

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: David Moranda

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DATE: Tuesday, November 8, 2022  
TIME: 8:30 AM  
Courtroom 12  
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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#:** 22PR-00252

**CASE NAME:** Estate of Preston Sullivan

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

Continued from September 30, 2022 re: Petition for Letters of Testamentary with Full IAEA Authority

**THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS WERE**

**PREVIOUSLY NOTED:** \*All deficiencies remain for the 11/8/22 hearing

1. Petition:
  - a. Copy of decedent's will is not attached to the Petition as required per item #3f.(2)
  - b. What is the relationship of Deborah Sullivan?
  - c. Was the decedent survived by a spouse?
  - d. Is the Petitioner a resident of the U.S.? (Item #3h.)
2. Decedent's will has not been lodged with the Court. Prob Code §8200
3. Notice of Petition to Administer Estate does not reflect full IAEA powers are being sought. Prob Code §10451(c)
4. Notice is improper as it was served by Debra Sullivan who is a party to the case. CCP §1013a(3), Prob Code §8100, §8110

(continued on next page)

**CASE#:** 22PR-00252

**CASE NAME:** Estate of Preston Sullivan (continued)

5. Mandatory Duties & Liabilities Acknowledgment form (DE-147) as not been signed and filed by the petitioner. Prob Code §8404(a)
6. No Proof of Publication with the corresponding signed affidavit.  
Prob Code §8121, §8124
7. Bond has not been waived by all beneficiaries. Prob Code §8481
8. Proposed Letters and Order for Probate has not been submitted.  
Prob Code §8006, §8400
9. Two separate Summons were filed with the Court on August 15, 2022 and August 22, 2022 respectively. Neither Summons is complete as they do not reflect who was served, the date and time was effectuated and they do not identify the documents that were served.
10. Declaration filed on 9/16/22 does not contain Proof of Service.

**PROBATE EXAMINER'S RECOMMENDATION:**

Appearance required.

(End of Tentative Rulings)