transaction Funding Corp.	\$75,000.00	\$75,000.00
5945	FEIN 10.25% SECURED JUNIOR NOTES DUE 01/30/2009	\$700,000.00	\$700,000.00
6122	TDM CABLE TRUST 06 9.25% 48 MONTHS CONTRACT CERTIFICATES 11/15/10	\$15,000.00	\$15,000.00
6125	Cruise Charter Ventures, LLC	\$100,000.00	\$100,000.00
6126	FIIN 10.25% SECURED JUNIOR NOTES DUE 12/15/2008	\$200,000.00	\$200,000.00
6131	McGinn, Smith Firstline Funding, LLC	\$300,000.00	\$300,000.00
6132	FEIN 10.25% SECURED JUNIOR NOTES DUE 01/30/2009	\$75,000.00	\$75,000.00
6134	TDM CABLE TRUST 06 9.25% 48 MONTHS CONTRACT CERTIFICATES 11/15/10	\$20,000.00	\$20,000.00
6312	TDMM BENCHMARK TRUST 09 12%	\$150,000.00	\$150,000.00
6325	TAIN SECURED JUNIOR NOTES DUE 12/15/2009	\$25,000.00	\$25,000.00
6331	FIIN 10.25% SECURED JUNIOR NOTES DUE 12/15/2008	\$30,000.00	\$30,000.00

Exhibit B

Claim Number	Description of Investment or Nature of Claim	Amount of Claim on Receiver's Website	Paper Claim Amount
6336	TDM CABLE TRUST 06 10% CONTRACT CERTIFICATES DUE 11/15/10	\$20,000.00	\$20,000.00
6337	TDM CABLE TRUST 06 9.25% 48 MONTHS CONTRACT CERTIFICATES 11/15/10	\$14,000.00	\$14,000.00
6346	TDM CABLE TRUST 06 10% CONTRACT CERTIFICATES DUE 11/15/10	\$20,000.00	\$20,000.00
6347	TDM CABLE TRUST 06 9.25% 48 MONTHS CONTRACT CERTIFICATES 11/15/10	\$20,000.00	\$20,000.00
6473	McGinn, Smith Transaction Funding Corp.	\$25,000.00	\$25,000.00
6474	TDM CABLE TRUST 06 9.25% 48 MONTHS CONTRACT CERTIFICATES 11/15/10	\$25,000.00	\$25,000.00
6475	TDM LUXURY CRUISE TRUST 07 CONTRACT CERTIFICATES 10% DUE 9/1/11	\$23,125.00	\$23,125.00
6477	McGinn, Smith Firstline Funding, LLC	\$10,000.00	\$10,000.00
6494	FIRSTLINE TRUST 07 B JUNIOR CONTRACT CERTIFICATES 11% DUE 10/01/12	\$19,839.23	\$19,839.23
6495	FORTRESS TRUST 08	\$19,911.10	\$19,911.10
6496	McGinn, Smith Transaction Funding Corp.	\$25,000.00	\$25,000.00
6499	McGinn, Smith Firstline Funding, LLC	\$300,000.00	\$300,000.00
6500	McGinn, Smith Funding, LLC	\$20,000.00	\$20,000.00
6501	TDMM BENCHMARK TRUST 09 10%	\$85,000.00	\$85,000.00
6502	TDMM BENCHMARK TRUST 09 11%	\$145,000.00	\$145,000.00

Exhibit B

Claim Number	Description of Investment or Nature of Claim	Amount of Claim on Receiver's Website	Paper Claim Amount
6503	TDMM BENCHMARK TRUST 09 9%	\$70,000.00	\$70,000.00
6504	TDMM Cable Funding LLC	\$30,200.01	\$30,200.01
490576.1			

