

(I) ON TERMS AND CONDITIONS AS THE COURT CONSIDERS APPROPRIATE; AND

~~(II) IF THE COURT IS SATISFIED THAT A DIVISION OF A TRUST OR CONSOLIDATION OF TRUSTS:~~

~~1. IS NOT INCONSISTENT WITH THE INTENT OF A TRUSTOR WITH REGARD TO A TRUST TO BE CONSOLIDATED OR DIVIDED;~~

~~2. FACILITATES ADMINISTRATION OF A TRUST TO BE DIVIDED OR TRUSTS TO BE CONSOLIDATED; AND~~

~~3. IS IN THE BEST INTERESTS OF ALL BENEFICIARIES AND DOES NOT MATERIALLY IMPAIR THE RESPECTIVE INTERESTS OF THE BENEFICIARIES.~~

(II) IF THE COURT IS SATISFIED THAT A DIVISION OF A TRUST OR CONSOLIDATION OF TRUSTS WILL NOT DEFEAT OR MATERIALLY IMPAIR:

1. THE ACCOMPLISHMENT OF TRUST PURPOSES;

OR

2. THE INTERESTS OF THE BENEFICIARIES.

(3) A COURT MAY PASS ORDERS THAT THE COURT CONSIDERS PROPER OR NECESSARY TO PROTECT THE INTERESTS OF A:

- (I) TRUSTEE;
- (II) PERSONAL REPRESENTATIVE;
- (III) BENEFICIARY; OR
- (IV) PARTY IN INTEREST.

(C) THIS SECTION APPLIES TO TRUSTS:

- (1) WHENEVER CREATED;
- (2) WHETHER INTER VIVOS OR TESTAMENTARY;
- (3) CREATED BY THE SAME OR DIFFERENT INSTRUMENTS;
- (4) CREATED BY THE SAME OR DIFFERENT PERSONS; AND
- (5) REGARDLESS OF WHERE CREATED OR ADMINISTERED.

(D) THIS SECTION MAY NOT BE CONSTRUED TO LIMIT THE RIGHT OF A TRUSTEE OR PERSONAL REPRESENTATIVE TO DIVIDE A TRUST OR CONSOLIDATE TRUSTS, WITHOUT AN ORDER OF A COURT, IN ACCORDANCE WITH THE APPLICABLE PROVISIONS OF THE GOVERNING INSTRUMENT.