

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) 725-4111 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: Thursday, May 19, 2022
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#: 19PR-00023

CASE NAME: Conservatorship of Ronald P. Hamlin, Jr.

THIS CASE IS SET FOR HEARING ON:

Continued from April 15, 2022 re: Petition for First Accounting; Fee Request

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

1. Information needed as to the source of the unspecified deposits made during the accounting period.
2. Concerns regarding number insufficient fees incurred and reversed.
3. Were mortgage payments made in:
 - a. November 2019
 - b. August 2020
4. Why was there a change in the amount of the mortgage payments made?
5. Information needed concerning the following entries/checks:
 - a. 1/3/20 Ck# 115 Ian M. Orozado - \$600.00 (home repair)
 - b. 2/3/20 "repymt plus ins" - \$339.00
 - c. 10/5/20 Withdrawal - \$863.00
 - d. 10/16/20 Levy - \$1,422.83

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CASE#: 19PR-00023

CASE NAME: Conservatorship of Ronald P. Hamlin, Jr. (continued)

e.	12/11/20	Withdrawal - \$750.00
f.	1/4/20	Withdrawal - \$750.00
g.	2/2/21	Withdrawal - \$750.00
h.	2/5/21	Legal Process – Levy - \$100.00
i.	4/30/21	Legal Process – Levy - \$100.00
j.	5/13/20	Withdrawal - \$649.00
k.	6/7/20	Withdrawal - \$650.00
l.	6/15/21	Miscellaneous debit - \$1,700.00
m.	7/7/21	Withdrawal - \$750.00
n.	8/3/21	Withdrawal - \$750.00
o.	10/25/19	“image unavailable” - \$150.00
p.	10/29/19	Don Morgado/Contractor - \$6,950.00
q.	11/20/19	Cleaning/Repair - \$1,084.70
r.	11/26/19	Conservatorship - \$1,700.00
s.	12/23/19	Don Morgado/Contractor - \$5,400.00
t.	10/9/20	Withdrawal - \$2,000.00

TENTATIVE RULING:

The Conservator’s First Accounting is received and not approved. The accounting does not comply with California Rule of Court 7.575 (d)(2) requiring a Standard accounting when the Receipts – Schedule A or Disbursements – Schedule C are longer than five pages. The Disbursements in Schedule C consists of nine pages.

The Court is hereby ordering a Probate Code compliant Standard accounting to be prepared on the appropriate Judicial Council forms.

Appearance required.

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CASE#: 21PR-00093

CASE NAME: Estate of Mozell Virginia Farrell

THIS CASE IS SET FOR HEARING ON:

Notice of Motion and Motion for Order that Requests for Admission be Deemed Admitted and for Monetary Sanction

TENTATIVE RULING:

This matter, 21PR-00093, commenced on March 26, 2021 with the filing of a Petition to Administer Estate filed by counsel for Maria Renee Fowler, a cousin of the decedent, with regard the estate of decedent Mozell Virginia Farrell who died on June 9, 2019 while a resident of Merced County. A competing Petition, 21PR-00142, was subsequently filed on 4-29-21 by counsel for Carlos Duley Guerrero, Jr., a friend of the decedent.

On March 25, 2022, counsel for Carlos Duley Guerrero, Jr. filed a Notice of Motion and motion for Order that Requests for Admission Be Deemed Admitted and for Monetary Sanctions (CCP § 2033.280(b)). The Motion alleged that Mia Renee Fowler had not responded to the Requests for Admission within the time prescribed by law, and requested that the matters be deemed admitted, and that monetary sanctions of \$2,510 be awarded against Mia Renee Fowler and her counsel.

On April 7, 2022, counsel for Mia Renee Fowler filed a Verified Response to Request for Admission without objections that unambiguously admitted or denied each request for Admission. This action rendered the Motion to Deem Matters Admitted Moot, leaving the issue of sanctions as the only remaining matter to be decided by the Court. On May 6, 2021, counsel for Mia Renee Fowler filed an Opposition to the Motion For Order that Requests for Admission be Deemed admitted, and for Monetary Sanctions, establishing that the failure to respond was the fault of counsel who mistakenly believed that a extension of time to respond had been granted, and that the filing of the motion was only “necessary” because propounding counsel failed to meet and confer before filing the motion, although the Code of Civil Procedure does not require that counsel do so when no response has been provided. Counsel for Maria Renee Fowler requests that the Court impose a monetary sanction no more than a \$60, the amount of the filing fee.

