

(a) to require the Trustee/Bank Agent to proceed to enforce this Transfer and Assignment, the Amended 1982 Loan Agreement, or the Amended 1982 Mortgage, either by judicial proceedings for the enforcement of the payment of the 1984 Bond and the Indenture Bonds or the enforcement of any other remedy; and

(b) to direct the time, method and place of conducting any proceeding for any remedy available to the Trustee/Bank Agent, or exercising any trust or power conferred upon the Trustee/Bank Agent hereunder, or under the Amended 1982 Loan Agreement or the Amended 1982 Mortgage; provided that

(1) such direction shall not be in conflict with any rule of law or with this Transfer and Assignment,

(2) the Trustee/Bank Agent shall not determine that the action so directed would be unjustly prejudicial to the holders not taking part in such direction, and

(3) the Trustee/Bank Agent may take any other action deemed proper by the Trustee/Bank Agent which is not inconsistent with such direction.

Section 3.15. Restoration of Positions. If the Trustee/Bank Agent or the Bondholder or any holder or holders of any of the Indenture Bonds has instituted any proceeding to enforce any right or remedy under this Transfer and Assignment, the Amended 1982 Loan Agreement or the Amended 1982 Mortgage, by foreclosure sale, entry or otherwise, and such proceeding has been discontinued or abandoned for any reason, or has been determined adversely to the Trustee/Bank Agent or to the Bondholder or any such holder of any of the Indenture Bonds, then and in every such case the County, the Hospital, the Trustee/Bank Agent, the Bondholder or any such holder of any of the Indenture Bonds shall, subject to any determination in such proceeding, be restored to their former positions hereunder, and thereafter all rights and remedies of the Trustee/Bank Agent, the Bondholder or any such holder of any of the Indenture Bonds shall continue as though no such proceeding had been instituted.

Section 3.16. Rights and Remedies Cumulative. No right or remedy herein conferred upon or reserved to the Trustee/Bank Agent or to the Bondholder or any holder of any of the Indenture Bonds is intended to be exclusive of any other right or remedy, but