

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF NEW YORK

-----X  
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.* :

-----X

**NOTICE OF FILING OF TWENTY-FIRST AND FINAL PAYMENT SCHEDULE  
OF SECOND INVESTOR DISTRIBUTION**

PLEASE TAKE NOTICE that on April 30, 2021, William J. Brown, as Receiver, filed the attached McGinn, Smith & Co. Inc. - Twenty-First and Final Payment Schedule of Second Investor Distribution, pursuant to the Approved Plan of Distribution of Estate Assets.

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: April 30, 2021

PHILLIPS LYTTLE LLP

By /s/ William J. Brown

William J. Brown (Bar Roll #601330)  
Catherine N. Eisenhut (Bar Roll #520849)

Attorneys for Receiver

Omni Plaza

30 South Pearl Street

Albany, New York 12207

Telephone No. (518) 472-1224

and

One Canalside

125 Main Street

Buffalo, New York 14203

Telephone No.: (716) 847-8400

Doc #9154014.22

**McGinn Smith & Co. Inc. - Twenty-First and FINAL Schedule of SECOND Investor Distributions****April 30, 2021**

|  |  | <i>Claim #</i> | <i>Description of Investment</i>                             | <i>Amount of Investment (100%)</i> | <i>Amount of Second Distribution</i> |
|--|--|----------------|--|------------------------------------|--------------------------------------|
|  |  | 4755A          | FAIN 10.25% Secured Junior Notes Due 11/15/2010              | \$ 15,000.00                       | \$ 1,500.00                          |
|  |  | 4756A          | TDM Verifier Trust 09 10% Contract Certificates Due 12/31/11 | \$ 22,559.38                       | \$ 2,256.00                          |

Doc #9647268.2