

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: Thursday, April 17, 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#: 23PR-00287

CASE NAME: Estate of James M. O'Rear

THIS CASE IS SET FOR HEARING ON:

Continued from October 21, 2024 re: Status on Closing of the Estate

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

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

TENTATIVE RULING:

Appearance required. Counsel to provide the Court with a status on the closing of the estate.

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CASE#: 24PR-00279

CASE NAME: Estate of John Albert Fox

THIS CASE IS SET FOR HEARING ON:

Continued from October 17, 2024 re: Status on Filing of an Inventory and Appraisal

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

None.

TENTATIVE RULING:

No appearance required. An Inventory and Appraisal was filed on November 27, 2024. A Status Hearing ensuring the Closing of the Estate is hereby set for November 20, 2025 at 8:15 a.m. in Courtroom 10.

CASE#: 24PR-00303

CASE NAME: Estate of Jesse R. Mayo

THIS CASE IS SET FOR HEARING ON:

Continued from November 1, 2024 re: Status on Filing of an Inventory and Appraisal

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

None.

TENTATIVE RULING:

No appearance required. An Inventory and Appraisal was filed on March 5, 2025. A Status Hearing ensuring the Closing of the Estate is hereby set for November 20, 2025 at 8:15 a.m. in Courtroom 10.

CASE#: 24PR-00305

CASE NAME: Estate of Bradley Richard Brudzinski

THIS CASE IS SET FOR HEARING ON:

Continued from November 1, 2024 re: Status on Filing of an Inventory and Appraisal

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

None.

TENTATIVE RULING:

No appearance required. Inventory and Appraisals have been filed. A Status Hearing ensuring the Closing of the Estate is hereby set for November 20, 2025 at 8:15 a.m. in Courtroom 10.

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CASE#: 24PR-00510

CASE NAME: Estate of Jo Ann Williams Perry

THIS CASE IS SET FOR HEARING ON:

Continued from March 7, 2025 re: Petition for Letters of Testamentary with Full IAEA Authority

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

1. Petition is missing Attachment 3f(2) is missing (copy of will). *Corrected
2. Mandatory Judicial Council *Duties & Liabilities Acknowledgment* form (DE-147) signed the personal representative has not been filed. Prob Code §8404(a) *Corrected
3. Notice is improper as it has been effectuated by the Petitioner who is a party to the action. CCP §1013a(1)
 - a. Proof of Service filed on February 25, 2025 is problematic as it reflects service of the March 7, 2025 hearing effectuated by mail on December 30, 2024. The Court had not set the March 7, 2025 hearing date when service was purportedly effectuated on December 30, 2024.
 - b. No notice to all beneficiaries and interested parties of the Amended Petition filed on 2/25/25. Prob Code §§8100, 8110, CRC 7.53(a)
4. No Proof of Publication with the corresponding signed affidavit.
Prob Code §8121, §8124
5. Proposed Letters for Probate have not been lodged.
Prob Code §8006, §8400 * Proposed Letters lodged on 2/21/25 are incorrect as they identify the Petitioner as both the Executor and Administrator of the Estate.

TENTATIVE RULING:

Appearance required.

CASE#: 25PR-00109

CASE NAME: Estate of John Duane Shaw

THIS CASE IS SET FOR HEARING ON:

Petition for Probate of Letters Testamentary 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

TENTATIVE RULING:

Appearance required.

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CASE#: 25PR-00112

CASE NAME: Estate of Ruben Escalante

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. Bond has not been waived by all heirs/beneficiaries. Prob Code §8481
2. Proof of Service filed on March 14, 2025 reflects service by mail on February 27, 2025. Proof of Service is problematic as the Petition for Administration was filed on March 14, 2025 and the Court had not yet set the April 17, 2025 hearing date.
3. No Proof of Publication with the corresponding signed affidavit.
Prob Code §8121, §8124
4. Duties & Liabilities Acknowledgment (Judicial Council form DE-147) signed by each personal representative has not been filed. Prob Code §8404(a)
5. Proposed Letters and Order for Probate has not been lodged.
Prob Code §8006, §8400, MSC 100 E.

TENTATIVE RULING:

The hearing is continued to May 29, 2025 at 8:15 a.m. in Courtroom 10 for correction of deficiencies. The Petition is to provide notice of the May 29, 2025 hearing date on all interested parties.

CASE#: 25PR-00115

CASE NAME: Estate of Dennis Clark Moomjean

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. The following are not reflected in the Petition :
 - a. Item #3c – the street address and county of decedent's residence at time of death.
 - b. Item 3e(1) – reflects Will waives bond. Did the decedent die testate or intestate?
 - c. What is the Petitioner's relationship to the decedent?
 - d. Item #8 – decedent's grandchildren have not been identified as adults or minors.
2. Bond has not been waived by all beneficiaries. Prob Code §8481
3. No Proof of Publication with the corresponding signed affidavit.
Prob Code §8121, §8124

TENTATIVE RULING:

The hearing is continued to May 19, 2025 at 8:15 a.m. in Courtroom 10 for correction of the deficiencies.

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CASE#: 24PR-00326 (*Add-on per the Court's 4/14/25 order)

CASE NAME: Estate of Beverley Hayes

THIS CASE IS SET FOR HEARING ON:

Ex Parte Emergency Petition for Preliminary Distribution

TENTATIVE RULING:

Appearance required.

(End of Tentative Rulings)