

Article - Estates and Trusts

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§14.5–415.

(a) (1) Subject to the provisions of paragraph (2) of this subsection, on petition by a trustee, personal representative, beneficiary, or party in interest, after notice as the court may direct to the trustees, personal representatives, beneficiaries, and parties in interest, and for good cause shown, a court may:

- (i) Divide a trust into two or more separate trusts; or
- (ii) Consolidate two or more trusts into a single trust.

(2) A court may divide a trust or consolidate trusts:

- (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 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:

- (i) A trustee;
- (ii) A personal representative;
- (iii) A beneficiary; or
- (iv) A party in interest.

(b) 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.

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