

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, May 2, 2025
TIME: 8:15 AM and 830 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#: 24PR-00339

CASE NAME: Estate of Thomas Sugioka

THIS CASE IS SET FOR HEARING ON:

Continued from January 22, 2025 re: Petition for Letters of Administration with Full IAEA Authority

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

1. Digital publication is unacceptable and must be completed in physical form.
Gov Code §6003
2. New proposed Order for Probate and new Letters reflecting the two Petitioners will need to be lodged. Prob Code §8006, §8400

TENTATIVE RULING:

Appearance required.

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8:30 AM CALENDAR

CASE#: 16PR-00346

CASE NAME: In the Matter of the Isabel E. Moreno Minor's Trust

THIS CASE IS SET FOR HEARING ON:

1. Continued from March 21, 2025 re:
 - a. Amended Second Account and Report of Trustee and Petition to Approve Fees to Thomas Day in Preparation of Amended Second Account
 - b. Continued from March 21, 2025 - Order to Show Cause as to Former Trustee Victor Moreno re: Failing to File an Accounting

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

1. Amended Second Accounting filed on November 14, 2024 - Under review.

TENTATIVE RULING:

Appearance required.

CASE#: 16PR-00347

CASE NAME: In Re: The Anthony C. Moreno Minor's Trust

THIS CASE IS SET FOR HEARING ON:

1. Continued from March 21, 2025 - Order to Show Cause as to Former Trustee Victor Moreno re: Failing to File an Accounting
2. Amended Second Account and Report of Trustee and Petition to Approve Fees to Thomas Day in Preparation of Amended Second Account

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

1. Amended Second Accounting filed on March 27, 2025 – under review.

TENTATIVE RULING:

Appearance required.

(continued on next page)

CASE#: 23PR-00282

CASE NAME: Conservatorship of Valton Andrew Kuykendall

THIS CASE IS SET FOR HEARING ON:

Continued from March 28, 2025 re: First Account and Report of Conservator of Person and Estate; Petition for Allowance of Fees to Attorney for Conservator, Dispense with Accounting, and Dispense with the Requirement of a Bond

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

1. Accounting does not reflect the conservatee's 50% interest in the real property identified in the Inventory and Appraisal filed on March 8, 2024.
2. Bank Statements from the time immediately preceding appointment and the statements for end of closing period of accounting are required to be provided to the Court with the Accounting. Prob Code §2620(c)(2)
3. Additional information needed concerning the following refunds:
 - a. Central Loan Administration
4. Transfer of funds between the conservatorship estate accounts should not have been considered income.
5. The nature of the deposits from the conservator's person account ending #8627 to the conservatee's two accounts ending in #2032 and #5563. Why were these deposits made? What was the source of these funds deposited?
6. The following disbursements require additional information/clarification:
 - a. Apple.com Bill (87 charges total) - \$1,367.32 *
 - b. Dish Network – Why was there a significant increase in the February and April 2024 payments.
 - c. Fast Track Car Wash monthly carwash when the conservatee does not own a vehicle
7. The following disbursements require additional information/clarification:
 - a. Apple.com Bill (87 charges total) - \$1,367.32
 - i. January (6 charges) - \$69.94
 - ii. February (5 charges) - \$69.95
 - iii. March (16 charges) - \$232.73
 - iv. April (15 charges) - \$164.75
 - v. May (6 charges) - \$86.93
 - vi. June (6 charges) - \$85.91
 - vii. July (6 charges) - \$81.94
 - viii. August (7 charges) - \$190.51
 - ix. September (7 charges) - \$139.83
 - x. October (6 charges) - \$96.93
 - xi. November (7 charges) - \$147.90

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CASE NAME: Conservatorship of Valton Andrew Kuykendall (*continued from previous page)

