

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: Donald Proietti

DATE: Wednesday, October 7, 2026
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.**

(continued on next page)

CASE#: 16PR-00394

CASE NAME: The Khloe Carlucci Special Needs Trust

THIS CASE IS SET FOR HEARING ON:

Fifth Account and Report of Trustee and Petition for Allowance of Trustee Fees and Attorney Fees

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

1. Inadequate description of sale and purchase. The Petition does not adequately describe the sale of the former residence or the purchase of the replacement residence. A seller's closing statement does not disclose the material terms, purposes, and financial effect of the transactions. Prob Code §1064(a)(1)
2. No explanation of unusual transactions. The accounting does not explain the sale of the beneficiary's residence, the acquisition of replacement real property, or the trustee's decision to complete the transactions without first seeking Court authorization or instructions. Prob Code §1064 (a)(2)
3. The sale of the Clovis residence and purchase of the Fresno residence were completed without prior Court authorization, approval, or confirmation. Disclosure of the completed transactions in an accounting does not constitute Court approval, confirmation, or ratification. The trustee has not identified an express provision of the trust instrument, a prior Court order, or other legal authority authorizing the trustee to sell trust real property and acquire a replacement residence without first obtaining Court approval. Prob Code §§1064(a)(2), 2540, 2570, 2571, 2625
4. The existing record is insufficient to determine whether the trustee acted within the scope of the trustee's authority, exercised reasonable care and prudence, acted in the beneficiary's best interest, or caused loss, depreciation, or other compensable harm to the trust estate. The trustee to provide sufficient information and supporting documentation to permit the Court to evaluate the transactions, the trustee's conduct, and any potential breach of trust. Prob. Code §§ 16040(a), 16420(a), 16440(a), 17200, 17206.

TENTATIVE RULING:

Appearance required.

(continued on next page)

CASE#: 24PR-00177

CASE NAME: Estate of Rebecca Carrie Bennett

THIS CASE IS SET FOR HEARING ON:

Continued from January 21, 2026 re: Status ensuring the Closing of the Estate

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

None.

TENTATIVE RULING:

No appearance required. A Status Report was filed on September 28, 2026. Due to the pending litigation and resolution in the Stanislaus County Probate, the Status Hearing is continued to May 26, 2027 at 8:15 a.m. in Courtroom 10.

CASE#: 24PR-00281

CASE NAME: Estate of Kathy Lynette Roy

THIS CASE IS SET FOR HEARING ON:

Continued from August 21, 2026 re: First and Final Account/Waiver of Account and Report of Administrator Petition for Final Distribution

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

1. The proposed distribution is not consistent with intestate succession under Probate Code §6402. **Corrected*
2. The Petition references Waivers of Accounting; however, no such waivers are present in the court file. Prob Code §10954(a)(1) . **Corrected*
3. No Notice of Hearing has been filed for the Petition for Final Distribution. The Hearing on the Petition requires notice with appropriate Proof of Service filed with the Court pursuant to Probate Code §§1042 and 1220. **Corrected*
4. A proposed Order has not been lodged. MSC 100 E.
 - a. *Lodged on 8/5/26 but does not identify the estate assets remaining for distribution which should also include the legal description for any real property to be distributed. *Remains for the 10/7/26 hearing*
5. The Amended Petition contains what may be a typographical error as the Petition states notice to Creditors was mailed on July 31, 2024 before Letters were issued on November 22, 2024. **Remains for the 10/7/26 hearing*
6. The Amended Petition does not adequately identify the estate assets remaining for distribution which should also include the legal description for any real property to be distributed. Cal. Rules of Court 7.550(b)(4) **Remains for the 10/7/26 hearing*

TENTATIVE RULING:

No appearance required. The hearing is continued to November 30, 2026 at 8:15 a.m. in Courtroom 10. Any corrective pleadings to be filed by the close of business on November 13, 2026.

(continued on next page)

CASE#: 24PR-00445

CASE NAME: Estate of Felipe S. Reyes

THIS CASE IS SET FOR HEARING ON:

Continued from July 8, 2026 re: Status ensuring the Closing of the Estate

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

1. A Petition for Final Account or Status Report has not been filed.
Prob Code §12200-12201

TENTATIVE RULING:

Appearance required. Counsel to advise the Court on the current case status.

CASE#: 26PR-00051

CASE NAME:

In the Matter of the Padilla Family 2016 Trust Agreement dated December 1, 2016

THIS CASE IS SET FOR HEARING ON:

Continued from September 17, 2026 re:

1. Petition for Removal of Successor Trustee and Request for Accounting
2. Status Review of Settlement

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

None.

