

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: Mason Brawley

DATE: Friday, September 18, 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.**

8:15 AM CALENDAR

CASE#: 26PR-00182

CASE NAME: Estate of Gregory Burns

THIS CASE IS SET FOR HEARING ON:

Notice of Motion to be Relieved as Counsel

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

None.

TENTATIVE RULING:

No appearance is required. The record reflects that a Substitution of Attorney was filed on August 1, 2026 relieving counsel M. Brown as attorney of record. Accordingly, the pending Motion is moot and is dropped from calendar. The Status Hearing ensuring the filing of an Inventory and Appraisal currently set for December 17, 2026 at 8:15 a.m. in Courtroom 10 is confirmed.

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CASE#: 26PR-00271

CASE NAME: Estate of Jana Sue Smiley

THIS CASE IS SET FOR HEARING ON:

Continued from August 14, 2026 re: Petition for Probate of Will and for Letters Testamentary with Full IAEA Authority

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

1. Objections were verbally stated on the record at the prior hearing. No written objections have been filed to date.

TENTATIVE RULING:

Appearance required.

CASE#: 26PR-00279

CASE NAME: Estate of Michael Hamilton

THIS CASE IS SET FOR HEARING ON:

Spousal Property Petition

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

1. A proposed Order has not been lodged. MSC Rule 100 E.

TENTATIVE RULING:

The Spousal Property Petition is granted. Counsel to submit a proposed Order.

CASE#: 26PR-00313

CASE NAME: Estate of Michael A. Goularte Sr.

THIS CASE IS SET FOR HEARING ON:

Petition for Letters of Administration with Full IAEA Authority

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

1. No Proof of Publication with the corresponding signed affidavit. Prob Code §8121, §8124
2. Duties & Liabilities Acknowledgment (DE-147) signed by the proposed personal representative has not been filed. Prob Code §8404(a)
3. Bond has not been waived by all beneficiaries. Prob Code §8481
4. Petition lists four adult individuals as surviving the decedent but does not state their relationship to the decedent.
5. Proof of Service filed on 9/1/26 is defective as it reflects notice was mailed/served by the Petitioner who is a party to the proceeding. CCP §1013a

TENTATIVE RULING:

No appearance required. The hearing is continued to October 23, 2026 at 8:15 a.m. in Courtroom 10 for correction of the deficiencies. The Petitioner to provide notice to all interested parties of the continued hearing date. Any corrective pleadings are filed with the Court by the close of business on October 13, 2026.

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CASE#: 26PR-00315

CASE NAME: Estate of Lisa McLean Aris

THIS CASE IS SET FOR HEARING ON:

Petition for Probate of Will and for Letters of Administration with Will Annexed

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

1. The Proof of Service filed on 8/18/26 does not show service of the Petition and Notice of Hearing on counsel of record for Sidney Keith McLean in case # 24PR-00346. Prob. Code §§ 1214, 1215
2. Counsel's Declaration filed on 8/4/26 indicates the offered will was removed from a notebook for lodging at the direction of the court processing clerk. The Petitioner should make the remaining notebook available to the Court upon request and provide any additional foundation needed to establish the integrity and completeness of the lodged original. Prob. Code §§ 6111, 8200, 8222
3. The holographic will does not waive bond. The Petitioner should provide her own written waiver if she seeks waiver of bond. Prob. Code §§ 8480, 8481
4. The Petitioner should address the relationship between this proceeding and the existing case No. 24PR-00346. Prob. Code § 8504 (a)
5. A proposed Order for Probate and proposed Letters have not been lodged. MSC Rule 100 E.

TENTATIVE RULING:

Appearance required.

CASE#: P18710

CASE NAME: Conservatorship of Marcus Spagnola

THIS CASE IS SET FOR HEARING ON:

Continued from July 17, 2026 re: Biennial Review and Accounting

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

1. A Twentieth Account and Report by the Conservators has not been filed. Prob Code §2620(a)

TENTATIVE RULING:

Appearance required.

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CASE#: PR000465

CASE NAME: Estate of Larry Dale Souza, Jr.

THIS CASE IS SET FOR HEARING ON:

Continued from May 15, 2026 re: Status Hearing ensuring the Closing of the Estate

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

1. An Ex Parte Petition For Final Discharge And Order (DE-295) has not been submitted.
Prob Code §§11753, 12250

TENTATIVE RULING:

Appearance required. Counsel to provide the Court with the status of filing an Ex Parte Petition for Final Discharge.

8:30 AM CALENDAR

CASE#: 22PR-00389

CASE NAME: Conservatorship of Lois Watters

THIS CASE IS SET FOR HEARING ON: .

Continued from July 31, 2026 re: Third Amended Second Account and 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 PREVIOUSLY NOTED (*as to the Third Amended Second Account filed on 5/29/26*):

1. The accounting continues to reflect the same issue regarding the initial valuation of the conservatee's one-half interest in the real property located at 906 E. Alexander, Merced; it appears the valuation may have been based on the value of the property as a whole rather than the conservatee's fractional interest.
2. Proof of Service filed 5/29/26 reflects notice of the 6/26/26 hearing to all interested parties, but does not state the date service was effectuated.

