

Documents without the execution or filing of any papers or any further action on the part of the parties hereto.

5.10 Powers of Individual Trustees.

(a) The Individual Trustee has been joined as a party hereunder so that if, by any present or future law in any jurisdiction in which it may be necessary to perform any act in the execution of the trusts hereby created, the Trustee may be incompetent or unqualified to act as such Trustee, then all the acts required to be performed in such jurisdiction, in the execution of the trusts hereby created, shall and will be performed by the Individual Trustee, acting alone. Therefore, notwithstanding any other term or provision hereof or of any Harnischfeger Security Document to the contrary, the Trustee alone shall have and exercise the rights and powers granted to the Trustees, or either of them, herein and in the Harnischfeger Security Documents and shall be solely charged with the performance of the duties herein declared on the part of the Trustees, or either of them, to be had and exercised or to be performed, provided, however, that if the Trustee deems it necessary for the Individual Trustee to act in a particular jurisdiction, the Individual Trustee shall have and exercise the rights and powers, and be entitled to benefits, granted herein and in the Harnischfeger Security Documents and shall be charged with the performance of the

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