

hereby given or under a judgment, order or decree made in any action to foreclose or to enforce this Indenture shall be applied:

(a) first to the payment of (1) all costs and expenses of such sale, including reasonable attorneys' fees and reasonable compensation to the Trustee for its services hereunder, and (2) all charges, expenses and advances incurred or made by the Trustee or the Beneficiary in order to protect the lien of this Indenture or the security afforded hereby;

(b) then to the payment of all sums then secured hereby in such order and manner as may be required by the Beneficiary's and

(c) any balance thereof shall be paid to the Company, or to whosoever shall be legally entitled thereto, or as a court of competent jurisdiction may direct.

Section 3.04 Right to Sue. The Trustee or the Beneficiary shall have the right from time to time to sue for any sums required to be paid by the Company under the terms of this Indenture as the same respectively become due, without regard to whether or not the principal sum secured hereby or any other sums secured by this Indenture shall be due and without prejudice to the right of the Trustee thereafter to bring any action or proceeding of foreclosure or any other action upon the occurrence of any Event of Default existing at the time such earlier action was commenced.

Section 3.05 Powers of Trustee and Beneficiary. The Trustee or the Beneficiary may at any time or from time to time renew or extend this Indenture or alter or modify the same in any way, or waive any of the terms, covenants or conditions hereof in whole or in part and may release any portion of the Trust Estate or any other security, and grant such extensions and indulgences in relation to the indebtedness secured hereby as the Trustee or the Beneficiary may determine without the consent of any junior lienor or encumbrancer and without any obligation to give notice of any kind thereto and without in any manner affecting the priority of the lien of this Indenture on any part of the Trust Estate.

Section 3.06 Remedies Cumulative. No right or remedy herein conferred upon or reserved to the Trustee or Beneficiary is intended to be exclusive of any other right or remedy, and each and every right and remedy shall be cumulative and in addition to any other right or remedy