

(4) THE TRUSTEE DETERMINES, AFTER APPLYING THE RULES IN § 15-502(A) OF THIS SUBTITLE, THAT THE TRUSTEE IS UNABLE TO COMPLY WITH § 15-502(B) OF THIS SUBTITLE;

(5) THE TRUSTEE DETERMINES THAT CONVERSION OF THE TRUST TO A UNITRUST IN ACCORDANCE WITH § 15-502.1(A) OF THIS SUBTITLE IS AN INAPPROPRIATE METHOD TO COMPLY WITH § 15-502(B) OF THIS SUBTITLE BASED ON A REVIEW OF ALL FACTORS RELEVANT TO THE TRUST AND ITS BENEFICIARIES; AND

(6) (I) THE TRUSTEE COMPLIES WITH THE NOTICE REQUIREMENTS OF § 15-502.3 OF THIS SUBTITLE AND ALL QUALIFIED BENEFICIARIES CONSENT; OR

(II) A COURT REVIEWS A PETITION FILED UNDER 15-502.3 OF THIS SUBTITLE AND APPROVES THE ADJUSTMENT.

(B) IN DECIDING WHETHER AND TO WHAT EXTENT TO EXERCISE THE POWER CONFERRED BY SUBSECTION (A) OF THIS SECTION, A TRUSTEE SHALL CONSIDER ALL THE FACTORS RELEVANT TO THE TRUST AND ITS BENEFICIARIES, INCLUDING THE FOLLOWING FACTORS TO THE EXTENT THEY ARE RELEVANT:

(1) THE NATURE, PURPOSE, AND EXPECTED DURATION OF THE TRUST;

(2) THE INTENT OF THE CREATOR OF THE TRUST;

(3) THE IDENTITY AND CIRCUMSTANCES OF THE BENEFICIARIES;

(4) THE NEEDS FOR LIQUIDITY, REGULARITY OF INCOME, AND PRESERVATION AND APPRECIATION OF CAPITAL;

(5) THE ASSETS HELD IN THE TRUST AND:

(I) THE EXTENT TO WHICH THEY CONSIST OF FINANCIAL ASSETS, INTERESTS IN CLOSELY HELD ENTERPRISES, TANGIBLE AND INTANGIBLE PERSONAL PROPERTY, OR REAL PROPERTY;

(II) THE EXTENT TO WHICH AN ASSET IS USED BY A BENEFICIARY;
AND

(III) WHETHER AN ASSET WAS ACQUIRED BY THE TRUSTEE OR RECEIVED FROM THE CREATOR OF THE TRUST;

(6) THE NET AMOUNT ALLOCATED TO INCOME UNDER OTHER PROVISIONS OF THIS SUBTITLE AND THE INCREASE OR DECREASE IN THE VALUE OF THE PRINCIPAL ASSETS, WHICH THE TRUSTEE MAY ESTIMATE AS TO ASSETS FOR WHICH MARKET VALUES ARE NOT READILY AVAILABLE;

(7) WHETHER AND TO WHAT EXTENT THE TERMS OF THE TRUST GIVE THE TRUSTEE THE POWER TO INVADE PRINCIPAL OR ACCUMULATE INCOME AND THE EXTENT TO WHICH THE TRUSTEE HAS EXERCISED A POWER FROM TIME TO TIME TO INVADE PRINCIPAL OR ACCUMULATE INCOME;

(8) THE ACTUAL AND ANTICIPATED EFFECT OF ECONOMIC CONDITIONS ON PRINCIPAL AND INCOME AND THE EFFECTS OF INFLATION AND DEFLATION; AND