

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: Mark Bacciarini

DATE: Friday, October 2, 2026
TIME: 8:15 AM and 8:30 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.**

8:15 AM CALENDAR

(continued on next page)

CASE#: 22PR-00236

CASE NAME: Estate of Lily McDow

THIS CASE IS SET FOR HEARING ON:

Continued from August 20, 2026 re: Petition for Final Distribution

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED (**as to the Petition filed on 4/27/26 and Response to Probate Notes filed on 9/17/26*):

1. **Residence.** The Inventory and Appraisal lists the residence at 1405 Spruce Avenue, Atwater, at \$390,000. The February 28, 2025 minute order in conservatorship case No. 19PR-00191 stated that Mr. McDow had title to the residence and that assets were to be transferred to the estate. However, the record does not show an order, deed, or other document explaining how the residence was transferred to Petitioner or how the estate accounted for it. Petitioner should provide the authority transferring the real property and explain the disposition of the residence. Prob. Code § 10954 (c)(1); CRC 7.550.
2. **Furniture.** Petitioner has not addressed the disposition of the \$1,500 in miscellaneous furniture listed in the Inventory and Appraisal, including whether it remains in the estate, was sold, or was distributed. Prob. Code § 10954 (c)(1); CRC 7.550.
3. **Conservatorship funds.** A receipt signed by Petitioner on June 20, 2025, in conservatorship case No. 19PR-00191 states that Petitioner received \$22,707.83 from the accounted-for conservatorship estate assets from the Merced Public Conservator. The current Petition seeks distribution of \$19,407.83. Petitioner states the \$3,300 difference was Lincoln Heritage Life Insurance proceeds payable to him personally. The attached assignment to Ivers & Alcorn Funeral Home does not state the amount of proceeds, any balance remaining, or who received it. Because Petitioner is the Executor and sole beneficiary, the difference does not affect another beneficiary's share this remains at the Court's discretion. Prob. Code § 10954 (c)(1); CRC 7.550.
4. **Final report.** Petitioner waived a formal accounting as the sole beneficiary. However, Petitioner must still provide a sufficient final report showing estate assets, receipts, payments, debts, and property remaining for distribution. Prob. Code § 10954 (c)(1); CRC 7.550.
5. A proposed order has not been lodged. MSC Rule 100 E.

TENTATIVE RULING:

No appearance required. The hearing is continued to November 13, 2026 at 8:15 a.m. Any corrective pleadings to be filed by the close of business on October 30, 2026.

(continued on next page)

CASE#: 25PR-00076

CASE NAME: Estate of Baxter Johnston

THIS CASE IS SET FOR HEARING ON:

1. Continued from September 23, 2026 re:
First and Final Report of Administrator on Waiver of Account and Petition for Its Settlement, for Reimbursement of Costs Advanced by Attorneys, Allowance of Statutory and Extraordinary Compensation to Attorneys and For Final Distribution
2. Continued from April 29, 2026 re: Status Hearing Ensuring the Closing of the Estate

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

1. The Petition/Final Report does not sufficiently disclose the disposition of the decedent's vehicles, trailer, and tractor identified in the Inventory and Appraisal. CRC 7.550(b)
**Corrected*
2. A new corrected proposed Order to be lodged. MCS Rule 100 E **Newly noted for the 10/2/26 hearing*

TENTATIVE RULING:

No appearance required. Recommend to approve *First and Final Report of Administrator on Waiver of Account and Petition for Its Settlement, for Reimbursement of Costs Advanced by Attorneys, Allowance of Statutory and Extraordinary Compensation to Attorneys and For Final Distribution*. A Status Hearing ensuring the Closing of the Estate to be set for February 4, 2027 at 8:15 am in Courtroom 10.

8:30 AM CALENDAR

CASE#: 16PR-00387

CASE NAME: Estate of Robert Allen Jackson

THIS CASE IS SET FOR HEARING ON:

Continued September 11, 2026 re:

1. Further Proceedings
2. Order to Show Cause that Mark Olson, his attorney, and his Bonding Company, Liberty Mutual Insurance Company Appear
3. Accounting

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

None.

