

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. The Probate Examiner's Notes typically will be posted 5 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 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, status of orders, Zoom links or remote appearances 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.

The following cases are not reflected in the Probate Notes and appearances are required unless previously excused by the Court:

- Guardianships and Conservatorships of the Person
- Minor's Compromise cases before the Probate Court for approval
- Petition for Special Immigrant Juvenile Findings

**Questions involving Guardianships (including SIJF) and Conservatorships of the Person should be directed to the Court Investigators Office at (209) 725-4190.*

***Please note no legal or procedural advice can be provided by the Court Investigator's Office. ***

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

DATE: Friday, October 16, 2026
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. **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.**

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CASE#: 24PR-00149

CASE NAME: Estate of Manuel Jimenez

THIS CASE IS SET FOR HEARING ON:

Continued from September 10, 2026 re:

1. Waiver of Account and Report of Executor, Petition for Final Distribution
2. Status Hearing

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

1. Clarification of real property transfer. The Petition alleges the estate's sole real-property asset was transferred to the devisee before final distribution. Clarification is needed whether this was a sale, preliminary distribution, or other transfer; provide supporting authority and documentation; and state whether any assets remain. If a preliminary distribution, provide the authorizing order.
Prob. Code §§ 11620–11621, 11623(a)(2)
 - a. *The Supplement filed on 9/28/26 does not provide a court order authorizing distribution of the estate's sole real-property asset to the beneficiary. Full IAEA authority, a Waiver of Notice of Proposed Action, and a testamentary power of sale do not substitute for the required court authorization. Prob. Code §§ 10501(a)(4), 11620–11621* ***Newly noted for the 10/15/26 hearing**
2. The Petition does not include a complete legal description, street address, and assessor's parcel number of the real property distributed/to be distributed. CRC 7.651(a), (b)(3) **Addressed in Supplement filed on 9/28/26*
3. Notice has not been provided to all interested parties. Prob. Code, §§ 1215, 1220, 1250
 - a. *The Proof of Service filed 9/28/26 contains an undated declaration and does not reflect the Supplement was served on the sole beneficiary R. Jimenez. CCP §2015.5, CRC 7.53(b) 11621* ***Newly noted for the 10/15/26 hearing**

TENTATIVE RULING:

No appearance required. The Petition states that the real property has already been transferred, that Court approval was not required, and that no assets remain. However, full IAEA authority does not authorize distribution of real property without Court supervision. Because no authorizing order has been submitted, the beneficiary's title may be uncertain, which could affect a future sale, refinancing, or issuance of title insurance.

The Petition does not request relief concerning the transfer of the real property and an Amended Petition expressly requesting distribution of the specifically described real property, or other appropriate corrective relief has not been submitted for Court approval. The hearing is continued to December 4, 2026 at 8:15 a.m. in Courtroom 10. Any corrective pleadings to be filed and served by the close of business on November 20, 2026. The Executor is urged to seek competent legal assistance.

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CASE#: 26PR-00273

CASE NAME: Estate of Arvin Clarence Abbott

THIS CASE IS SET FOR HEARING ON:

Continued from September 9, 2026 re: Spousal Property Petition

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

1. The Petition seeks an order determining the subject property is community property and transferring Decedent's 50 percent interest to Petitioner. However, the attached will appears to devise Decedent's residuary estate, including real property, to the Trustee of the Arvin Clarence Abbott and Linda Rose Abbott Revocable Trust dated October 2, 2000. The trust instrument and any amendments have not been provided and the record does not establish that Decedent's one-half interest passes to the Petitioner individually. (Prob. Code §§ 100, 13651, subd. (a)(3).)

TENTATIVE RULING:

Appearance required. The Court's intention is to deny the Spousal Property Petition. Probate Code § 13501(b) excludes property "disposed of in trust under the decedent's will" from the procedure under Probate Code § 13650. Here, the property was titled in the decedent's individual name at death, and the pour-over will devises it to the joint revocable trust. The surviving spouse's status as sole trustee and income beneficiary does not alter the exclusion. Accordingly, Probate Code § 13650 does not authorize the requested transfer to the trust. Therefore the Court's intention is to deny the request to transfer the decedent's interest directly to the joint revocable trust through a Spousal Property Petition

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CASE#: 26PR-00329

CASE NAME: Estate of Jorge Rincon Ramirez

THIS CASE IS SET FOR HEARING ON:

Spousal Property Petition

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

1. The Petition is silent on the decedent's county of residency. Prob Code §13651(a)(1) , 7051
2. The 2001 Grant Deed (Exhibit 1) lacks recording information. If it was not recorded, the chain of title may show a gap between the prior owner and the 2004 deed. Petitioner must address this issue and explain the chain of title.
3. The January 28, 2004 Grant Deed (Exhibit 2) describes both Petitioner and Decedent as single, although the Petition indicates they were married in 1988. Petitioner must explain the discrepancy and its effect, if any, on the conveyance and the property's characterization.
4. The Petition does not sufficiently explain the characterization of the subject real property as community property. Petitioner must provide:
 - a. The circumstances of the 2001 acquisition and the source of funds used;
 - b. An explanation of the purpose and effect of the 2004 deed, executed for refinancing purposes, including why it does not constitute an express declaration of transmutation under Family Code section 852(a); and
 - c. Facts supporting the parties' intent that the property remain community property throughout.
5. A proposed order has not been lodged. MSC Rule 100 E.

TENTATIVE RULING:

No appearance required. The hearing is continued to December 3, 2026 at 8:15 a.m. in Courtroom 10 for correction of the deficiencies. Any corrective pleadings to be filed and served by the close of business on November 19, 2026.

CASE#: 26PR-00334

CASE NAME: Estate of Patricia Jean Smith

THIS CASE IS SET FOR HEARING ON:

Petition to Determine Succession to Primary Residence

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

None.

TENTATIVE RULING:

Appearance required. The Petition to Determine Succession to Real Property is approved. The Court takes no action regarding the Bank of America savings account identified in the Inventory and Appraisal as it is not necessary or appropriate in this Probate Section §13151 proceeding.

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CASE#: 26PR-00362

CASE NAME: Estate of Stephen Eugene Hill aka Stephen E. Hill

THIS CASE IS SET FOR HEARING ON:

Petition for Probate of Will and for Letters Testamentary

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

1. The will is not self-proving and no Proof of Subscribing Witness executed under penalty of perjury has been filed establishing due execution.
Prob. Code §§ 8220–8221.
2. Proposed Letters and Order for Probate has not been lodged.
Prob Code §§ 8006, 8400

TENTATIVE RULING:

No appearance required. The hearing is continued to November 20, 2026 at 8:15 a.m. in Courtroom 10 for correction of the deficiencies.

There are no 8:30 am matters on calendar for the Probate Examiner's review.

(End of Tentative Rulings)