

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: Monday, April 20, 2026
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#: 26PR-00097

CASE NAME: Estate of Nitta Yuma Philyaw

THIS CASE IS SET FOR HEARING ON:

Petition To Determine Succession To Primary Residence.

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

1. No proof that notice of the petition was delivered to each heir and devisee within five business days of filing the petition. Probate Code §13151(b).
2. No Inventory and Appraisal of the real property is attached to the Petition showing a probate referee performed the appraisal. Probate Code, §§ 8901, 8902, 13152(a)(2); (See paragraph 8 of Petition.)
3. A copy of the Recorded Deed transferring the property into the Tarris Raymond Philyaw Trust is missing from the Petition. (See Exhibit C.)
4. The legal description of the real property shown on the "Grant Deed" in the Supplemental Declaration regarding Exhibit C, filed 4/9/2026, is different than the legal description in the Petition. (See Attachment 11 of Petition.)
5. Clarification whether language on "Grant Deed" stating "*To Sever The Joint Tenancy*" makes Decedent's property separate, subject to intestate shares to both surviving spouse and to Decedent's children. Probate Code §6401(c)(3)(A); (See paragraph 11 of Petition.)

6. Any property or interest at the time of the Decedent's death and held by the Decedent as a joint tenant or was held by the Decedent and passed to the Decedent's surviving spouse pursuant to Probate Code §13500, shall be excluded from any Petition To Determine Succession To Primary Residence. Probate Code §13050(a)(1).
7. Clarification whether the real property described in this case was part of any pleading or proceeding in County of Stanislaus Superior Court Case No. 2200698, named "In re The Tarris Philyaw Living Under Agreement Dated October 24, 2001," hereinafter "Trust Case." See Exhibit E attached to Petition.
8. The County of Stanislaus Superior Court is the court presiding over judicial proceedings regarding the Trust Case. Probate Code §871(e); (See Ex. E.)
9. The County of Stanislaus Superior Court appears to retain jurisdiction over the Trust Case and any efforts to acquire property for the trust. Probate Code §§17301, 871(e).
10. No Proof of Service of Notice of Hearing on file. Probate Code §13153.
11. No proposed Order Determining Succession To Primary Residence submitted to the Court. Probate Code §13154.
12. In pro per Petitioner is a non-attorney Trustee representing the Tarris Philyaw 2001 Revocable Living Trust in this Court proceeding and is representing and affecting the interests of the beneficiaries and therefore appears to be engaged in the unauthorized practice of law. Bus. & Prof. Code §6125.

PROBATE EXAMINER'S RECOMMENDATION:

Appearance required.

(End of Probate Notes)