

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

PLEASE TAKE NOTICE that on January 23, 2024, William J. Brown, as Receiver, filed the attached McGinn, Smith & Co. Inc. - Second Payment Schedule of Fourth Investor Distribution (Collateral Recovery Investors), 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 fourth 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. The attached Payment Schedule is the second of three Payment Schedules to be filed in connection with the Fourth Investor Distribution.

Dated: January 23, 2024

PHILLIPS LYTTLE LLP

By /s/ **William J. Brown**

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

Attorneys for Receiver

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Doc #11646256.2

**McGinn Smith & Co. Inc. - Second Payment Schedule of FOURTH Investor Distribution (Collateral Recovery Investors)**

<i>Claim #</i>	<i>Description of Investment</i>	<i>Amount of Investment 100%</i>	<i>Amount of Fourth Distribution*</i>
4630A	FAIN Secured Senior Subordinated Notes	\$125,000.00	<i>See amount below</i>
4631A	FIIN Secured Senior Notes	\$59,106.36	<i>See amount below</i>
4627A	FAIN Secured Senior Notes	\$114,994.19	<b>(\$75,118.18)</b>
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>
6130D	FEIN Secured Senior Notes	\$0.00	<i>See Amount Below</i>
6131D	McGinn, Smith Firstline Funding, LLC	\$0.00	<i>See Amount Below</i>
6132D	FEIN 10.25% Secured Junior Notes Due 01/30/2009	\$0.00	<i>See Amount Below</i>
6133D	Pacific Trust	\$0.00	<i>See Amount Below</i>
6134D	TDM Cable Trust 06 9.25% 48 Months Contract Certificates 11/15/10	\$0.00	<i>See Amount Below</i>
6135D	TAIN Secured Senior Notes	\$0.00	<i>See Amount Below</i>
6136D	TDMM Benchmark Trust 09 8%	\$0.00	<b>(\$149,010.02)</b>

\* If the Amount of Fourth Distribution is a negative number indicated by (\$XXX) in parenthesis, then no distributions are expected to be made.