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, November 13, 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.**

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CASE#: 22PR-00236

CASE NAME: Estate of Lily McDow

THIS CASE IS SET FOR HEARING ON:
Continued from October 2, 2026 re: Petition for Final Distribution

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS WERE 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.
    a. *In the Amendment filed on 101/23/26, the Petitioner states that an "Order of Succession to primary residence has been filed and waiting for court signature." This statement does not show that the court has entered an order approving or confirming the transfer of the residence. It also does not explain how the earlier claim that the residence was transferred to the Petitioner on October 20, 2025 fits with the later statement that the title was already in his name.*Newly noted for the 11/13/26 hearing*
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. **Addressed in Amendment filed on 10/23/26*
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. **Addressed in Amendment filed on 10/23/26*
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. **Addressed in Amendment filed on 10/23/26*

TENTATIVE RULING:
No appearance required. Recommend to continue the *Petition for Final Distribution* to January 27, 2027 at 8:15 a.m. Any corrective pleadings to be filed by the close of business on January 14, 2027.

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CASE#: 26PR-00154

CASE NAME: In the Matter of the 1999 Cole Family Trust

THIS CASE IS SET FOR HEARING ON:
Continued from October 8, 2026 re: Order on Petition for Order Confirming the Beneficiaries of Trust and Modifying Trust

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS WERE NOTED:
1. Court's discretion if notice is to be provided to Terry Rust as an interested person. Prob Code 17203 (b) **Corrected – 10/22/26*
2. A revised proposed order correctly identifying the exhibits as delineated in the Amended Petition to be lodged. MSC Rule 100 E.

TENTATIVE RULING:
No appearance required. All notice concerns have now been addressed and the Court's intention is to approve the *First Amended and Supplemental Petition concerning the 1999 Cole Family Trust* filed on September 17, 2026. Counsel to lodge a revised proposed Order correctly identifying the Exhibits as delineated in the Amended Petition filed on September 17, 2026.

CASE#: 26PR-00247

CASE NAME: Estate of Mack Albert McCallum

THIS CASE IS SET FOR HEARING ON:
Continued from October 9, 2026 re: Petition for Letters of Administration with Full IAEA Authority

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS WERE NOTED:
1. An Objection and competing Petition has been filed.
2. The decedent died testate and a will has been lodged with the Court.

TENTATIVE RULING:
Appearance required.

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CASE#: 26PR-00352

CASE NAME: Estate of Mack Albert McCallum

THIS CASE IS SET FOR HEARING ON:
Continued from October 9, 2026 re: Petition for Probate of Will and for Letters Testamentary

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

1. Notice of Petition to Administer Estate (DE-121) has not been given to all known or reasonably ascertainable heirs as required. Prob Code §8100, §8110 *Filed 10/8/26
2. A competing petition has been filed by the decedent's son in case No. 26PR-00247.

TENTATIVE RULING:
Appearance required.

CASE#: 26PR-00365

CASE NAME: Guardianship of Aleeyona Lore Panyasee

THIS CASE IS SET FOR HEARING ON:
Petition for Appointment of Guardian of the Estate

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

1. The Petition does not identify the minor's grandparents or siblings, including half-siblings. Petitioner to provide their names and addresses, so far as known, or state that none exist or the information is unknown. Prob. Code § 1510(c)(3)
2. The Petition insufficiently documents the Life insurance proceeds that are alleged to be paid to the minor. The Petitioner to confirm the beneficiary, any designated custodian or trustee, and the amount or estimated proceeds, and explain why guardianship is needed rather than a blocked account or other authorized disposition. Prob. Code §§ 1510(b), 3413
3. No proof of notice to the minor's relatives within the second degree has been provided. Petitioner to provide proof of notice or obtain an order dispensing with notice. Prob. Code § 1511(a)–(c)

TENTATIVE RULING:
Appearance required.

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8:30 AM CALENDAR

CASE#: 19PR-00308

CASE NAME: Estate of Kenneth Wheaton

THIS CASE IS SET FOR HEARING ON:
Amended First and Final Statement of Public Administrator Regarding Summary Disposition of **Estate**

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

1. The *Amended First and Final Statement of Public Administrator Regarding Summary Disposition of Estate* filed on 10/26/26 is duplicative of the Amended Accounting filed on 7/20/26 and approved by the Court on 10/9/26.

TENTATIVE RULING:
No appearance required. The Court's intention is to drop the Amended Petition filed on October 26, 2026 from calendar as it is duplicative and appears to have been filed in error. The Status Hearing ensuring the Closing of the Estate currently set for February 5, 2027 at 8:30 a.m. in Courtroom 10 is hereby confirmed.

CASE#: 22PR-00291

CASE NAME: Conservatorship of Wayne Larkin

THIS CASE IS SET FOR HEARING ON:
Continued from August 7, 2026 re: Fourth Account and Final Report of Conservator, Petition for Allowance of Fees to Conservator of the Person and Estate and to the Attorney

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

1. A Fourth and Final Accounting does not comply with Probate Code §2620(b) which requires a separate accounting period ending on the date of the conservatee's death and a separate final accounting covering all transactions from the date of death through the proposed closing date of the conservatorship.

TENTATIVE RULING:
No appearance required. The hearing is continued to December 18, 2026 at 8:15 a.m. in Courtroom 10 for correction of the previously noted deficiencies.

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CASE#: 22PR-00415

CASE NAME: Conservatorship of Joshua Antoine

THIS CASE IS SET FOR HEARING ON:
Continued from August 4, 2026 re: Accounting

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

1. An accounting has not been filed. Prob. Code 2620 (a), CRC Rule 7.575

TENTATIVE RULING:
Appearance required. Counsel to apprise the Court on the filing of an accounting.

CASE#: 24PR-00379

CASE NAME: In the Matter of the Jesus Munoz, Jr. Special Needs Trust

THIS CASE IS SET FOR HEARING ON:
Continued from November 9, 2026 re: Status Review Hearing re: Accounting

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

1. Bond/Accounting Deficiency: The order approving establishment of the special needs trust, entered January 16, 2025, required the trustee to post bond and file periodic accountings. The record does not reflect that the trustee has filed the required bond or any accounting since approval of the trust. The special needs trust remains subject to the court's continuing jurisdiction and supervision. Prob. Code § 3604 (a)

TENTATIVE RULING:
Appearance required.

(End of Tentative Rulings)