

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: Friday, August 2, 2024
TIME: 8:15 AM & 8:30 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.**

8:15 AM CALENDAR

CASE#: 21PR-00194

CASE NAME: Estate of Antonia Regalado

THIS CASE IS SET FOR HEARING ON:

Continued from May 29, 2024 re: Status of Closing of the Estate

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

1. Distributive Receipts and an Ex Parte Petition For Final Discharge And Order (DE-295) have not been submitted. Prob Code §§11753, 12250 ***Distributive Receipts for 11 of the 17 heirs have been filed on 7/3/24.**

TENTATIVE RULING:

The Status Review Hearing is hereby continued to October 4, 2024 at 8:15 a.m. in Courtroom 10 allowing counsel additional time to file the remaining Distributive Receipts and Ex Parte Petition for Final Discharge with the Court.

(continued on next page)

CASE#: 23PR-00368

CASE NAME: Estate of Estevan Hernandez

THIS CASE IS SET FOR HEARING ON:

Continued from February 7, 2024 re: Review of Case Status

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

1. An Inventory and Appraisal has not been filed. Prob Code §8800(b)

TENTATIVE RULING:

Appearance required.

CASE#: 24PR-00176

CASE NAME: Estate of Natena Hernandez

THIS CASE IS SET FOR HEARING ON:

Petition for Letters of Administration with Full IAEA Authority

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

None.

TENTATIVE RULING:

No appearance required. Petition for Letters of Administration with Full IAEA Authority is granted. Letters to be issued upon the posting of a bond in the amount of \$198,000.00. Probate Referee Michael Wright is hereby appointed. A Status Hearing ensuring the filing of an Inventory and Appraisal is hereby set for January 24, 2025 at 8:15 a.m. in Courtroom 10.

(continued on next page)

CASE#: 24PR-00177

CASE NAME: Estate of Rebecca Carrie Bennett

THIS CASE IS SET FOR HEARING ON:

Petition for Administration with Full IAEA Authority

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

None.

TENTATIVE RULING:

No appearance required. Petition for Administration with Full IAEA Authority is granted. Probate Referee Michael Wright is hereby appointed. A Status Hearing ensuring the filing of an Inventory and Appraisal is hereby set for January 24, 2025 at 8:15 a.m. in Courtroom 10.

CASE#: 24PR-00184

CASE NAME: Aniceto Cortez, Jr.

THIS CASE IS SET FOR HEARING ON:

Spousal Property Petition

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

None.

TENTATIVE RULING:

No appearance required. Spousal Property Petition is granted.

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8:30 AM CALENDAR

CASE#: 20PR-00204

CASE NAME: Estate of Alan Bettencourt

THIS CASE IS SET FOR HEARING ON:

Continued from June 7, 2024 re: Status Hearing ensuring the Closing of the Estate

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

1. Distributive Receipt signed by Sarah McCready and an Ex Parte Petition For Final Discharge And Order (DE-295) have not been submitted. Prob Code §§11753, 12250

TENTATIVE RULING:

The Status Hearing is hereby continued to October 11, 2024 at 8:30 a.m. in Courtroom 10 to allow counsel additional time to file the remaining Distributive Receipt and Ex Parte Petition for Final Discharge.

CASE#: 20PR-00393

CASE NAME: Conservatorship of Paul Budnik

THIS CASE IS SET FOR HEARING ON:

Continued from June 14 2024 re: Status Review of Closing of the Estate

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

1. A signed Distributive Receipt from Judith Sanders has not been filed and mandatory Judicial Council form *Ex Parte Petition for Final Discharge* (GC-395) have not been filed. Prob Code §2100

TENTATIVE RULING:

Appearance required.

