

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](mailto: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: Brian McCabe

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DATE: Wednesday, March 2, 2022  
TIME: 8:15 AM  
Courtroom 10  
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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. **To limit the spread of the COVID-19 virus, the court will only conduct remote hearings. 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#:** 20PR-00231

**CASE NAME:** Estate of David Morris Krumm

**THIS CASE IS SET FOR HEARING ON:**

Continued from February 4, 2022 re: Petition for First and Final Account and Final Distribution; Fee Request

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

1. Inventory & Appraisal filed 9/17/21 is self-appraised and contains items not appraised by the Probate Referee. Prob Code §8902 *\*Corrected*
2. The Petition does not identify the character of estate property (separate or community). CRC 7.652(a)
3. Rejection or Allowance of Creditor's Claim (DE-174) has not been filed for any of the filed claims. CRC 7.403 *\*Corrected*

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**CASE#:** 20PR-00231

**CASE NAME:** Estate of David Morris Krumm (continued)

4. No Satisfaction or Release of Claim have been filed by each creditor who has filed a Creditor's Claim: *\*Newly noted deficiency for the 3/1/22 hrg*
  - a. *Merced School Employees Federal Credit Union filed 9/24/20 - \$10,332.74*
    - i. *Satisfaction of Creditor's Claim filed 2/1/22 contains a "Mini-Statement" for an account ending xxx007 (in the same ending account number as the Creditor's Claim) reflecting a payment of \$9,738.95 on 3/16/21. The Petitioner has filed an Allowance of the Creditor's Claim on 1/14/22 for the full amount of the Claim (\$10,332.74). \*A difference of \$593.79 remains – What is the status of the remaining balance?*
  - b. *Ascension Recovery (Sears) filed 11/16/20 - \$600.75 – Satisfaction of Claim from the Creditor as having been paid in full filed on 2/1/22. \*Corrected*
5. Summary of Account does not properly reflect Preliminary Distributions to Eleanor Sissel and Richard Krumm. Preliminary Distributions are only reflected in the accounting and not reflected in narrative form in the Petition. Was a Notice of Proposed Action given to all devisees concerning the Preliminary Distribution? Prob Code 10510 , CRC 7.651(a) *\*Corrected as to Notice of Proposed Action to devisees only.*
6. Summary of Account contains an incorrect value concerning the filed Inventory and Appraisal. *\*Corrected*
7. Receipts of Distribution have not been filed by each Devisee who received a Preliminary Distribution. CRC 7.651 (a) *\*Corrected*
8. Petition does not contain property on hand to be distributed. CRC 7.651 *\*Corrected*
9. Additional information needed concerning the joint Account bank account at MSEFCU. What if any portion of the monies in the bank account belonged to the decedent and the joint bank account holder? *\*Corrected*
10. *Accounting as submitted is difficult to review. Accounting to be resubmitted using Judicial Council forms for Simplified Accountings (GC-405 forms). \*Newly noted deficiency for the 3/1/22 hrg*

**PROBATE EXAMINER'S RECOMMENDATION:**

Continue hearing to April 4, 2022 at 8:15 a.m. for deficiency #4 to be addressed and for accounting to be resubmitted on appropriate Judicial Council Forms.

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**CASE#:** 20PR-00300

**CASE NAME:** Estate of Linda Margaret Call

**THIS CASE IS SET FOR HEARING ON:**

Petition for First and Final Account and Final Distribution; Fee Request

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

None.

**PROBATE EXAMINER'S RECOMMENDATION:**

Recommend approval.

**CASE#:** 21PR-00133

**CASE NAME:** Estate of Donald Theodore Westmoreland

**THIS CASE IS SET FOR HEARING ON:**

Continued from February 16, 2022 re: Readiness Conference

**PROBATE EXAMINER'S RECOMMENDATION:**

Appearance required. Parties to update the Court as to status.

(End of Tentative Rulings)