

SECTION 5  
THE TRUSTEES

5.1 Acceptance of Trust. The Trustees, for themselves and their respective successors, hereby accept the trusts created by this Agreement upon the terms and conditions hereof, including those contained in this Section 5.

5.2 Exculpatory Provisions.

(a) The Trustees shall not be responsible in any manner whatsoever for the correctness of any recitals, statements, representations or warranties herein or in the Harnischfeger Security Documents contained, all of which are made solely by the Company. The Trustees make no representations as to the value or condition of the Trust Estate or any part thereof, or as to the title of the Company thereto or as to the security afforded by the Harnischfeger Security Documents or this Agreement, or as to the validity, execution (except their own execution), enforceability, legality or sufficiency of this Agreement, any Harnischfeger Security Document or of the Secured Debt secured hereby and thereby, and the Trustees shall incur no liability or responsibility in respect of any such matters. The Trustees shall not be responsible for insuring the Trust Estate or for the payment of taxes, charges,

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