

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: Thursday, September 28, 2023
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#: 16PR-00346

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

THIS CASE IS SET FOR HEARING ON:

Continued from July 24, 2023 re: Accounting and Order to Show Cause

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

**Accounting is partially reviewed:*

1. Submitted Accounting does not include a Petition Prob Code §17200 (a)(b)(5), CRC 7.902
2. Summary of Account should reflect accountings from January 1, 2018 through December 31, 2022. Declaration and attached accountings reflect January 1, 2018 through December 31, 2022.
3. Notice of the hearing and Petition to approve the Second Accounting has not been provided to all trustees, Guardian Ad Litem and the trust beneficiary.
Prob Code §17203

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CASE#: 16PR-00346

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

4. The accounting reflects the trust is paying over \$700 monthly for the beneficiary's 1/3rd interest in the family residence located at 3168 Kirk Drive, Merced, CA. An Amended Petition filed on November 21, 2016 reflected the monthly mortgage payments were \$800.00. Per the Court's order dated December 19, 2016 the trust was allowed to distribute a proportional share of home mortgage and tax obligations of the family residence in which the beneficiary holds a 1/3rd interest. This accounting and the related accounting of Anthony Moreno (Case #16PR-00347) both reflect monthly mortgage payments of more than \$700 being paid by each trust for each beneficiary's proportional share of approximately \$266.66.
5. Clarification needed regarding the Inventory Adjustments reflected in Schedules G and H regarding the funds transferred to Anthony Moreno's trust and multiple erroneously transferred funds by the trustee to himself.
6. The three (3) monthly service fees refunded (\$25.00 each) on May 30, 2023. Why were only three months refunded?
7. Bank Statements to be provided for the accounting period (Chase Premier Platinum Checking Account xxxx674 and Chase Plus Savings Account xxxx009).
8. ***Accounting remains under review as the requested bank statements have been provided.. Probate Examiner's request the hearing be continued to November 8, 2023 at 8:15 a.m. in Courtroom 10 for additional time to review the accounting.***

TENTATIVE RULING:

Appearance required.

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CASE#: 16PR-00347

CASE NAME: In the Matter of the Anthony C. Moreno Minor's Trust

THIS CASE IS SET FOR HEARING ON:

Continued from July 24, 2023 re: Accounting and Order to Show Cause

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

**Accounting is partially reviewed:*

1. Submitted Accounting does not include a Petition Prob Code §17200 (a)(b)(5), CRC 7.902
2. Notice of the hearing and Petition to approve the Second Accounting has not been provided to all trustees and trust beneficiaries. Prob Code §17203
3. The accounting reflects the trust is paying over \$700 monthly for the beneficiary's 1/3rd interest in the family residence located at 3168 Kirk Drive, Merced, CA. An Amended Petition filed on November 21, 2016 reflected the monthly mortgage payments were \$800.00. Per the Court's order dated December 19, 2016 the trust was allowed to distribute a proportional share of home mortgage and tax obligations of the family residence in which the beneficiary holds a 1/3rd interest. This accounting and the related accounting of Isabel Moreno (Case #16PR-0034) both reflect monthly mortgage payments of more than \$700 being paid by each trust for each beneficiary's proportional share of approximately \$266.66.
4. Clarification needed regarding the Inventory Adjustments reflected in Schedules G and H regarding the funds transferred to Isabel Moreno's trust and multiple erroneously transferred funds by the trustee to himself.
5. Bank Statements to be provided for the accounting period (Chase Premier Platinum Checking Account xxxx674 and Chase Plus Savings Account xxxx009).
6. ***Accounting remains under review as the requested bank statements have been provided. Probate Examiner's request the hearing be continued to November 8, 2023 at 8:15 a.m. in Courtroom 10 for additional time to review the accounting.***

TENTATIVE RULING:

Appearance required.

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CASE#: 23PR-00040

CASE NAME: Estate of Kenneth G. Baugher

THIS CASE IS SET FOR HEARING ON:

Continued from March 22, 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 May 2, 2023. The hearing on the Petition for First and Final Account and Final Distribution set for November 8, 2023 at 8:15 a.m. in Courtroom 10 is hereby confirmed.

CASE#: 23PR-00273

CASE NAME: Estate of Samuel R. Flores, Jr.

THIS CASE IS SET FOR HEARING ON:

Petition to Determine Succession to Distribute Real Property

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

None.

TENTATIVE RULING:

Petition to Determine Succession to Distribute Real Property is granted.

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CASE#: 23PR-00148

CASE NAME: In the Matter of the Ricarda Aguirre Martinez Living Trust

THIS CASE IS SET FOR HEARING ON:

Continued from August 17, 2023 re: Status Review Hearing and Order to Show Cause
Why the Related Civil Case should not be transferred to Probate Court

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

None.

TENTATIVE RULING:

Appearance required.

(End of Tentative Rulings)