

other payments out of production now or hereafter existing shall not be deemed to constitute costs of operation.

Anything to the contrary notwithstanding, the Assignees with respect to any part or portion of the Property which is operated by operators other than the Assignees, shall not be obligated to perform undertakings performable only by such operators and which are beyond the control of the Assignees; provided, however, that the Assignees will promptly take all such action available to them to enforce or secure the performance of any such undertakings required to be performed by such operators.

The foregoing and all other covenants and liabilities of the Assignees contained herein or implied or assumed by virtue of their acceptance of delivery hereof are made or assumed by the Assignees solely in their capacity as Trustees of each of the above-mentioned separate Trusts and not individually, and their liability shall be limited to the value of all property acquired by the several trust estates. Each of said separate Trusts shall be responsible and chargeable severally and not jointly and severally with respect to any breach of said covenants or any liabilities incurred or assumed hereunder.

3.2. Remedies of Assignor. Should the Assignees fail promptly to perform or observe any of the covenants, agreements, and undertakings provided in this Assignment to be performed or observed by the Assignees, and such failure continue unremedied more than 30 days after written demand is made of the Assignees by Assignor for the performance, Assignor, in addition to all other remedies available to him at law or in equity,

A. shall thereupon and thereafter have the continuing and absolute right, privilege, and option (but shall be under no duty) to effect performance or observance of such covenant, agreement, or undertaking, which has failed as aforesaid to be performed or observed by the Assignees, on behalf and at the expense of the Assignees, in which event Assignor may advance funds and incur and pay bills for expenses for such purpose, and