

SUCH PROPERTIES, AND OF THE APPLICATION OF THE PROCEEDS OF SALE TO THE PAYMENT OF THE MORTGAGE DEBT, THE TRUSTEE, IN ITS OWN NAME AND AS TRUSTEE OF AN EXPRESS TRUST, SHALL BE ENTITLED TO RECEIVE AND TO ENFORCE PAYMENT OF ANY AND ALL DEFICIENCIES OR AMOUNTS THEN REMAINING UNPAID UPON OR ON ACCOUNT OF ANY OR ALL OF THE BONDS THEN OUTSTANDING, FOR THE BENEFIT OF THE RESPECTIVE HOLDERS THEREOF, AND SHALL BE ENTITLED TO RECOVER JUDGMENT FOR ANY PORTION OF THE MORTGAGE DEBT REMAINING UNPAID, WITH INTEREST. NO RECOVERY OF ANY JUDGMENT BY THE TRUSTEE AND NO LEVY OF ANY EXECUTION UNDER ANY SUCH JUDGMENT UPON PROPERTY SUBJECT TO THE LIEN OF THIS INDENTURE, OR UPON ANY OTHER PROPERTY, SHALL IN ANY MANNER OR TO ANY EXTENT AFFECT OR IMPAIR THE LIEN OF THE TRUSTEE UPON THE MORTGAGED PROPERTIES OR ANY PART THEREOF, OR ANY RIGHTS, POWERS OR REMEDIES OF THE TRUSTEE OR OF THE HOLDERS OF THE BONDS HEREBY SECURED; BUT SUCH LIEN, RIGHTS, POWERS AND REMEDIES SHALL CONTINUE UNAFFECTED AND UNIMPAIRED AS BEFORE. ANY MONEYS COLLECTED BY THE TRUSTEE UNDER THIS SECTION 82 SHALL BE APPLIED BY THE TRUSTEE, SUBJECT TO THE PROVISIONS OF SECTION 33 HEREOF, FIRST, TO THE PAYMENT OF THE COSTS AND EXPENSES OF THE PROCEEDINGS RESULTING IN THE COLLECTION OF SUCH MONEYS, AND, SECOND, TO THE PAYMENT OF THE AMOUNTS THEN DUE AND UNPAID UPON SUCH BONDS AND INTEREST COUPONS OR CLAIMS FOR INTEREST, RESPECTIVELY, WITHOUT ANY PREFERENCE OR PRIORITY OF ANY KIND, BUT RATABLY ACCORDING TO THE AMOUNTS DUE AND PAYABLE UPON SUCH BONDS AND INTEREST COUPONS OR CLAIMS FOR INTEREST, RESPECTIVELY AT THE DATE FIXED BY THE TRUSTEE FOR THE DISTRIBUTION OF SUCH MONEYS.

SECTION 83. ANYTHING IN THIS INDENTURE CONTAINED TO THE CONTRARY NOTWITHSTANDING, THE HOLDERS OF A MAJORITY IN AGGREGATE PRINCIPAL AMOUNT OF THE BONDS OUTSTANDING HEREUNDER, FROM TIME TO TIME, SHALL HAVE THE RIGHT, BY AN INSTRUMENT IN WRITING, EXECUTED AND DELIVERED TO THE TRUSTEE, TO DIRECT THE METHOD OF CONDUCTING ANY AND ALL PROCEEDINGS UNDER THIS ARTICLE NINTH, FOR ANY SALE OF THE MORTGAGED PROPERTIES OR FOR THE FORECLOSURE OF THIS INDENTURE OR FOR THE APPOINTMENT OF A RECEIVER, OR FOR ANY OTHER PURPOSE, AND THE TRUSTEE SHALL NOT BE RESPONSIBLE TO ANYONE FOR ANY ACTION TAKEN OR OMITTED BY IT PURSUANT TO ANY SUCH DIRECTION; PROVIDED, THAT SUCH DIRECTION SHALL NOT BE INCONSISTENT WITH THE TERMS OF THIS INDENTURE.

SECTION 84. EXCEPT AS HEREIN EXPRESSLY PROVIDED TO THE CONTRARY, NO REMEDY HEREIN CONFERRED UPON OR RESERVED TO THE TRUSTEE OR TO THE HOLDERS OF THE BONDS IS INTENDED TO BE EXCLUSIVE OF ANY OTHER REMEDY, BUT EVERY REMEDY HEREIN PROVIDED SHALL BE CUMULATIVE, AND SHALL BE IN ADDITION TO EVERY OTHER REMEDY GIVEN HEREUNDER OR NOW OR HEREAFTER EXISTING AT LAW OR IN EQUITY, OR BY STATUTE; AND EVERY POWER AND REMEDY GIVEN BY THIS INDENTURE TO THE TRUSTEE OR TO HOLDERS OF THE BONDS MAY BE EXERCISED FROM TIME TO TIME, AND AS OFTEN AS MAY BE DEEMED EXPEDIENT. NO DELAY OR OMISSION BY THE TRUSTEE OR BY ANY HOLDER OF ANY BOND TO EXERCISE ANY RIGHT OR POWER ARISING FROM ANY DEFAULT, SHALL IMPAIR ANY SUCH RIGHT OR POWER, OR SHALL BE CONSTRUED TO BE A WAIVER OF ANY SUCH DEFAULT OR AN ACQUIESCENCE THEREIN. IN CASE THE TRUSTEE SHALL HAVE PROCEEDED TO ENFORCE ANY RIGHT UNDER THIS INDENTURE BY FORECLOSURE, ENTRY OR OTHERWISE, AND SUCH PROCEEDINGS SHALL HAVE BEEN DISCONTINUED OR ABANDONED BECAUSE OF WAIVER, OR FOR ANY OTHER REASON, OR SHALL HAVE BEEN DETERMINED ADVERSELY, THEN, AND IN EACH AND EVERY SUCH CASE, THE COMPANY AND THE TRUSTEE SHALL SEVERALLY AND RESPECTIVELY BE RESTORED TO THEIR FORMER POSITIONS AND RIGHTS HEREUNDER IN RESPECT OF THE MORTGAGED PROPERTIES, AND ALL RIGHTS, REMEDIES AND POWERS OF THE TRUSTEE SHALL CONTINUE AS THOUGH NO SUCH PROCEEDS HAD BEEN TAKEN.