TENTATIVE RULING:

No appearance required. The hearing is continued to November 6, 2026 at 8:30 a.m. in Courtroom 10 for correction of the deficiencies. Any corrective pleadings to be filed and served by the close of business on October 23, 2026.

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CASE#: 23PR-00054

CASE NAME: Conservatorship of Michael Mason

THIS CASE IS SET FOR HEARING ON:

Petition to Instruct and Authorize the Public Conservator to Enter into a Settlement Agreement

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

1. **Notice to Court Investigator:** Notice has not been provided to the Court Investigator who has a role in reporting findings concerning the Conservatee to the Court. Prob Code §1851
2. **Authority/Need for Instructions:** Petitioner seeks authority to enter into a settlement agreement resolving objections in a pending Kern County accounting proceeding. The Petition does not cite authority for the requested relief. [*Addressed in Response filed on 9/11/26](#)
3. **Benefit to conservatee:** Petitioner should provide additional information and explain why the settlement is in the best interest of the estate and why \$30,000 is a fair consideration. Prob. Code §2500 [*Addressed in Response filed on 9/11/26](#)
4. **Broad release:** The agreement releases many known and unknown claims, including claims concerning trusts, real property, stock, and trust distributions. The Petitioner should explain why the release, including the Civ. Code §1542 waiver, is fair and reasonable to the conservatee. Prob. Code §16464 [*Addressed in Response filed on 9/11/26](#)
5. **Colorado property:** The agreement refers to claims involving the Colorado Avenue property. The Petitioner should identify the conservatee's claimed interest, its value, and how the settlement affects that interest. Prob. Code §2501 [*Addressed in Response filed on 9/11/26](#)
6. **\$30,000 payment:** Petitioner must explain the legal basis for holding the \$30,000 in a blocked account, requiring all other assets to be spent first, and giving any remaining funds to Jerome and Brian Sturz when the conservatee dies. The Petitioner should identify the proposed account and explain why these terms benefit the conservatee. Prob. Code §§ 2580–2583 [*Addressed in Response filed on 9/11/26](#)
7. **Settlement terms:** The agreement appears vague and does not include deadlines for payment and production of UBS information and vehicle documents. The agreement also does not state when the releases and withdrawal of the accounting objection becomes effective. [*Addressed in Response filed on 9/11/26](#)
8. **Kern County case:** The agreement should clarify what relief the parties seek from each respective court as the Merced Superior Court may only authorize the Public Conservator to settle the case and has no jurisdiction over the accounting pending in the Kern County Superior Court. The parties may request that the Kern County Superior Court retain jurisdiction under Code of Civil Procedure §664.6, subject to that court's approval. [*Addressed in Response filed on 9/11/26](#)

TENTATIVE RULING:

No appearance required. Pursuant to Code of Civil Procedure §170.1, the Court recuses itself from further proceedings in this matter. Notwithstanding the recusal, and solely for the administrative purpose of managing the calendar, the Court, on its own motion continues the hearing due to the Court's unavailability. The hearing is continued to October 2, 2026, at 8:30 a.m. in Courtroom 10.

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CASE#: 24PR-00230

CASE NAME: Conservatorship of Barbara Barreiro

THIS CASE IS SET FOR HEARING ON:

Continued from August 28, 2026 re:

1. Amended First Account and Report of Conservator, Petition for Allowance of Fees to Conservator of the Person and Estate, and to the Attorney
2. Second and Final Account and 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 PREVIOUSLY NOTED:

As to the First Accounting:

1. The conservatee's interest in real property located in San Lorenzo, CA has not been included in any filed Inventory and Appraisal. [*Addressed in Amended Petition filed on 9/2/26](#)
2. What is the source of the cash assets as identified in the Summary of Account and corresponding Schedule "Cash assets on hand at Beginning of Account Period."
 - a. [Amended Petition filed on 9/2/26 is missing a 1\) Summary of Account and corresponding schedule reflecting any 2\) Cash and Non-Cash Assets on Hand at Beginning of Account Period.](#)
3. Did the estate receive the conservatee's CALPERS retirement benefits for September 2025 and October 2025 ([*corrected](#))?

TENTATIVE RULING:

No appearance required. The Amended Accounting filed on September 2, 2026 is incomplete and cannot be properly reviewed or approved in its present form. The hearing is continued to October 23 2026 at 8:30 a.m. in Courtroom 10 for correction of deficiencies. Any corrective pleadings to be filed and served by the close of business on October 9, 2026.

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CASE#: 25PR-00158

CASE NAME: Conservatorship of LaNell Howard

THIS CASE IS SET FOR HEARING ON:

Continued from August 14, 2026 re: First Account and Report of Conservator and Petition for Its Approval; Petition for Attorney Fees and Costs from Conservatorship Estate

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

1. The Accounting does not balance. The amount reflected in Schedule A—Receipts does not match the amount shown for Schedule A in the Summary of Schedules. **Corrected*
2. Pursuant to the Court's June 26, 2026 order, and consistent with Probate Code section 1471, counsel was directed to serve the Public Defender, appointed to represent the conservatee, with a copy of the Petition. **Corrected*
3. Concern that the requested fees may be excessive in light of the estate's limited liquid assets and the nature and reasonableness of the services billed, including multiple entries for attempted electronic filings. (Prob. Code, § 2640.)

TENTATIVE RULING:

Appearance required.

(End of Tentative Rulings)