

be continuing, the Trustee may act under the foregoing provisions of this Section 5.11 without the concurrence of the Company, and the Company hereby appoints the Trustee as its agent and attorney to act for it under the foregoing provisions of this Section 5.11 in either of such contingencies.

(b) Every separate trustee and every co-trustee, other than any trustee which may be appointed as successor to M&I Marshall & Ilsley Bank or David L. Lauterbach, shall, to the extent permitted by law, be appointed and act and be such, subject to the following provisions and conditions, namely:

(i) all rights, powers, duties and obligations conferred upon the Trustee in respect of the custody, control and management of moneys, papers or securities shall be exercised solely by M&I Marshall & Ilsley Bank, or its successors as Trustee hereunder;

(ii) all rights, powers, duties and obligations conferred or imposed upon the Trustees hereunder and under the Harnischfeger Security Documents shall be conferred or imposed and exercised or performed by the Trustees and such separate trustee or separate trustees or co-trustee or co-trustees, jointly, as shall be provided in the instrument appointing such separate trustee

