

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 TWELFTH PAYMENT SCHEDULE  
OF SECOND INVESTOR DISTRIBUTION  
(Collateral Recovery Investors)**

PLEASE TAKE NOTICE that on December 11, 2020, William J. Brown, as Receiver, filed the attached McGinn, Smith & Co. Inc. - Twelfth Payment Schedule of Second Investor Distribution (Collateral Recovery Investors), pursuant to the Approved Plan of Distribution of Estate Assets.

In accordance with the Plan, Payment Schedules of Second Investor Distributions (Collateral Recovery Investors) will continue to be filed on a rolling basis. The attached Payment Schedule reports the claim numbers and amount to be paid as a second 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: December 11, 2020

PHILLIPS LYTTLE LLP

By /s/ Catherine N. Eisenhut  
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Doc #9154014.13

**McGinn Smith & Co. Inc. - Twelfth Payment Schedule of SECOND Investor Distributions (Collateral Recovery Investors)**

**December 11, 2020**

<i>Claim #</i>	<i>Description of Investment</i>	<i>Amount of Investment (100%)</i>	<i>Amount of Second Distribution*</i>
6007A	TAIN Secured Junior Notes Due 12/15/2009	\$ 100,000.00	<i>See amount below</i>
6011A	FEIN 10.25% Secured Junior Notes Due 01/30/2009	\$ 30,000.00	<i>See amount below</i>
6008A	FAIN 10.25% Secured Junior Notes Due 11/15/2010	\$ 25,000.00	<i>See amount below</i>
6009A	FEIN 10.25% Secured Junior Notes Due 01/30/2009	\$ 40,000.00	<i>See amount below</i>
6010A	TAIN Secured Junior Notes Due 12/15/2009	\$ 60,000.00	\$ 24,583.72
6030A	FAIN 10.25% Secured Junior Notes Due 11/15/2010	\$ 35,000.00	<i>See amount below</i>
6031A	FEIN 10.25% Secured Junior Notes Due 01/30/2009	\$ 45,000.00	<i>See amount below</i>
6032A	FEIN 10.25% Secured Junior Notes Due 01/30/2009	\$ 50,000.00	<i>See amount below</i>
6033A	FEIN Secured Senior Subordinated Notes Due 01/30/2009	\$ 50,000.00	<i>See amount below</i>
6034A	FIIN 10.25% Secured Junior Notes Due 12/15/2008	\$ 100,000.00	<i>See amount below</i>
6035A	TAIN Secured Junior Notes Due 12/15/2009	\$ 30,000.00	\$30,351.14
6036A	Integrated Excellence Sr. Trust 08	\$ 17,091.25	<i>(See amount below)</i>
6037A	TRM Verifier Trust 07R Contract Certificates	\$ 25,000.00	<i>(See amount below)</i>
6038A	TDM Verifier Trust 07R Contract Certificates	\$ 50,000.00	\$8,991.64
6122A	TDM Cable Trust 06 9.25% 48 Months Contract Certificates 11/15/10	\$ 15,000.00	<i>See Amount Below</i>
6123A	FEIN Secured Senior Notes	\$919,953.59	<i>See Amount Below</i>
6125D	Cruise Charter Ventures, LLC	\$0.00	<i>See Amount Below</i>
6126D	FIIN 10.25% Secured Junior Notes Due 12/15/2008	\$0.00	<i>See Amount Below</i>
6127D	Firstline Trust 07 11% Junior Contract Certificates Due 05/01/12	\$0.00	<i>See Amount Below</i>
6128D	TDM Luxury Cruise Trust 07 Contract Certificates 10% Due 9/1/11	\$0.00	<i>See Amount Below</i>
6129D	TDMM Cable Sr. Trust 09 9%	\$0.00	<i>See Amount Below</i>

\* If the Amount of Second Distribution is a negative number indicated by (\$xxx) in parenthesis, then the negative amount will be a further charge when final distributions are made.