(continued on next page)

CASE#: 15PR-00217

CASE NAME: Conservatorship of Calvin Brown

THIS CASE IS SET FOR HEARING ON:

Continued from June 14, 2024 re:

1. Third and Final Account and Report of Conservator, Petition for Allowance of Fees to Conservator of the Petition and Estate and to the Attorney
2. A First and Final Account and Report of Trustee, Petition for Allowance of Fees to Trustee of the Special Needs Trust and to Attorney

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

1. An Amended Accounting has not been filed as noted at the March 8, 2024 hearing. **Corrected*
2. Notice of the Amended Third and Final Accounting has not been provided. Prob Code §1460 **Proof of Service filed on 6/3/24 is deficient with only 11 days' notice provided to interested parties. Prob Code §1460*
3. **First and Final Account and Report of Trustee, Petition for Allowance of Fees to Trustee of the Special Needs Trust and to Attorney filed on June 3, 2024:*
 - a. Clarification needed concerning if the trust is a true Special Needs Trust as identified in the Petition.
 - b. The amounts reflected in the *Summary of Account – Property on Hand at Beginning of Account Period* in the amount of \$39,375.56 is not reflected in the corresponding schedule titled "*Cash Assets on Hand at Beginning of Account Period*" reflecting cash assets in the amount of \$0.00.
 - c. Notice of the *First and Final Account and Report of Trustee* filed on 6/3/24 is deficient with only 11 days' notice provided to interested parties. Prob Code §17200
**Newly noted deficiencies for the 8/2/24 hearing*

TENTATIVE RULING:

The hearing is hereby continued to September 13, 2024 at 8:30 a.m. in Courtroom 10 for correction of the deficiencies.

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Superior Court of California, County of Merced
PROBATE CALENDAR
HONORABLE: Mark Bacciarini

DATE: Friday, August 2, 2024
TIME: 8:30 AM
Courtroom 10

PROBATE CALENDAR

Special Set

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#: 23PR-00054

CASE NAME: Conservatorship of Michael Mason

THIS CASE IS SET FOR HEARING ON:

Continued from May 31, 2024 re: Status Review Hearing; Annual Review; Accounting.

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

1. Missing bank and investment statements from time immediately preceding appointment of probate conservator and statements up to the closing period of accounting. Prob. C. 2620(c). [*Some Financial Statements were submitted on 5/13/2023](#) ****Denotes items addressed in 7/11/24 Declaration of C. McCaulley**
 - a. The following bank and financial statements to be provided:
 - i. Wells Fargo Account #565:
 1. June 2023 through November 2023
 2. January 2024
 - ii. Wells Fargo Account #598:
 1. May 2023 through July 2023
 2. September 2023 through December 2023

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CASE#: 23PR-00054

CASE NAME: Conservatorship of Michael Mason (continued from previous page)

- iii. LPL Financial: **
 1. June 2023 through January 2024
- iv. Edward Jones Account 08-1-5: **
 1. May 2023 through January 2024
- v. Edward Jones Account 455-1-4: **
 1. April 2023 through July 2023
 2. October 2023
 3. January 2024
2. Court's discretion regarding Check no. 2819, in the amount of \$2,000.00, from Wells Fargo Checking account xxxx-7565 by Lori Chea written immediately preceding appointment of Conservatorship. ****Addressed in 7/11/24 Declaration of C. McCaulley**
3. Summary of Account for 5/5/23 through 12/15/23:
 - a. Property on Hand at Beginning of Account Period starting on 5/5/23:
 - i. *Carry Value* of Non-Cash Assets in the amount of \$335,875.64 differs from the amount of Non-Cash Assets in the amount of \$335,463.39 at the end of the previous Accounting period ending on 5/5/23.
4. The accounting reflects excess expenditures for Amazon and Walmart purchases that require additional clarification for:
 - a. Six (6) separate Walmart purchases on the same day of June 20, 2023, totaling \$602.00
 - b. Walmart purchases on 11/22/2023 for \$2,272.04, re who made the purchase, reason for the expenditure, including receipts.
 - c. Receipts to be provided for all Amazon and Walmart purchases.
5. Accounting does not reflect any payments to the following utilities:
 - a. PG&E: ***Addressed in 7/11/24 Declaration of C. McCaulley**
 - i. May 2023 through September 2023
 - ii. November 2023 and December 2023
 - b. Waste Management: ***Addressed in 7/11/24 Declaration of C. McCaulley**
 - i. May 2023
 - ii. June 2023
 - iii. August 2023 through October 2023
 - iv. December 2023
6. Additional location clarification and receipts needed for the following travel Expenses incurred by the Conservator of the Estate:
 - a. 11/13/24 – KOA - \$52.88 ***Corrected**
 - b. 11/14/24 – Seven Feathers - \$305.93 ***Corrected**
 - c. 11/15/24 – KOA - \$52.88 ***Corrected**
7. The following vehicle expenses require clarification as to the benefit to the conservatee:
 - a. Fastrack Violation on 12/3/23 - \$7.00
 - b. Fuel expenses totaling \$1,333.72 as it appears the conservatee's vehicle was fueled weekly at an average expense of \$74.09.