This Court is persuaded that the failure to respond was inadvertent, that counsel acted promptly to file Verified Code Complaint Responses, and that the need for propounding counsel to bring a motion could have been resolved by a simple telephone call.

Accordingly, the Motion to Deem Matters Admitted is DENIED AS MOOT and the Motion for Sanctions is GRANTED IN PART AND DENIED IN PART and monetary sanctions in the amount of \$60 are awarded against counsel for Maria Renee Fowler only. Counsel for Marie Renee Fowler is ordered to prepare and circulate an appropriate order consistent with this ruling.

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CASE#: 22PR-00007

CASE NAME: Estate of Juan Luis Rivas

THIS CASE IS SET FOR HEARING ON:

Continued from April 13, 2022 re: Petition for Administration with Will Annexed with Full IAEA Authority

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

1. No Notice to heirs, beneficiaries & executors. Prov Code §8110 ***Corrected**
2. No Proof of Publication with signed affidavit filed. Prob Code §§8121, 8124 ***Corrected**
3. Is there a domiciliary Probate opened in another jurisdiction? ***Corrected**
4. A copy of the decedent's will is not attached to the Petition. Prob Code §8002(b)(1) ***Corrected**
5. Declinations to Serve by the named Executors have not been filed in the current case for Probate. ***Corrected**
6. Waivers of Bond (Judicial Council Form DE-121) or Bond have/has not been filed/posted with the Court. Prob Code §§8480, 8481, 8482 ***Waivers of Bond have not been filed by all heirs.**
 - a. **What is relation of Mary Ann Contreras?**
 - b. **Court's discretion concerning issue of bond.**
7. Is the proposed personal representative (Petitioner) a resident of California and/or a resident of the United States? Prob Code §8402 ***Corrected**

TENTATIVE RULING:

Appearance required.

(continued on next page)

CASE#: PR001162

CASE NAME: Estate of Eileen Marie Nolte

THIS CASE IS SET FOR HEARING ON:

Continued from April 14, 2022 re: Petition for First and Final Account and Report of Executor; Petition for Order

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

1. No Notice of Petition to beneficiaries with corresponding Proof of Service. Prob Code 11000, 1220 [*Corrected](#)
2. Inventory and Appraisal filed July 11, 2018: [*Corrected](#)
 - a. Gold and Silver jewelry not appraised by Probate Referee
 - b. Additional information as to small items as reflected in Item #2?
 - c. Misc. household items reflected in Item #3 – need additional information regarding these items. Are they items from previous appraisal by Probate Referee or additional items that had not been inventoried?
3. Schedule A does not reflect receipts from estate sale of the inventory noted in the Inventory and Appraisal filed July 11, 2018. [*Corrected](#)
4. Statutory compensation is improperly calculated. CRC 7.705 [*Corrected](#)
5. Items sold from Notice of Proposed Action that are not reflected in any filed Inventory and Appraisals (i.e. 1970 OPRNRD RV, 1959 Pleasure Boat, 1964 American Trailer, 1972 Chevrolet El Camino Truck). [*Corrected](#)
6. Schedule C “Dividends” improperly calculated. [*Corrected](#)
7. Schedule E reflects a generalized “loss” of \$442.35 for several initial appraised items that did not sell. Additional information needed as to what items were attributed to be a “loss”. [*Corrected](#)
8. Clarification needed as to Schedule F “Distribution to Beneficiaries”. Are these preliminary distributions to each beneficiary or the Creditor’s Claim filed by Debbie Parrot on May 1, 2013? If Distributions need Receipts of Distribution signed by each beneficiary with corresponding corrections reflected appropriate in the Accounting Schedules. [*Corrected](#)
9. What is the status of the vehicles appraised in the July 19, 2013 Inventory and Appraisal: 2004 Lincoln Town car and 2000 Ford Ranger Truck. Were they sold/disposed of at a gain or loss? [*Corrected](#)
10. What is the status of the following outstanding Creditor’s Claims: [*Corrected](#)
 - a. Turlock Nursing and Rehabilitation Center filed 2/25/13?
 - b. Citibank (AT&T) filed 7/26/13?
11. A proposed Order has not been submitted. [*Corrected](#)

TENTATIVE RULING:

Appearance required.

(End of Tentative Rulings)