Exhibit C

Exhibit C

Claim Number	Description of Investment or Nature of Claim	Amount of Claim on Receiver's Website	Paper Claim Amount
4101	FEIN SECURED SENIOR SUBORDINATED NOTES DUE 01/30/2009	\$25,000.00	\$25,000.00
4102	FEIN SECURED SENIOR SUBORDINATED NOTES DUE 01/30/2009	\$50,000.00	\$50,000.00
4103	FIIN SECURED SENIOR NOTES	\$31,826.50	\$31,826.50
4104	TAIN SECURED SENIOR SUBORDINATED NOTES 7.75% DUE 12/15/2009	\$50,000.00	\$50,000.00
4105	FIIN SECURED SENIOR SUBORDINATED NOTES DUE 12/15/2008	\$50,000.00	\$50,000.00
4147	FEIN 10.25% SECURED JUNIOR NOTES DUE 01/30/2009	\$25,000.00	\$25,000.00
4148	FEIN 10.25% SECURED JUNIOR NOTES DUE 01/30/2009	\$100,000.00	\$100,000.00
4909	FIRSTLINE TRUST 07 9.25% SENIOR CONTRACT CERTIFICATES DUE 09/01/10	\$22,120.90	\$22,120.90
4910	TDMM CABLE SR TRUST 09 9%	\$19,483.15	\$19,483.15
4970	FIIN SECURED SENIOR SUBORDINATED NOTES DUE 12/15/2008	\$5,000.00	\$5,000.00
4971	FIIN SECURED SENIOR SUBORDINATED NOTES DUE 12/15/2008	\$20,000.00	\$20,000.00
4972	TAIN SECURED SENIOR SUBORDINATED NOTES 7.75% DUE 12/15/2009	\$10,000.00	\$10,000.00
5254	TDM VERIFIER TRUST 08 CONTRACT CERTIFICATE 36	\$10,000.00	\$10,000.00

Exhibit C

Claim Number	Description of Investment or Nature of Claim	Amount of Claim on Receiver's Website	Paper Claim Amount
5355	McGinn, Smith Firstline Funding, LLC	\$25,000.00	\$25,000.00
5471	McGinn, Smith Transaction Funding Corp.	\$250,000.00	\$250,000.00
5472	TDM CABLE TRUST 06 9.25% 48 MONTHS CONTRACT CERTIFICATES 11/15/10	\$25,000.00	\$25,000.00
6467	FEIN SECURED SENIOR SUBORDINATED NOTES DUE 01/30/2009	\$10,000.00	\$10,000.00
6468	FEIN SECURED SENIOR SUBORDINATED NOTES DUE 01/30/2009	\$50,000.00	\$50,000.00
6480	FEIN SECURED SENIOR SUBORDINATED NOTES DUE 01/30/2009	\$10,000.00	\$10,000.00
6481	FEIN SECURED SENIOR SUBORDINATED NOTES DUE 01/30/2009	\$50,000.00	\$50,000.00
6484	FAIN SECURED SENIOR SUBORDINATED NOTES	\$15,000.00	\$15,000.00
6485	FAIN SECURED SENIOR SUBORDINATED NOTES	\$70,000.00	\$70,000.00
6486	FEIN SECURED SENIOR SUBORDINATED NOTES DUE 01/30/2009	\$10,000.00	\$10,000.00
6490	TAIN SECURED SENIOR SUBORDINATED NOTES 7.75% DUE 12/15/2009	\$20,000.00	\$20,000.00

Exhibit C

Claim Number	Description of Investment or Nature of Claim	Amount of Claim on Receiver's Website	Paper Claim Amount
6813	FAIN 10.25% SECURED JUNIOR NOTES DUE 11/15/2010	\$25,000.00	\$25,000.00
490572.1			

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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**ORDER APPROVING MOTION OF WILLIAM J. BROWN, AS RECEIVER,
FOR AN ORDER DISALLOWING DUPLICATIVE PAPER CLAIMS**

Upon the (i) Motion of William J. Brown, as Receiver, for an Order Disallowing Duplicative Claims (Docket No. 937) and (ii) the Receiver’s Statement in Furtherance of Receiver’s Motion for an Order Disallowing Duplicate Claims (Docket No. 937) filed November 9, 2017; and notice of the Motion having been given to the Securities and Exchange Commission, each investor listed on Exhibit A to the Motion by first class mail, and all parties who have filed a Notice of Appearance in this action by ECF, and all creditors of the McGinn, Smith entities and other parties in interest via the Receiver’s website, which notice is deemed

good and sufficient notice; and the Court having deemed that sufficient cause exists; it is therefore

ORDERED, that the Motion is approved, and it is further

ORDERED, that each of the duplicative paper claims for the claim numbers listed on Exhibit A attached to this Order are confirmed as withdrawn by consent; the Motion is adjourned to a date and time to be fixed by the Court with respect to each of the duplicative paper claims for the claim numbers listed on Exhibit B attached; and, each of the duplicative paper claims for the claim numbers listed on Exhibit C attached are expunged; and the rights of the Receiver to object on any other basis to the claims of all investors or claimants is expressly preserved.