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CASE#: 23PR-00054

CASE NAME: Conservatorship of Michael Mason (continued from previous page)

- c. The accounting reflects two fueling charges for the same day:
 - i. 8/1/24 – Chevron - \$81.00
 - ii. 8/1/24 – Shell - \$57.27
8. Receipts to be provided for Eagle OneSolution for garage door repairs on:
 - a. 10/18/23 - \$1,138.50
 - b. 10/23/23 - \$1,242.00
9. Additional information needed concerning disbursement to Chosen Property for \$301.44 on 6/23/23.
10. Additional information needed as to what expenses are shared by the conservatee, Marian Mason and any trust owned asset. [*Addressed in 7/11/24 Declaration of C. McCaulley](#)
11. Additional information and receipts needed concerning the following “Unknown Charge” attributed to Lori Chea:
 - a. 5/30/23 - Target - \$11.46
 - b. 5/31/23 – SEI - \$67.82
 - c. 6/6/23 – Lori Chea - \$2,500.00
 - d. 6/12/23 – Target - \$87.36 [*Addressed in 7/11/24 Declaration of C. McCaulley](#)
 - e. 6/13/23 – Target - \$17.31
 - f. 6/26/23 – SEI - \$45.28
 - g. 7/24/23 – Target - \$51.83
 - h. 7/24/24 – SEI – 64.04
 - i. 8/1/23 – Stagnaro Bro Santa Cruz - \$46.38 [*Addressed in 7/11/24 Declaration of C. McCaulley](#)
 - j. 9/22/23 – Target - \$37.30
 - k. 10/18/23 – A-1-A (repair at house) - \$115.00
 - l. 11/27/23 – Lori Chea (reimbursement for winter clothing) - \$455.27
12. Clarification of whether conservatee Michael Mason is named in any capacity in any other trust, including a separate property trust, other than the Mason Community Property Trust and as a beneficiary in the Sturtz Trust. [*Addressed in 7/11/24 Declaration of C. McCaulley](#)
13. Conservatee’s beneficial interest in the Sturtz Trust has not been included in any Inventory and Appraisal.
14. What is the current status of the Mason Community Property Trust? Was there a Resignation by the Trustor Michael Mason? [*Addressed in 7/11/24 Declaration of C. McCaulley](#)
15. Two computers and printer purchased with estate funds have not been inventoried. [*Addressed in 7/11/24 Declaration of C. McCaulley](#)
16. Does the conservatee have any life insurance policies? [*Addressed in 7/11/24 Declaration of C. McCaulley](#)
17. No notice to any interested parties of the Second Supplement to First Account and Report of Former Conservator Carol McCaulley filed on July 11, 2024.
CRC 7.53(b)

TENTATIVE RULING:

Appearance required.

(End of Tentative Rulings)