

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: Monday, June 30, 2025
TIME: 8:15 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.**

CASE#: 22PR-00363

CASE NAME: Estate of Ruben Villarreal

THIS CASE IS SET FOR HEARING ON:

Continued from May 1, 2025 re: Petition and Report on Waiver of Account for Final Settlement, For Waiver of Statutory Commission, for Allowance of Statutory Attorney Fees, and For Final Distribution

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

1. The Petition does not address the disposition of the decedent's personal items (vehicles,, tools, household furniture/furnishings). The Petition also does not specifically reflect the property on hand at the end of administration to be distributed to the Administrator. CRC 7.550 and 7.651 **Corrected – Amended Petition filed 5/13/25*
2. Petition is not verified. Prob Code §1021, CCP §128.7 **Corrected – Amended Petition filed 5/13/25*
3. A proposed Order has not been lodged. MSC 100 E. **Corrected – Lodged 5/13/25*

TENTATIVE RULING:

No appearance required. The *Amended Petition and Report on Waiver of Account for Final Settlement, For Waiver of Statutory Commission, for Allowance of Statutory Attorney Fees, and For Final Distribution* is approved. A Status Hearing to ensure the Closing of the Estate is hereby set for December 4, 2025 at 8:15 a.m. in Courtroom 10.

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CASE#: 23PR-00311

CASE NAME:

The Erika L. Knorn SNT, created under the Knorn Family Trust dated July 29, 1992

THIS CASE IS SET FOR HEARING ON:

Continued from May 7, 2025 re: First Account and Report of Trustee and Petition for Its Approval, for Allowance of Legal Fees and Costs for Trustee's Attorneys and For Termination of Order to File Annual Accounts with Court

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

1. Accounting does not reflect the Turlock mobile home as trust asset.
2. Court's discretion concerning the Petitioner's request to terminate annual accountings for Court approval.

TENTATIVE RULING:

Appearance required.

CASE#: 24PR-00499

CASE NAME: Estate of Della Martinez

THIS CASE IS SET FOR HEARING ON:

1. Continued from May 12, 2025 re: Further Proceedings
2. First Amended Petition for Probate of Will and for Letters Testamentary

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED (**as to the Amended First Amended Petition filed on 6/16/25*):

1. Two purported wills have been lodged with the Court. The only will attached to the Petition is the will lodged in case #24LW-00134. **Addressed in Petitioner's Declaration filed on 6/16/25*
2. The will attached to the Petition contains both holographic and printed statutory portions:
 - a. Proof of Holographic Will (DE-135) has not been filed. Prob Code §8222
 - b. A typed copy of the holographic portion of the will is not attached to the Petition. Prob Code §8002
 - c. No Declaration is attached to the Petition explaining why the attached will contains both holographic and printed statutory portions. Evid Code §1402
**Corrected*
No Notice to all heirs, beneficiaries & executors. Prob Code §8100, §8110
**Corrected*
3. No Proof of Publication with the corresponding signed affidavit.
Prob Code §8121, §8124 **Corrected*
4. Objection filed on 1/7/25 by Henry Avina is not verified. Prob Code §1021(a)(2)
**Corrected*
5. No Proof of Service has been filed reflecting service of the Objection on the Petitioner and other interested parties. Prob Code §1215 *POS filed 1/9/25 on all interested parties except the Petitioner Jaunita Ana Ornelas-Cavazos. **Corrected*

TENTATIVE RULING:

Appearance required.

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CASE#: 24PR-00425

CASE NAME: Estate of Della Martinez Avina

THIS CASE IS SET FOR HEARING ON:

Continued from May 12, 2025 re: Spousal Property Petition

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

1. The decedent died testate and the decedent's Will(s) are lodged with the Court.
2. Missing Attachment 9 with the names, relationships, ages of the decedent's children and any named Executor(s) of the decedent's will. [Addressed in Declaration filed 3/12/25](#)
3. Additional information is needed to establish the community property claim concerning the cash as the decedent and the Petitioner were separated for approximately 4 ½ years (since January 1, 2020) and the cash was found at the residence at the time of death. (date asset acquired, manner in which asset was acquired and how asset is community property, what were the decedent's assets at the time of marriage and separation, who was residing at the real property when the cash was discovered?) Prob Code 13651(a)(3)-(4) [*Addressed in Declaration filed 3/12/25](#)
4. Is the provided copy of the Grant Deed recorded on August 4, 2016 the most recent recorded document concerning the subject real property? [Addressed in Declaration filed 3/12/25](#)

TENTATIVE RULING:

Trailing case #24PR-00499 Estate of Della Martinez

CASE#: 25PR-00132

CASE NAME: Estate of Ruben Andrade

THIS CASE IS SET FOR HEARING ON:

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

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

1. No Notice to all heirs, beneficiaries & executors. Prob Code §8100, §8110 [*Corrected – POS filed 5/15/25](#)
2. Clarification needed if Emerita Yanez is the decedent's biological granddaughter or related in another form? [*Corrected – Declaration filed 5/15/25](#)
3. If it appears that property will pass to a citizen of a foreign country, notice shall be given to a recognized diplomatic or consular official of the foreign country maintaining an office in the United States. Prob Code §8113 [*Corrected – POS filed 6/5/25](#)

TENTATIVE RULING:

No appearance required. The Petition for Letters of Administration with Full IAEA Authority with no bond required is granted. Probate Referee Michael Wright is appointed. A Status Hearing ensuring the filing of an Inventory and Appraisal is hereby for December 4, 2025 at 8:15 a.m. in Courtroom 10.

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CASE#: PR000016

CASE NAME: Estate of Bernard Charles Gardner

THIS CASE IS SET FOR HEARING ON:

Continued from June 9, 2025 re: Further Proceedings

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

1. An Inventory and Appraisal has not been filed by the Executor.
Prob Code §8800(b)
2. A Petition for Final Account or Status Report has not been filed by the Executor.
Prob Code §12200-12201

TENTATIVE RULING:

Appearance required.

(End of Tentative Rulings)