Dated: November ____, 2017

HON. CHRISTIAN F. HUMMEL

Doc #01-3069418.2

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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CERTIFICATE OF SERVICE

I, Karen M. Ludlow, being at all times over 18 years of age, hereby certify that on November 9, 2017, a true and correct copy of the Receiver’s Statement in Furtherance of Receiver’s Motion for an Order Disallowing Duplicative Claims (Docket No. 937) (“Statement”) was caused to be served by e-mail upon all parties who receive electronic notice in this case pursuant to the Court’s ECF filing system, and by First Class Mail to the parties indicated below:

- **William J. Brown** wbrown@phillipslytle.com,khatch@phillipslytle.com
- **Certain McGinn Smith Investors** apark@weirpartners.com
- **Elizabeth C. Coombe** elizabeth.c.coombe@usdoj.gov, paul.condon@usdoj.gov ,CaseView.ECF@usdoj.gov,kelly.ciccarelli@usdoj.gov
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- **Bryan M. Westhoff** bryan.westhoff@kayescholer.com
- **Benjamin Zelsermyer** bzlaw@optonline.net, steincav@aol.com

And, I hereby certify that on November 9, 2017, I mailed, via first class mail using the United States Postal Service, a copy of the Statement to the individuals listed below:

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Dated: November 9, 2017

/s/ Karen M. Ludlow
Karen M. Ludlow

UNITED STATES DISTRICT COURT
 NORTHERN DISTRICT OF NEW YORK

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 SECURITIES AND EXCHANGE COMMISSION :
 :
 Plaintiff, :
 :
 vs. :
 :
 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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Case No. 1:10-CV-457
 (GLS/CFH)

SUPPLEMENTAL CERTIFICATE OF SERVICE

I, Karen M. Ludlow, being at all times over 18 years of age, hereby certify that on November 9, 2017, a true and correct copy of the Receiver’s Statement in Furtherance of Receiver’s Motion for an Order Disallowing Duplicative Claims (Docket No. 937) (“Statement”) was mailed, via first class mail using the United States Postal Service, to the investors with the claim numbers listed on the attached Exhibits A, B and C which were filed with the Statement on November 9, 2017.

Dated: November 9, 2017

 /s/ Karen M. Ludlow
 Karen M. Ludlow

Exhibit A

Exhibit A

Claim Number	Description of Investment or Nature of Claim	Amount of Claim on Receiver's Website	Paper Claim Amount
4355	TAIN SECURED JUNIOR NOTES DUE 12/15/2009	\$50,000.00	\$50,000.00
4737	FIRSTLINE TRUST 07 B SENIOR CONTRACT CERTIFICATES 9.50% DUE 10/01/11	\$57,937.45	\$57,937.45
4744	FEIN 10.25% SECURED JUNIOR NOTES DUE 01/30/2009	\$25,000.00	\$25,000.00
4745	TAIN SECURED JUNIOR NOTES DUE 12/15/2009	\$10,000.00	\$10,000.00
5179	FAIN 10.25% SECURED JUNIOR NOTES DUE 11/15/2010	\$50,000.00	\$50,000.00
5180	FEIN 10.25% SECURED JUNIOR NOTES DUE 01/30/2009	\$20,000.00	\$20,000.00
5181	TAIN SECURED JUNIOR NOTES DUE 12/15/2009	\$40,000.00	\$40,000.00
5182	TAIN SECURED JUNIOR NOTES DUE 12/15/2009	\$50,000.00	\$50,000.00
5383	FAIN 10.25% SECURED JUNIOR NOTES DUE 11/15/2010	\$40,000.00	\$40,000.00
5384	FEIN 10.25% SECURED JUNIOR NOTES DUE 01/30/2009	\$25,000.00	\$25,000.00
5385	FEIN 10.25% SECURED JUNIOR NOTES DUE 01/30/2009	\$25,000.00	\$25,000.00
5386	TAIN SECURED JUNIOR NOTES DUE 12/15/2009	\$50,000.00	\$50,000.00
5499	TAIN SECURED JUNIOR NOTES DUE 12/15/2009	\$50,000.00	\$50,000.00

