

the reduction of any claim of any Bondholder; nor shall the right of any Bondholder or any committee of Bondholders to intervene in any such proceeding on his or their own behalf be prejudiced hereby or by any action of the Trustees pursuant hereto.

## ARTICLE NINE.

### CONCERNING THE TRUSTEES.

The Trustees accept the trusts hereunder and agree to perform the same, but only upon the terms and conditions hereof, including the following, to all of which the Company and the respective holders of the Bonds at any time outstanding by their acceptance thereof agree:

SECTION 9.01. *Duties of Trustees.* The Trustees undertake, except while an Event of Default actually known to the Trustees shall have occurred and be continuing, to exercise such duties and only such duties as are specifically set forth in this Indenture, and, while an Event of Default actually known to the Trustees shall have occurred and be continuing, to exercise such of the rights and powers as are vested in them by this Indenture and to use the same degree of care and skill in their exercise as an ordinary prudent man would exercise or use under the circumstances in the conduct of his own affairs.

The Trustees, upon receipt of instruments furnished to them pursuant to the provisions of this Indenture, shall examine the same to determine whether or not such instruments conform to the requirements of this Indenture.

SECTION 9.02. *Trustees' Liability.* No provision of this Indenture shall be construed to relieve the Trustees from liability for their own negligent action, negligent failure to act, or their own wilful misconduct, except that

(1) Unless an Event of Default shall have occurred and be continuing, the Trustees shall not be liable except for the performance of such duties as are specifically set forth in this Indenture and no implied covenants or obligations shall be read into this Indenture against the Trustees but the duties and obligations of the Trustees shall be determined solely by the express provisions of this Indenture.

(2) In the absence of bad faith on the part of the Trustees, the Trustees may rely and shall be protected in acting upon any