

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, March 9, 2023
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 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-00157

CASE NAME: Estate of Janet Nyman Lamb

THIS CASE IS SET FOR HEARING ON:

1. Petition for First and Final Account and Final Distribution; Fee Request
2. Petition for Order Confirming Sale of Real Property

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

1. Was rent generated/collected as per the lease agreement between the tenants and the decedent?

TENTATIVE RULING:

Appearance required.

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CASE#: 22PR-00311

CASE NAME: Estate of Deborah Sue Saxon

THIS CASE IS SET FOR HEARING ON:

Continued from January 30, 2023 re: Petition for Administration with Full IAEA Authority

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

1. Petition item #5a.(6) reflects decedent was survived by issue of a predeceased child but no issue is named in the Petition. *Corrected
2. Was the decedent survived by her mother Patsy Sue Ince? *Corrected
3. No Notice to all heirs, beneficiaries & executors. Prob Code §8100, §8110 *No Notice to beneficiaries and Executor of the Estate of Patsy Sue Ince regarding the Second Amended Petition filed on February 9, 2023.
4. No Proof of Publication with the corresponding signed affidavit. Prob Code §8121, §8124 *Deficiency remains for the 1/30/23 hearing
5. Proposed Letters and Order for Probate has not been submitted. Prob Code §8006, §8400 *Corrected
6. Amended Petition and Notice of Petition to Administer Estate filed 1/12/23 do not reflect if petitioner is seeking full or limited IAEA Authority. *Corrected

TENTATIVE RULING:

Hearing is continued to April 6, 2023 at 8:15 am in Courtroom 10 for correction of deficiencies.

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CASE#: 22PR-00360

CASE NAME: Estate of Lyla Beth Cash-Partridge

THIS CASE IS SET FOR HEARING ON:

Continued from January 30, 2023 re: Spousal Property Petition

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

1. Additional information is needed to establish the community property claim. (date asset acquired, manner in which asset was acquired and how asset is community property, what were the decedent's assets at the time of marriage, what was the decedent's occupation, how was the down payment made for the real property? Was it made with separate property or community property? Was the real property a gift? How were the mortgage payments made?)
Prob Code 13651(a)(3)-(4) *Corrected
2. Copy of most recent vesting deed to be submitted. *Corrected

TENTATIVE RULING:

Spousal Property Petition is granted.

CASE#: 23PR-00018

CASE NAME: In Re: May Family Trust Agreement, dated April 12, 1995

THIS CASE IS SET FOR HEARING ON:

Petition for Order Confirming Trust Assets

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

1. When was the real property refinanced? Why was the real property not transferred back into the trust after the refinancing?
2. Did the Settlor die testate? Did they have pour-over wills?
3. Notice not provided on mandatory Judicial Council form Notice of Hearing on Petition to Determine Claim to Property (DE-115). Prob Code §§17200.1, 851(c)
4. Proposed Order to be submitted that describes the real property in the body of the order rather than as an attachment.

TENTATIVE RULING:

Hearing is continued to April 21, 2023 at 8:15 a.m. in Courtroom 10 for correction of deficiencies.

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CASE#: 22PR-00020

CASE NAME: Estate of Crispin Alberto Tafolla Bravo

THIS CASE IS SET FOR HEARING ON:

Petition for Administration with Full IAEA Authority

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

None.

TENTATIVE RULING:

Petition for Administration with Full IAEA Authority is granted. A further Status Hearing is set for September 27, 2023 at 8:15 a.m. in Courtroom 10.

CASE#: 22PR-00337

CASE NAME: Estate of Nicolas Sanchez Rodriguez

THIS CASE IS SET FOR HEARING ON:

Continued from December 22, 2022 re: Spousal Property Petition

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

1. Objections filed on March 1, 2023 by Denise Sanchez-Rico, Rafael Sanchez-Rico, Nicolas Sanchez-Rico and Wendy Sanchez-Rico were not served on the counsel for the Petitioner.

TENTATIVE RULING:

Appearance required.

(End of Tentative Rulings)