8. The following are reflected as multiple expenses with no information as to the nature of the purchases and how they were a benefit to the conservatee:
- a. Walmart (23 purchases) – \$1,426.65
 - b. Walgreens (10 purchases) - \$954.60
 - c. Balance of Nature (12 purchases) - \$840.62
 - d. Melaleuca Order (8 purchases) - \$887.10
 - e. MK Cometick (22 purchases) - \$13,075.05
 - i. 1/2/24 – Debit - \$714.88
 - ii. 1/9/24 - Debit - \$853.30
 - iii. 2/2/24 - Debit - \$2,518.99
 - iv. 2/12/24 - Debit - \$802.60
 - v. 3/4/24 - Debit - \$1,917.24
 - vi. 3/6/24 – Debit - \$853.73
 - vii. 3/18/24 - Debit - \$733.01
 - viii. 3/28/24 – Debit - \$123.21
 - ix. 4/3/24 - Debit - \$767.44
 - x. 4/12/24 - Debit - \$725.86
 - xi. 4/24/24 - Debit - \$729.66
 - xii. 4/26/24 – Debit - \$1,508.79
 - xiii. 4/29/24 - Debit - \$284.25
 - xiv. 4/30/24 - Debit - \$250.00
 - f. Paypal (9 disbursements with no information concerning these transactions one of which was \$108.19) - \$232.44
 - g. Venmo/Zelle payments to:
 - i. Samanta Turne
 - 1. 5/28/24 - \$134.00
 - 2. 3/12/24 - \$15.00
 - 3. 3/12/24 - \$130.00
 - 4. 3/12/24 - \$63.27
 - 5. 3/12/24 - \$129.00
 - 6. 3/12/24 - \$90.00
 - 7. 4/1/24 - \$131.00
 - 8. 7/8/24 - \$391.00
 - 9. 7/8/24 - \$60.00
 - 10. 7/8/24 - \$2,693.74
 - 11. 7/8/24 - \$129.00
 - ii. 5/21/24 - Andrew Harvey - \$75.00
 - iii. 2/15/24 - Jose Viegas - \$15.00
 - iv. 4/3/24 - Cynthia Homen - \$70.00
 - v. 4/3/24 - Daren Smith - \$70.00
 - vi. 7/8/24 - Glenn Smith – \$8.00
 - vii. 3/8/24 - Lisa Sand - \$47.00
 - viii. 9/30/24 - Marta Gonzalez - \$12.00
 - ix. 1/16/24 - Unidentified person - \$48.00

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CASE#: 23PR-00282

CASE NAME: Conservatorship of Valton Andrew Kuykendall (*continued from previous page)

- h. 8/7/24 - Pure Flix - \$107.74
 - i. 2/20/24 - O'Reilly - \$26.06
 - j. 5/8/24 – Sq Brides for a Cause (bridal dress) - \$913.50
 - k. 1/2/24 – Fields of Ice Turlock - \$60.00
 - l. 6/24/24 – Bank Fees - \$100.00
 - m. 7/8/24 – COAL - \$2,120.46
 - n. 7/8/24 – COAL - \$459.35
9. What is Vadip Ddic?
10. Are Central Loan Administration and Loan Depot Mortgage holders?
11. Fast Track Car Wash – payments for a \$39.99 car wash plan when the conservatorship estate does not include any interest in a vehicle
- a. Expenses that occurred prior to the establishment of the conservatorship:
 - i. 3/11/21 – Walmart - \$113.85
 - ii. 3/11/21 – Walmart - \$35.60
 - iii. 3/11/21 - Casque Wines – Loomis, CA - \$41.84
 - iv. 3/11/21 – Sally Beauty - \$40.14
 - v. 3/11/21 – Happy Feet Massage - \$67.00
 - vi. 3/11/21 – Happy Feet Massage - \$100.00
 - vii. 3/11/21 – Home Depot - \$406.90
 - viii. 3/11/21 – Flower Farm Loomis, CA - \$36.75
 - ix. 3/11/21 - Flower Farm Loomis, CA – 29.09
12. Expenses that should be included in the next accounting period:
- a. 5/15/25 – Dollar General - \$8.35
 - b. 1/5/25 – Hilmar Water - \$65.30
13. Court's discretion concerning counsel's request for fees as a reasonable amount payable by the Estate. Request for fees does not Prob Code §2642, CRC 7.751
14. Additional information needed describing the qualifications of non-attorneys Clara Buck and Maka Stevenson as required by B&P §6450, CRC 7.754, 7.703(e).

RECOMMENDATION:

Appearance required.

(End of Tentative Rulings)