TENTATIVE RULING:

Appearance required. The Public Administrator to provide the Court a current case status.

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CASE#: 23PR-00054

CASE NAME: Conservatorship of Michael Mason

THIS CASE IS SET FOR HEARING ON:

Continued from September 18, 2026 re: Petition to Instruct and Authorize the Public Conservator to Enter into a Settlement Agreement

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

1. **Notice to Court Investigator:** Notice has not been provided to the Court Investigator who has a role in reporting findings concerning the Conservatee to the Court. Prob Code §1851
2. **Authority/Need for Instructions:** Petitioner seeks authority to enter into a settlement agreement resolving objections in a pending Kern County accounting proceeding. The Petition does not cite authority for the requested relief. [*Addressed in Response filed on 9/11/26](#)
3. **Benefit to conservatee:** Petitioner should provide additional information and explain why the settlement is in the best interest of the estate and why \$30,000 is a fair consideration. Prob. Code §2500 [*Addressed in Response filed on 9/11/26](#)
4. **Broad release:** The agreement releases many known and unknown claims, including claims concerning trusts, real property, stock, and trust distributions. The Petitioner should explain why the release, including the Civ. Code §1542 waiver, is fair and reasonable to the conservatee. Prob. Code §16464 [*Addressed in Response filed on 9/11/26](#)
5. **Colorado property:** The agreement refers to claims involving the Colorado Avenue property. The Petitioner should identify the conservatee's claimed interest, its value, and how the settlement affects that interest. Prob. Code §2501 [*Addressed in Response filed on 9/11/26](#)
6. **\$30,000 payment:** Petitioner must explain the legal basis for holding the \$30,000 in a blocked account, requiring all other assets to be spent first, and giving any remaining funds to Jerome and Brian Sturz when the conservatee dies. The Petitioner should identify the proposed account and explain why these terms benefit the conservatee. Prob. Code §§ 2580–2583 [*Addressed in Response filed on 9/11/26](#)
7. **Settlement terms:** The agreement appears vague and does not include deadlines for payment and production of UBS information and vehicle documents. The agreement also does not state when the releases and withdrawal of the accounting objection becomes effective. [*Addressed in Response filed on 9/11/26](#)
8. **Kern County case:** The agreement should clarify what relief the parties seek from each respective court as the Merced Superior Court may only authorize the Public Conservator to settle the case and has no jurisdiction over the accounting pending in the Kern County Superior Court. The parties may request that the Kern County Superior Court retain jurisdiction under Code of Civil Procedure §664.6, subject to that court's approval. [*Addressed in Response filed on 9/11/26](#)

TENTATIVE RULING:

Appearance required.

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CASE#: 23PR-00063

CASE NAME: Estate of Gilberto Arellano

THIS CASE IS SET FOR HEARING ON:

Continued from March 20, 2026 re: Status Review Hearing

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

1. A Petition for Final Account or Status Report has not been filed.
Prob Code §12200-12201

TENTATIVE RULING:

Appearance required. Counsel to advise the Court on the current case status.

CASE#: 23PR-00266

CASE NAME: In the Conservatorship of Philip Lanz

THIS CASE IS SET FOR HEARING ON:

Second Account and Report of Conservator, Petition for Allowance of Fees to Conservator of the Person and Estate, and to Attorney

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

None.

TENTATIVE RULING:

The *Second Account and Report of Conservator, Petition for Allowance of Fees to Conservator of the Person and Estate, and to Attorney* is approved. Counsel to lodge a proposed Order.

CASE#: 23PR-00319

CASE NAME: Estate of Jose M. Arroyo

THIS CASE IS SET FOR HEARING ON:

Continued from April 24, 2026 re: Status ensuring the Closing of the Estate

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

1. The Probate case remains pending resolution of the related civil action.

TENTATIVE RULING:

No appearance required. The case remains pending until resolution of the related civil action, as that outcome may materially affect the issues before the Court. The Status Hearing is continued to October 1, 2027 at 8:30 a.m. in Courtroom 10. Counsel to file a Status Report prior to the next hearing date.

(End of Tentative Rulings)