

- 39 -

trust, shall be entitled and empowered to institute such action or proceedings at law or in equity as may be advised by their counsel for the collection of the sums so due and unpaid, and may prosecute any such action or proceedings to judgment or final decree, and may enforce any such judgment or final decree against the Company and collect moneys adjudged or decreed to be payable out of the property of the Company wherever situated as well as out of the Trust Estate, in any manner provided by law.

(b) The Trustees shall be entitled to recover judgment as aforesaid either before or after or during the pendency of any proceedings for the enforcement of the lien of this Indenture; and the right of the Trustees to recover such judgment shall not be affected by any entry or sale hereunder, or by the exercise of any other right, power or remedy for the enforcement of the provisions of this Indenture, or the foreclosure of the lien hereof; and in case of a sale of the Trust Estate, and of the application of the proceeds of sale, as in this Article VII provided, to the payment of the debt hereby secured, the Trustees, in their own names and as trustees of an express trust, shall be entitled to enforce payment of and to receive all amounts then remaining due and unpaid upon any and all of the Notes then outstanding for the benefit of the payees and holders thereof, and upon all other payments, charges and costs due under this Indenture, and shall be entitled to recover judgment for any portion of the debt remaining unpaid, with interest. In case of proceedings against the Company in insolvency or bankruptcy or any proceedings for its reorganization or involving the liquidation of its assets, then and in such case the Trustees shall be entitled to prove the whole amount of principal and interest due upon the Notes then outstanding to the full amount thereof, and all other payments, charges and costs due under this Indenture, without deducting therefrom any proceeds obtained from the sale of the whole or any part of the Trust Estate; provided, however, that in no case shall the Trustees receive a greater amount than such principal and interest and such other payments, charges and costs from the aggregate amount of the proceeds of the sale of the Trust Estate and the distribution from the estate of the Company.

(c) No recovery of any judgment by the Trustees, and no levy of an execution under any judgment upon the Trust Estate or upon any other property of the Company shall affect, in any manner or to any extent, the lien of this Indenture upon the Trust Estate or any part thereof, or any liens, rights, powers