<i>Claim #</i>	<i>Description of Investment</i>	<i>Amount of Investment (100%)</i>	<i>Amount of Second Distribution*</i>
6130D	FEIN Secured Senior Notes	\$0.00	See Amount Below
6131D	McGinn, Smith Firstline Funding, LLC	\$0.00	See Amount Below
6132D	FEIN 10.25% Secured Junior Notes Due 01/30/2009	\$0.00	See Amount Below
6133D	Pacific Trust	\$0.00	See Amount Below
6134D	TDM Cable Trust 06 9.25% 48 Months Contract Certificates 11/15/10	\$0.00	See Amount Below
6135D	TAIN Secured Senior Notes	\$0.00	See Amount Below
6136D	TDMM Benchmark Trust 09 8%	\$0.00	(\$196,091.19)
6168A	FEIN Secured Senior Subordinated Notes Due 01/30/2009	\$ 25,000.00	See amount below
6169A	FAIN Secured Senior Notes	\$ 68,996.51	See amount below
6170A	FEIN Secured Senior Notes	\$ 13,799.30	See amount below
6171A	FIIN Secured Senior Notes	\$ 13,639.93	See amount below
6172A	FIIN Secured Senior Notes	\$ 22,733.21	See amount below
6173A	TAIN Secured Senior Notes	\$ 68,199.64	See amount below
6174A	TAIN Secured Senior Notes	\$ 86,386.22	See amount below
6175A	TAIN Secured Senior Notes	\$ 90,932.86	\$26,166.91
6176A	FEIN Secured Senior Subordinated Notes Due 01/30/2009	\$ 45,000.00	See amount below
6177A	Integrated Excellence Sr. Trust 08	\$ 6,836.50	See amount below
6178A	TAIN Secured Senior Subordinated Notes 7.75% Due 12/15/2009	\$ 15,000.00	See amount below
6179A	TDM Verifier Trust 07R Contract Certificates	\$ 10,000.00	See amount below
6180A	TDMM Calbe Sr. Trust 09 9%	\$ 11,689.89	See amount below
6181A	FAIN Secured Senior Notes	\$ 18,399.07	See amount below
6182A	FAIN Secured Senior Notes	\$ 18,399.07	See amount below
6183A	FEIN Secured Senior Notes	\$ 36,798.14	See amount below
6184A	FIIN Secured Senior Notes	\$ 9,093.29	See amount below
6185A	FIIN Secured Senior Notes	\$ 154,585.86	\$28,730.03

\* If the Amount of Second Distribution is a negative number indicated by (\$xxx) in parenthesis, then the negative amount will be a further charge when final distributions are made.

<i>Claim #</i>	<i>Description of Investment</i>	<i>Amount of Investment (100%)</i>	<i>Amount of Second Distribution*</i>
6213A	FAIN Secured Senior Subordinated Notes	\$ 15,000.00	<i>See amount below</i>
6214A	FIIN Secured Senior Subordinated Notes Due 12/15/2008	\$ 40,000.00	<i>See amount below</i>
6215A	Firstline Trust 07B Senior Contract Certificates 9.50% Due 10/01/11	\$ 8,276.78	<i>See amount below</i>
6216A	TDM Verifier Trust 11 Contract Certificates 9%	\$ 9,539.85	<i>See amount below</i>
6217A	TDMM Cable Sr. Trust 09 9%	\$ 7,793.26	<i>See amount below</i>
6218A	FAIN Secured Senior Notes	\$ 13,799.30	<i>See amount below</i>
6219A	FIIN Secured Senior Notes	\$ 22,733.21	<i>See amount below</i>
6220A	FIIN Secured Senior Notes	\$ 54,559.72	<i>See amount below</i>
6221A	FAIN Secured Senior Subordinated Notes	\$ 40,000.00	<i>See amount below</i>
6222A	FEIN Secured Senior Subordinated Notes Due 01/30/2009	\$ 25,000.00	<i>See amount below</i>
6223A	Fortress Trust 08	\$ 7,964.44	<i>See amount below</i>
6224A	TDM Verifier Trust 07R Contract Certificates	\$ 20,000.00	<i>See amount below</i>
6225A	FAIN Secured Senior Notes	\$ 36,798.14	<i>See amount below</i>
6226A	McGinn, Smith Firstline Funding, LLC	\$ 1,500.00	\$25,845.88
6241A	FAIN Secured Senior Subordinated Notes	\$ 80,000.00	<i>See amount below</i>
6242A	TAIN Secured Senior Subordinated Notes 7.75% Due 12/15/2009	\$ 150,000.00	<i>See amount below</i>
6243A	FAIN Secured Senior Notes	\$ 275,986.08	<i>See amount below</i>
6244A	FIIN Secured Senior Notes	\$ 122,759.36	<i>See amount below</i>
6245A	FIIN Secured Senior Notes	\$ 183,684.37	<i>See amount below</i>
6246A	FIIN Secured Senior Notes	\$ 27,279.86	<i>See amount below</i>
6250A	TAIN Secured Senior Subordinated Notes 7.75% Due 12/15/2009	\$ 75,000.00	<i>See amount below</i>
6251A	FIIN Secured Senior Notes	\$ 11,821.27	\$79,328.25

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\* If the Amount of Second Distribution is a negative number indicated by (\$xxx) in parenthesis, then the negative amount will be a further charge when final distributions are made.