

Superior Court of California
County of Merced
Probate Department

Probate Notes

Probate Notes for future calendars are available from the time they are created until the morning of the scheduled hearing. Updates to the Probate Examiner's Notes typically will be posted 3 days prior to the hearing. If you are filing documents to cure a technical defect, documents should be filed a minimum of 2 court days prior to the hearing. Documents filed late will not be reviewed except on the date of the hearing at the Judge's discretion and could result in a continuance of your case.

Parties intending to appear in Court regarding their hearing must notify all other parties and call (209) 725-4240 to notify the Court of such intent by 4:00 pm on the day before the hearing.

Contacting the Probate Examiner:

Probate Examiner's email address is: probate.examiner@mercedcourt.org

Emails must have the case identification information and hearing date/time in the subject line. No attachments will be opened. The Probate Examiner can only respond to inquiries regarding the meaning of comments in the Notes. Please do not email to notify that documents have been filed, to request a confirmation whether documents have been received or to request the clearing of notes. No legal or procedural advice may be given by the Examiner in response to your email.

Questions regarding fees, forms or status of orders should be directed to the Probate Unit of the Clerk's Office at (209) 725-4111 between the hours of 8:00 a.m. – 12:00 pm. and 1:00 p.m. – 3:00 p.m., Monday – Friday.

Superior Court of California, County of Merced
PROBATE CALENDAR
HONORABLE: Donald Proietti

DATE: Friday, October 9, 2020
TIME: 8:15 AM
Courtroom 10

PROBATE CALENDAR

The following tentative rulings shall become the ruling of the court unless a party gives notice of intention to appear as follows:

1. You must call (209) 725-4240 to notify the court of your intent to appear.
2. You must give notice to all other parties before 4:00 p.m. of your intent to object.

Per California Rules of Court, rule 3.1308(a)(1), failure to do both items 1 and 2 will result in no oral argument. **To limit the spread of the COVID-19 virus, the court will only conduct remote hearings. Parties who contest the tentative ruling or wish to appear remotely at a hearing must contact the clerk of the Court at (209) 725-4111 to provide their contact information for the remote hearing.**

CASE#: 20PR-00250

CASE NAME: Estate of Jo Ann Courtney

THIS CASE IS SET FOR HEARING ON:
Petition for Administration with Full IAEA

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED:

1. Clarification regarding the submitted Proposed Letters that reflect both Full and Limited IAEA Authority being requested. Prob Code 8006, 8400

TENTATIVE RULING

Petition for Administration with Full IAEA is approved. Counsel to submit corrected proposed Letters.

CASE#: PR001489

CASE NAME: Conservatorship of Ruben Esparza

THIS CASE IS SET FOR HEARING ON:

Continued from August 17, 2020 re: Second Accounting

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS WERE PREVIOUSLY NOTED:

1. No Notice to the Conservatee. Prob Code 1460 (b)(2) [*Corrected –](#)
2. Heading of “Schedule A” (pages 2- 7) incorrectly reflect “Disbursements – Schedule C”. [*Corrected in Amended Second Accounting filed 10/6/20](#)
3. Proof of Bond has not been submitted to the Court. The Conservator was ordered to post bond in the amount of \$25,000.00 on August 7, 2014. [Corrected – Filed 7/31/20](#)
4. The original bond ordered was for \$25,000.00 and may now need to be increased due to the increased value of the conservatee’s estate. CRC 7.204 [*Counsel addressed in Supplement to Second Account filed 7/31/20](#)
5. Have any dividends been paid to the account at Mechanics Bank xxxx1916? [*Addressed in Supplement to Second Account filed 7/31/20 and Amended Second Accounting filed 10/6/20](#)
6. Were dividends paid to Merced School Employee’s Credit Union account xxxx9004 for the periods of time as follows: [*Addressed in Supplement to Second Account filed 7/31/20](#)
 - a. August 2015 through April 2016
 - b. June 2061 through August 2018
 - c. October 2018 through October 2019
 - d. December 2019
7. There are multiple overdraft fees and ACH fees that total \$569.00 as noted in Schedule C. On April 17, 2018 there is a significant overdraft fee in the amount of \$130.00. [*Addressed in Supplement to Second Account filed 7/31/20 and Amended Second Accounting filed 10/6/20](#)
8. Schedule A & C contain entries for “Intra-Bank Transfer”. Schedule A contains two additional transfers on April 17, 2018 for \$130.00 and \$30.00 that are not reflected in the Schedule C entries. [*Addressed in Supplement to Second Account filed 7/31/20 and Amended Second Accounting filed 10/6/20](#)
9. Further explanation needed regarding the \$4,000.00 disbursement to Assurant on October 2, 2018. [*Addressed in Supplement to Second Account filed 7/31/20 and Amended Second Accounting filed 10/6/20](#)
10. Two transfers from “share to share” on July 23, 2015 in the amounts of \$1,740.00 and \$816.00. Conservator has stated in the pleadings that she does not recall the purpose of these transfers and there is no reflection of these amounts in the “Intra-Bank Transfer) on Schedule A [*Addressed in Supplement to Second Account filed 7/31/20 and Amended Second Accounting filed 10/6/20](#)

11. Continual use of the casino card after initial repayments by the Conservator.
[*Addressed in Supplement to Second Account filed 7/31/20 and Amended Second Accounting filed 10/6/20](#)
 - a. Schedule F Settlement Agreement fee concerns:
 - i. Payment to Ruben S. Esparza for advance of \$3,000.00 litigation.
What is the relation of Ruben S. Esparza?
 - ii. What were expenses that Conservator incurred to Cathedral City?
12. What was the formal amount of the settlement from the Notary? [*Addressed in Supplement to Second Account filed 7/31/20 and Amended Second Accounting filed 10/6/20](#)

TENTATIVE RULING:

Amended Second Accounting is approved. Conservator to post an additional Bond to reflect a total bond in the amount of \$185,972.00.

(End of Tentative Rulings)