

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, November 9, 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 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-00403-00003

CASE NAME: Estate of Joseph Stanley Enos

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:

None.

TENTATIVE RULING:

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

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CASE#: 22PR-00236

CASE NAME: Estate of Lily McDow

THIS CASE IS SET FOR HEARING ON:

Continued from September 19, 2022 re: Petition for Letters of Testamentary with Full IAEA Authority

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

1. Petition is missing Attachment 3f(2) – copy of decedent’s will. ***Deficiency remains for the 11/9/22 hearing**
2. Petition references annual gross income from real property but does not provide the estimated gross fair value of the subject real property that is generating the income. ***Corrected**
3. No Notice to all heirs, beneficiaries & executors of the Second Amended Petition filed on September 20, 2022. Prob Code §8100, §8110 ***Deficiency remains for the 11/9/22 hearing**
4. No Proof of Publication with the corresponding signed affidavit. Prob Code §8121, §8124 ***Corrected**
5. Two competing wills have been lodged with the Court. ***Remains at-issue**
6. Three Proof of Service of Summons (FL-115) filed on October 11, 2022 do not reflect name of parties served and does not identify if which Probate Petition served was the (original Petition, Amended Petition, Second Amended Petition). ***Newly noted Deficiency for the 11/9/22 hearing**

TENTATIVE RULING:

Appearance required.

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CASE#: 22PR-00288

CASE NAME: Estate of Lily McDow

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. Petition is missing Attachment 3f(2) – copy of decedent’s will.
2. Duties & Liabilities Acknowledgment signed by each personal representative has not been filed. Prob Code §8404(a)
3. No Proof of Publication with the corresponding signed affidavit.
Prob Code §8121, §8124
4. Two competing wills have been lodged with the Court.
5. Proposed Letters and Order for Probate has not been submitted.
Prob Code §8006, §8400

TENTATIVE RULING:

Appearance required.

(End of Tentative Rulings)