Exhibit A

Claim Number	Description of Investment or Nature of Claim	Amount of Claim on Receiver's Website	Paper Claim Amount
5531	TDM CABLE TRUST 06 9.25% 48 MONTHS CONTRACT CERTIFICATES 11/15/10	\$45,000.00	\$45,000.00
5832	FIRSTLINE TRUST 07 B SENIOR CONTRACT CERTIFICATES 9.50% DUE 10/01/11	\$82,767.79	\$82,767.79
5833	TDM VERIFIER TRUST 08 CONTRACT CERTIFICATE 36	\$115,000.00	\$115,000.00
5834	TDM VERIFIER TRUST 08 CONTRACT CERTIFICATE 36	\$130,000.00	\$130,000.00
5835	McGinn, Smith Firstline Funding, LLC	\$14,000.00	\$14,000.00
6083	TAIN SECURED SENIOR SUBORDINATED NOTES 7.75% DUE 12/15/2009	\$200,000.00	\$200,000.00
6401	FIIN 10.25% SECURED JUNIOR NOTES DUE 12/15/2008	\$25,000.00	\$25,000.00
6599	FAIN 10.25% SECURED JUNIOR NOTES DUE 11/15/2010	\$30,000.00	\$30,000.00
6600	FEIN 10.25% SECURED JUNIOR NOTES DUE 01/30/2009	\$45,000.00	\$45,000.00
6601	FIIN 10.25% SECURED JUNIOR NOTES DUE 12/15/2008	\$106,000.00	\$106,000.00
6602	TAIN SECURED JUNIOR NOTES DUE 12/15/2009	\$56,000.00	\$56,000.00
6800	FAIN SECURED SENIOR SUBORDINATED NOTES	\$20,000.00	\$20,000.00
490574.1			

Exhibit B

Exhibit B

Claim Number	Description of Investment or Nature of Claim	Amount of Claim on Receiver's Website	Paper Claim Amount
4451	TAIN SECURED JUNIOR NOTES DUE 12/15/2009	\$50,000.00	\$50,000.00
4778	TAIN SECURED JUNIOR NOTES DUE 12/15/2009	\$47,000.00	\$47,000.00
4814	TAIN SECURED JUNIOR NOTES DUE 12/15/2009	\$10,000.00	\$10,000.00
4815	TDM VERIFIER TRUST 08 CONTRACT CERTIFICATE 36	\$10,000.00	\$10,000.00
4834	FEIN 10.25% SECURED JUNIOR NOTES DUE 01/30/2009	\$525,000.00	\$525,000.00
4835	FEIN SECURED SENIOR SUBORDINATED NOTES DUE 01/30/2009	\$250,000.00	\$250,000.00
4863	TAIN SECURED SENIOR SUBORDINATED NOTES 7.75% DUE 12/15/2009	\$165,000.00	\$165,000.00
4876	TDM VERIFIER TRUST 08 CONTRACT CERTIFICATE TDMVER 18	\$100,000.00	\$100,000.00
4879	TAIN SECURED JUNIOR NOTES DUE 12/15/2009	\$25,000.00	\$25,000.00
4880	TDM CABLE TRUST 06 10% CONTRACT CERTIFICATES DUE 11/15/10	\$20,000.00	\$20,000.00
4881	TDM CABLE TRUST 06 9.25% 48 MONTHS CONTRACT CERTIFICATES 11/15/10	\$10,000.00	\$10,000.00
4889	TAIN SECURED JUNIOR NOTES DUE 12/15/2009	\$25,000.00	\$25,000.00
4890	TDM CABLE TRUST 06 10% CONTRACT CERTIFICATES DUE 11/15/10	\$20,000.00	\$20,000.00

Exhibit B

Claim Number	Description of Investment or Nature of Claim	Amount of Claim on Receiver's Website	Paper Claim Amount
4891	TDM CABLE TRUST 06 9.25% 48 MONTHS CONTRACT CERTIFICATES 11/15/10	\$10,000.00	\$10,000.00
5444	TDM Cable Funding LLC	\$50,000.00	\$50,000.00
5546	TDM VERIFIER TRUST 08 CONTRACT CERTIFICATE 36	\$50,000.00	\$50,000.00
5547	FAIN SECURED SENIOR SUBORDINATED NOTES	\$100,000.00	\$100,000.00
5548	FIIN SECURED SENIOR SUBORDINATED NOTES DUE 12/15/2008	\$55,000.00	\$55,000.00
5549	TAIN SECURED SENIOR NOTES	\$9,093.29	\$9,093.29
5550	TAIN SECURED SENIOR NOTES	\$4,546.64	\$4,546.64
5551	TAIN SECURED SENIOR NOTES	\$113,666.07	\$113,666.07
5554	FIIN SECURED SENIOR NOTES	\$9,093.29	\$9,093.29
5555	FIIN SECURED SENIOR NOTES	\$150,039.22	\$150,039.22
5556	FAIN SECURED SENIOR NOTES	\$25,758.70	\$25,758.70
5557	FAIN SECURED SENIOR NOTES	\$27,598.61	\$27,598.61
5558	FAIN SECURED SENIOR SUBORDINATED NOTES	\$125,000.00	\$125,000.00
5559	TAIN SECURED SENIOR NOTES	\$45,466.43	\$45,466.43
5560	TAIN SECURED SENIOR NOTES	\$54,559.72	\$54,559.72
5561	TDM VERIFIER TRUST 08 CONTRACT CERTIFICATE 36	\$100,000.00	\$100,000.00
5563	FIRSTLINE TRUST 07 9.25% SENIOR CONTRACT CERTIFICATES DUE 09/01/10	\$55,302.25	\$55,302.25
5694	TDMM Cable Funding LLC	\$100,000.00	\$100,000.00
5702	TDMM BENCHMARK TRUST 09 12%	\$25,000.00	\$25,000.00

