

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](mailto: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

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DATE: Friday, December 2, 2022  
TIME: 8:15 AM  
Courtroom 10  
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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 encourages 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#:** 21PR-00144

**CASE NAME:** Estate of Bruce Gray

**THIS CASE IS SET FOR HEARING ON:**

Continued from October 28, 2022 re: Petition for Letters of Administration with Will Annexed

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

None.

**TENTATIVE RULING:**

Appearance required. Counsel to appear and update the Court as to status.

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**CASE#:** 21PR-00153

**CASE NAME:** Estate of Thomas Gilbert Velie

**THIS CASE IS SET FOR HEARING ON:**

Continued from October 14, 2022 re: Petition for Waiver of First and Final Account and Final Distribution; Fee Request

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

1. What is the status of designated The Thomas Gilbert Velie Family Trust?  
\*Corrected
2. No Notice to trustee or trust beneficiaries. Prob Code §§ 11000, 1220  
\*Corrected
3. \*Trust document to be provided.
4. \*Concern why the decedent's will only names his son James Velie (Executor) as his only child and does not include the decedent's daughters Karen Velie and Erin Velie as named children of the decedent.
5. \*Are Karen Velie and Erin Velie trust beneficiaries?
6. \*Although Proof of Service reflects service on all parties by mail on September 13, 2022 there is a concern as to why the Executor is trying to distribute the property to himself as the sole beneficiary in conflict with the decedent's will.
7. \*If the Trust currently contains no assets there is a question as to why the estate can't distribute assets to the designated beneficiary (Thomas Velie Family Trust).  
\*Denotes deficiencies that remain for the 12/2/22 hearing.

**TENTATIVE RULING:**

Appearance required.

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**CASE#:** 21PR-00194

**CASE NAME:** Estate of Antonia Regalado

**THIS CASE IS SET FOR HEARING ON:**

Motion for Costs Incurred to Prove the Truth of Matters and the Genuineness of Documents Which Petitioner Lucila Coates Failed to Admit CCP §2033.420

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

None.

**TENTATIVE RULING:**

Appearance required.

**CASE#:** 21PR-00296

**CASE NAME:** Estate of Marlene Nadine Mitchell

**THIS CASE IS SET FOR HEARING ON:**

Continued from September 2, 2022 re: Review of Case Status

**TENTATIVE RULING:**

Ex Parte Petition for Final Discharge and Order signed on September 21, 2022.  
Hearing is dropped from calendar.

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**CASE#:** 22PR-00091

**CASE NAME:** In the Matter of the 1998 Smith Revocable Trust (dated March 10, 1998)

**THIS CASE IS SET FOR HEARING ON:**

Report of Sale and Petition for Order Confirming Sale of Real Property filed 10/14/22

**TENTATIVE RULING:**

The Petition for Sale of Real Property has now been addressed by the Court along with the subsequent Petition to Clarify Court Order Permitting the Sale of the Real Property. Hearing on calendar for Friday, December 2, 2023 is dropped from calendar.

**CASE#:** 22PR-00302

**CASE NAME:** Estate of Carmelita Branco

**THIS CASE IS SET FOR HEARING ON:**

Petition for Letters of Testamentary with Full IAEA Authority

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

1. No Proof of Publication with the corresponding signed affidavit.  
Prob Code §8121, §8124
2. Will has not been lodged with the Court. Prob Code §8200

**TENTATIVE RULING:**

Hearing is continued to January 4, 2023 at 8:15 a.m. for correction of deficiencies.

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**CASE#:** PR001489

**CASE NAME:** Conservatorship of Ruben Esparza

**THIS CASE IS SET FOR HEARING ON:**

Continued from October 20, 2022 re: Third Accounting

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

1. Does the policy with American Memorial Life Insurance have a cash value?
2. Was there any income from Laborers H&W Fund for 2021?

**TENTATIVE RULING:**

Hearing is continued to February 2, 2023 at 8:15 am for correction of the deficiencies.

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**8:30 AM CALENDAR**

**CASE#:** 20PR-00385

**CASE NAME:** Conservatorship of Kyoung Chang

**THIS CASE IS SET FOR HEARING ON:**

Continued from October 28, 2022 re: Order to Show Cause

**TENTATIVE RULING:**

Appearance required.

**CASE#:** 22PR-00207

**CASE NAME:** Estate of Donna Jean Drennen

**THIS CASE IS SET FOR HEARING ON:**

Continued from November 28, 2022 re: Appointment of Public Administrator

**TENTATIVE RULING:**

Appearance required.

**CASE#:** 22PR-00247

**CASE NAME:** Estate of Donna Jean Drennen

**THIS CASE IS SET FOR HEARING ON:**

Continued from November 28, 2022 re: Appointment of Public Administrator

**TENTATIVE RULING:**

Appearance required.

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**CASE#:** 15PR-00096

**CASE NAME:** Conservatorship of Donna J. Drennen

**THIS CASE IS SET FOR HEARING ON:**

Continued from November 28, 2022 re: Order to Show Cause re Why the Conservator should not be Removed

**TENTATIVE RULING:**

Appearance required.

(End of Tentative Rulings)