

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: Wednesday, May 11, 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#: 20PR-00313

CASE NAME: Estate of Phyllis J. Boyer

THIS CASE IS SET FOR HEARING ON:

Petition for Waiver of First and Final Account and Final Distribution; Fee Request

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

1. Petition is not verified. Prob Code §1020
2. No Notice to heirs or beneficiaries. Prob Code §§ 11000, 1220
3. Allowance or Rejection of Claims (DE-174) have not been filed by the following Creditors:
 - a. LVNV Funding (Citi) filed 4/21/21 - \$11,401.60
 - b. DCM Services (Amex) filed 2/16/21 - \$5,210.06
 - c. Wheels Financial Group, LLC as agent for Capital Community Bank filed 4/16/21 - \$2,722.59
 - d. Bank of America, N.A. filed 1/12/21 - \$5,799.86

(continued on next page)

CASE#: 20PR-00313

CASE NAME: Estate of Phyllis J. Boyer (continued)

4. Satisfaction and Release of Creditor's Claims have not been filed by the following Creditors:
 - a. Synchrony (Lowes) filed 3/8/21 - \$2,194.80 *Allowed on 10/1/21 for full amount on 10/1/21
 - b. DCM Services (Amex) filed 2/16/21 - \$5,210.06
 - c. Wheels Financial Group, LLC as agent for Capital Community Bank filed 4/16/21 - \$2,722.59
 - d. Bank of America, N.A. filed 1/12/21 - \$5,799.86

TEANTATIVE RULING:

Hearing is continued to June 16, 2022 at 8:15 am for correction of deficiencies.

CASE#: 21PR-00397

CASE NAME: Estate of Norman W. Figueroa

THIS CASE IS SET FOR HEARING ON:

Continued from April 6, 2022 re: Spousal Property Petition

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS WERE PREVIOUSLY NOTED: *Reflects deficiencies for the 5/11/22 hearing

1. Additional information is needed to establish the community property claim. (date asset acquired, date of marriage, manner in which asset was acquired and how asset is community property) Prob Code §13651(a)(3)-(4)
 - a. Information needed concerning the date the Petitioner and decedent were divorced?
 - b. Source of funds used to pay off the loan amount?
2. No legal description attached as required per item #7 a. and #7 b. *Deficiency remains for the 5/11/22 hearing. Submitted copy of Grant Deed is not a an "attachment with legal description".
3. No notice to heirs/beneficiaries. Prob Code §§1020, 13651(a)(5) *Deficiency remains for the 5/11/22 hearing. Notice is improper as the Petitioner effectuated the service by mail. CCP 1013a.
4. A proposed Order has not been submitted. *Missing attachment with legal description.

TEANTATIVE RULING:

Appearance required.

(End of Tentative Rulings)