

(c) In case the Trustees shall have proceeded to enforce any right, remedy or power under this Agreement or any Harnischfeger Security Document and the proceeding for the enforcement thereof shall have been discontinued or abandoned for any reason or shall have been determined adversely to the Trustees, then and in every such case the Company, the Trustees and the Holders shall, subject to any determination in such proceeding, severally and respectively be restored to their former positions and rights hereunder and under such Harnischfeger Security Document with respect to the Trust Estate and all other respects, and thereafter all rights, remedies and powers of the Trustees shall continue as though no such proceeding had been taken.

(d) All rights of action and rights to assert claims upon or under this Agreement and the Harnischfeger Security Documents may be enforced by the Trustees without the possession of any instrument evidencing the Secured Debt or the production thereof in any trial or other proceeding relative thereto, and any such suit or proceeding instituted by the Trustees shall be brought in their names as Trustees and any recovery of judgment shall be held as part of the Trust Estate.

