

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 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.

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

**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
Los Banos Division
HONORABLE: Jennifer O. Trimble

DATE: Friday, March 14, 2025
TIME: 8:30 AM
Courtroom 12

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#: 25PR-00032

CASE NAME: In The Matter of Lucille Marie Downey

THIS CASE IS SET FOR HEARING ON:

Petition For (1) Determination That Spouse Lacks Capacity To Join In Or Consent To Proposed Transaction; And (2) Authorization To Execute And Fund Revocable Trust

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

1. No proof of personal service of the citation and petition upon the nonpetitioning spouse filed with the Court. Probate Code §3130(a).
2. No proof of any notice to nonpetitioning spouse, of any kind, filed with the Court. Probate Code §3130.
3. No affidavit or certificate of a licensed medical practitioner establishing nonpetitioning spouse is not able to attend the hearing due to medical inability, filed with the Court. Probate Code §§3141(a); 3141(b).
4. Proposed Chester and Lucille Downey Trust does not clearly prohibit modification or revocation without court approval. C.R.C. Rule 7.903(c)(2).
5. Proposed Chester and Lucille Downey Trust appears to make posting bond discretionary, rather than mandatory. C.R.C. Rule 7.903(c)(5).
6. Proposed Chester and Lucille Downey Trust omits Probate Code §1060 et seq. and also correlating probate code sections ("et seq.") of Probate Code § 2620 regarding accounts and reports. C.R.C. Rule 7.903(c)(6).

7. Proposed Chester and Lucille Downey Trust requires a “conservator” to be involved in the accounting when petition states there is no conservatorship in place, nor has one been ordered by the Court. C.R.C. Rule 7.903(c)(6).
8. Proposed Chester and Lucille Downey Trust is vague and subject to interpretation regarding court approval of changes in Trustees. C.R.C. Rule 7.903(c)(7).
9. No proposed Order submitted to the Court. Local Rule 100E; C.R.C. 7.903.

PROBATE EXAMINER’S RECOMMENDATION:

Appearance required.

(End of Probate Notes)