TENTATIVE RULING:

Appearance required. Counsel to advise the Court on the current case status.

(continued on next page)

CASE#: 26PR-00080

CASE NAME: Estate of Donald M. Tallent

THIS CASE IS SET FOR HEARING ON:

Continued from September 2, 2026 re: Spousal Property Petition

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED (*as to the Amended Petition filed on 9/24/26):

1. Community-property showing. The October 6, 1985 vesting deed reflects title in Decedent's name as a married man as his sole and separate property. Petitioner's declaration does not address the separate-property vesting or otherwise allege sufficient facts to establish that the property was community property. Additional information is needed in support to establish the community-property character of the property (date asset acquired, date of marriage, manner in which asset was acquired and how asset is community property, what were the decedent's assets at the time of marriage, what was the decedent's occupation, how was the down payment made for the real property? Was it made with separate property or community property? Was the real property a gift? How were the mortgage payments made?). Fam. Code § 760; Prob. Code § 13651.
2. Chain of title. The Petitioner has declared that the Decedent added Pat Kelly to title, but no deed or title evidence reflecting that transfer has been filed. Petitioner to provide a current title report or complete chain of title. Prob. Code §§ 13650, 13651.
3. The Declaration identifies Pat Kelly as Decedent's deceased sister, while the Petition alleges Decedent had no surviving siblings. Petitioner shall clarify this discrepancy and identify Pat Kelly's estate or possible successors, if she held an interest in the property who may be entitled to notice. Prob. Code §§ 1220, 13655.
4. The Petition seeks both a determination that the Decedent's interest in the subject real property passed to Petitioner (Attachment 7a) and confirmation of Petitioner's community-property interest (Attachment 7b). Although Petitioner alleges the property was acquired during marriage as community property, the submitted deed vests title in Decedent as his sole and separate property. The Petitioner also alleges Decedent later added Pat Kelly to title, but has not submitted supporting title documentation. Petitioner to provide sufficient facts and evidence establishing the property's character and the respective interests for which relief is requested. Prob. Code §§ 100, 13650, 13651; Fam. Code § 760.

TENTATIVE RULING:

No appearance required. The hearing is continued to November 19, 2026 at 8:15 a.m. in Courtroom 10 for correction of the deficiencies.

(continued on next page)

CASE#: 26PR-00293

CASE NAME: In the Matter of the Popke Family Trust dated December 8, 1999

THIS CASE IS SET FOR HEARING ON:

Verified Petition Concerning Internal Affairs of Trust; to Compel Accounting; For Production of Trust Documents; For Determination of Validity of Trust Amendments; For Reservation of Contest Rights; and for Further Relief Under Probate Code §17200 et seq.

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

1. No proof of service reflecting proper judicial notice of the hearing and Petition was served at least 30 days before hearing on the trustee, beneficiaries, and other persons whose interests may be affected. Prob. Code, § 17203 (a)
2. The attached Proof of Service is chronologically inconsistent. The Petitioner has attached a copy of a Proof of Service reflecting a document was sent to Michele Smith on May 15, 2026, but the pending Petition was filed July 17, 2026. The stated prefiling mailing does not establish service of notice of the filed petition or October 7, 2026 hearing. Prob. Code § 17203 (a)
3. Trust-contest timeliness is not established. Although the April 25, 2026 trustee notification is attached, no proof of service establishes the date or manner of service on petitioner. The Petition was filed July 17, 2026, approximately 83 days after the date of the notice. The applicable deadline is measured from service of the trustee's notification. Prob. Code, §§ 16061.7, 16061.8.
4. Standing/claimed interest requires clarification. The attached 1999 trust agreement and amendments show that the 2020 Second Amendment revoked the 2011 First Amendment and expressly disinherited petitioner. Petitioner should explain whether he challenges the 2020 amendment only or both amendments, and how invalidation of the challenged instrument or instruments would restore a beneficial interest to him. Prob. Code §§ 24 (c), 17200(a)(b)(3)
5. The Petition does not allege specific facts supporting claims of undue influence, lack of capacity, fraud, fiduciary breach, or defective execution. CCP § 425.10 (a)(1)

TENTATIVE RULING:

No appearance required. The hearing is continued to December 17, 2026 at 8:15 a.m. in Courtroom 10. The Petitioner should appropriately notice the trustee and all interested parties no later than 30 days prior to the hearing. Any corrective pleadings should be filed with the Court by the close of business on November 30, 2026.

(End of Tentative Rulings)