Exhibit B

Claim Number	Description of Investment or Nature of Claim	Amount of Claim on Receiver's Website	Paper Claim Amount
5781	FIIN SECURED SENIOR SUBORDINATED NOTES DUE 12/15/2008	\$75,000.00	\$75,000.00
5782	FIIN SECURED SENIOR SUBORDINATED NOTES DUE 12/15/2008	\$125,000.00	\$125,000.00
5783	McGinn, Smith Capital Holdings Corp.	\$50,000.00	\$50,000.00
5784	McGinn, Smith Transaction Funding Corp.	\$25,000.00	\$25,000.00
5785	McGinn, Smith Transaction Funding Corp.	\$75,000.00	\$75,000.00
5945	FEIN 10.25% SECURED JUNIOR NOTES DUE 01/30/2009	\$700,000.00	\$700,000.00
6122	TDM CABLE TRUST 06 9.25% 48 MONTHS CONTRACT CERTIFICATES 11/15/10	\$15,000.00	\$15,000.00
6125	Cruise Charter Ventures, LLC	\$100,000.00	\$100,000.00
6126	FIIN 10.25% SECURED JUNIOR NOTES DUE 12/15/2008	\$200,000.00	\$200,000.00
6131	McGinn, Smith Firstline Funding, LLC	\$300,000.00	\$300,000.00
6132	FEIN 10.25% SECURED JUNIOR NOTES DUE 01/30/2009	\$75,000.00	\$75,000.00
6134	TDM CABLE TRUST 06 9.25% 48 MONTHS CONTRACT CERTIFICATES 11/15/10	\$20,000.00	\$20,000.00
6312	TDMM BENCHMARK TRUST 09 12%	\$150,000.00	\$150,000.00
6325	TAIN SECURED JUNIOR NOTES DUE 12/15/2009	\$25,000.00	\$25,000.00
6331	FIIN 10.25% SECURED JUNIOR NOTES DUE 12/15/2008	\$30,000.00	\$30,000.00

Exhibit B

Claim Number	Description of Investment or Nature of Claim	Amount of Claim on Receiver's Website	Paper Claim Amount
6336	TDM CABLE TRUST 06 10% CONTRACT CERTIFICATES DUE 11/15/10	\$20,000.00	\$20,000.00
6337	TDM CABLE TRUST 06 9.25% 48 MONTHS CONTRACT CERTIFICATES 11/15/10	\$14,000.00	\$14,000.00
6346	TDM CABLE TRUST 06 10% CONTRACT CERTIFICATES DUE 11/15/10	\$20,000.00	\$20,000.00
6347	TDM CABLE TRUST 06 9.25% 48 MONTHS CONTRACT CERTIFICATES 11/15/10	\$20,000.00	\$20,000.00
6473	McGinn, Smith Transaction Funding Corp.	\$25,000.00	\$25,000.00
6474	TDM CABLE TRUST 06 9.25% 48 MONTHS CONTRACT CERTIFICATES 11/15/10	\$25,000.00	\$25,000.00
6475	TDM LUXURY CRUISE TRUST 07 CONTRACT CERTIFICATES 10% DUE 9/1/11	\$23,125.00	\$23,125.00
6477	McGinn, Smith Firstline Funding, LLC	\$10,000.00	\$10,000.00
6494	FIRSTLINE TRUST 07 B JUNIOR CONTRACT CERTIFICATES 11% DUE 10/01/12	\$19,839.23	\$19,839.23
6495	FORTRESS TRUST 08	\$19,911.10	\$19,911.10
6496	McGinn, Smith Transaction Funding Corp.	\$25,000.00	\$25,000.00
6499	McGinn, Smith Firstline Funding, LLC	\$300,000.00	\$300,000.00
6500	McGinn, Smith Funding, LLC	\$20,000.00	\$20,000.00
6501	TDMM BENCHMARK TRUST 09 10%	\$85,000.00	\$85,000.00
6502	TDMM BENCHMARK TRUST 09 11%	\$145,000.00	\$145,000.00

