

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: Friday, April 26, 2024
TIME: 8:15 AM & 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.**

8:15 AM CALENDAR

CASE#: 22PR-00164

CASE NAME: Estate of Kyoung Chang

THIS CASE IS SET FOR HEARING ON:

Continued from January 26, 2024 re: Case Status re: Closing of the Estate

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

None.

TENTATIVE RULING:

No appearance required. The hearing on the Petition for Waiver of First and Final Account and Final Distribution currently set for June 12, 2024 at 8:15 a.m. in Courtroom 10 is hereby confirmed.

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CASE#: 23PR-00204

CASE NAME: Estate of Kyong Cha Gann

THIS CASE IS SET FOR HEARING ON:

Continued from September 1, 2023 re: Status Hearing

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

None.

TENTATIVE RULING:

No appearance required. An Inventory and Appraisal was filed on October 3, 2023. A further Status Hearing ensuring the Closing of the Estate is hereby set for October 14, 2024 at 8:15 a.m. in Courtroom 10.

CASE#: 23PR-00229

CASE NAME: Estate of Hide M. Mrozek

THIS CASE IS SET FOR HEARING ON:

Continued from September 1, 2023 re: Status Hearing

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

None.

TENTATIVE RULING:

No appearance required. An Inventory and Appraisal was filed on April 4, 2024. A further Status Hearing ensuring the Closing of the Estate is hereby set for October 14, 2024 at 8:15 a.m. in Courtroom 10.

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CASE#: 23PR-00345

CASE NAME: In the Matter of Rollin F. Silveira

THIS CASE IS SET FOR HEARING ON:

Continued from January 26, 2024 re: Order to Show Cause re: Dismissal

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

1. Supplement to Dismiss Matter without Prejudice filed on November 27, 2023 reflects Rollin F. Silveira died on December 16, 2023.

TENTATIVE RULING:

Appearance required.

CASE#: 23PR-00416

CASE NAME: Estate of Melissa Marie Fries

THIS CASE IS SET FOR HEARING ON:

Continued from March 8, 2024 re:

1. Petition for Administration with Full IAEA Authority
2. Order to Show Cause Re: Failure to Appear

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

1. What is the relationship of the Petitioner to the decedent?
2. Duties & Liabilities Acknowledgment form (DE-147) signed by each personal representative has not been filed. Prob Code §8404(a)
3. Court's discretion if Guardian Ad Litem will be required for the minor beneficiary.
4. Proposed Letters and Order for Probate has not been submitted.
Prob Code §8006, §8400

TENTATIVE RULING:

Appearance required.

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CASE#: 23PR-00464

CASE NAME: Estate of Jaclyn L. Sears

THIS CASE IS SET FOR HEARING ON:

Continued from March 22, 2024 re: Petition for Letters of Testamentary

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

1. No Notice to all heirs, beneficiaries & executors of the Amended Petition filed on April 5, 2024. Prob Code §§8100, 8110, CRC 7.53 (a)
2. Petition is missing Attachment #3f(2)- copy of decedent's will. *Corrected
3. No Proof of Publication with the corresponding signed affidavit.
Prob Code §8121, §8124 *Filed 4/16/24 - The Proof of Publication does not reflect the Petitioner's request for IAEA Authority as required per Probate Codes §§ 8100 and 10451(c).
4. Duties & Liabilities Acknowledgment signed by each personal representative has not been filed. Prob Code §8404(a) *Corrected
5. Proposed Letters have not been submitted. Prob Code §8006, §8400 *Corrected
6. Competing Petition filed 1/24/24 - #24PR-00017 Estate of Jaclyn Sears

TENTATIVE RULING:

Appearance required.

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CASE#: 24PR-00017

CASE NAME: Estate of Jaclyn L. Sears

THIS CASE IS SET FOR HEARING ON:

Continued from March 22, 2024 re: Petition for Letters of Administration with Will Annexed

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

1. Petitioner is not a named Executor and Bond has not been waived by all beneficiaries. Prob Code §8480 et seq.
2. No Proof of Publication with the corresponding signed affidavit. Prob Code §8121, §8124 *Corrected
3. Proposed Letters and Order for Probate has not been submitted. Prob Code §8006, §8400 *Corrected
4. Competing Petition filed #23PR-00464 Estate of Jaclyn Sears

TENTATIVE RULING:

Appearance required.

CASE#: 21PR-00357

CASE NAME:

In the Matter of the George E. Mitchell 2021 Trust dated January 15, 2021

THIS CASE IS SET FOR HEARING ON:

Continued from April 12, 2024 re: Petition for Approval of Settlement Agreement Resolving Petition to Instruct Trustee to Act and Related Cross-Petition and Elder Abuse Action in Related Civil Case

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

1. Notice has not been provided to all interested parties. Prob Code §§17203, 17100, 1200-1212, CRC 7.51 *Proof of Service filed 4/12/24 is deficient with interested parties only receiving 14 days' Notice.

TENTATIVE RULING:

Appearance required.

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8:30 AM CALENDAR

CASE NAME: Estate of Jose Torres

THIS CASE IS SET FOR HEARING ON:

Continued from January 12, 2024 re: Status Hearing

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

1. A Petition for Final Account or Status Report has not been filed.
Prob Code §12200-12201

TENTATIVE RULING:

Appearance required.

CASE#: 22PR-00296

CASE NAME: Conservatorship of Mayda Monzon

THIS CASE IS SET FOR HEARING ON:

1. First and Final Accounts and Report of Conservator; Petition for Allowance of Compensation to Attorney, Delivery of Assets, and Discharge of Surety and Conservator
2. Continued from February 2, 2024 re: Status Review Hearing

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

1. Petition does not address Court Investigation Fees due in the amount of \$450.00.
Prob Code §1851.5

TENTATIVE RULING:

Appearance required.

(End of Tentative Rulings)