Exhibit B

Claim Number	Description of Investment or Nature of Claim	Amount of Claim on Receiver's Website	Paper Claim Amount
6503	TDMM BENCHMARK TRUST 09 9%	\$70,000.00	\$70,000.00
6504	TDMM Cable Funding LLC	\$30,200.01	\$30,200.01
490576.1			

Exhibit C

Exhibit C

Claim Number	Description of Investment or Nature of Claim	Amount of Claim on Receiver's Website	Paper Claim Amount
4101	FEIN SECURED SENIOR SUBORDINATED NOTES DUE 01/30/2009	\$25,000.00	\$25,000.00
4102	FEIN SECURED SENIOR SUBORDINATED NOTES DUE 01/30/2009	\$50,000.00	\$50,000.00
4103	FIIN SECURED SENIOR NOTES	\$31,826.50	\$31,826.50
4104	TAIN SECURED SENIOR SUBORDINATED NOTES 7.75% DUE 12/15/2009	\$50,000.00	\$50,000.00
4105	FIIN SECURED SENIOR SUBORDINATED NOTES DUE 12/15/2008	\$50,000.00	\$50,000.00
4147	FEIN 10.25% SECURED JUNIOR NOTES DUE 01/30/2009	\$25,000.00	\$25,000.00
4148	FEIN 10.25% SECURED JUNIOR NOTES DUE 01/30/2009	\$100,000.00	\$100,000.00
4909	FIRSTLINE TRUST 07 9.25% SENIOR CONTRACT CERTIFICATES DUE 09/01/10	\$22,120.90	\$22,120.90
4910	TDMM CABLE SR TRUST 09 9%	\$19,483.15	\$19,483.15
4970	FIIN SECURED SENIOR SUBORDINATED NOTES DUE 12/15/2008	\$5,000.00	\$5,000.00
4971	FIIN SECURED SENIOR SUBORDINATED NOTES DUE 12/15/2008	\$20,000.00	\$20,000.00
4972	TAIN SECURED SENIOR SUBORDINATED NOTES 7.75% DUE 12/15/2009	\$10,000.00	\$10,000.00
5254	TDM VERIFIER TRUST 08 CONTRACT CERTIFICATE 36	\$10,000.00	\$10,000.00

Exhibit C

Claim Number	Description of Investment or Nature of Claim	Amount of Claim on Receiver's Website	Paper Claim Amount
5355	McGinn, Smith Firstline Funding, LLC	\$25,000.00	\$25,000.00
5471	McGinn, Smith Transaction Funding Corp.	\$250,000.00	\$250,000.00
5472	TDM CABLE TRUST 06 9.25% 48 MONTHS CONTRACT CERTIFICATES 11/15/10	\$25,000.00	\$25,000.00
6467	FEIN SECURED SENIOR SUBORDINATED NOTES DUE 01/30/2009	\$10,000.00	\$10,000.00
6468	FEIN SECURED SENIOR SUBORDINATED NOTES DUE 01/30/2009	\$50,000.00	\$50,000.00
6480	FEIN SECURED SENIOR SUBORDINATED NOTES DUE 01/30/2009	\$10,000.00	\$10,000.00
6481	FEIN SECURED SENIOR SUBORDINATED NOTES DUE 01/30/2009	\$50,000.00	\$50,000.00
6484	FAIN SECURED SENIOR SUBORDINATED NOTES	\$15,000.00	\$15,000.00
6485	FAIN SECURED SENIOR SUBORDINATED NOTES	\$70,000.00	\$70,000.00
6486	FEIN SECURED SENIOR SUBORDINATED NOTES DUE 01/30/2009	\$10,000.00	\$10,000.00
6490	TAIN SECURED SENIOR SUBORDINATED NOTES 7.75% DUE 12/15/2009	\$20,000.00	\$20,000.00

Exhibit C

Claim Number	Description of Investment or Nature of Claim	Amount of Claim on Receiver's Website	Paper Claim Amount
6813	FAIN 10.25% SECURED JUNIOR NOTES DUE 11/15/2010	\$25,000.00	\$25,000.00
490572.1			