

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

**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: Mark Bacciarini

DATE: Friday, January 24, 2025
TIME: 8:15 AM and 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.**

CASE#: 24PR-00176

CASE NAME: Estate of Natena Hernandez

THIS CASE IS SET FOR HEARING ON:

Continued from August 2, 2024 re: Status on Filing of an Inventory and Appraisal

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

None.

TENTATIVE RULING:

No appearance required. An Inventory and Appraisal was filed on August 29, 2024. A Status Hearing ensuring the closing of the Estate is hereby set for September 10, 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:

Continued from August 2, 2024 re: Status of Filing an Inventory and Appraisal

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

1. Status Report filed on 1/9/25 reflects assets to be included in an Inventory and Appraisal as required per Probate Code §8800(b).

TENTATIVE RULING:

Appearance required.

CASE#: 24PR-00340

CASE NAME: Estate of Eugene Masao Kajjoka

THIS CASE IS SET FOR HEARING ON:

Continued from December 11, 2024 re: Spousal Property Petition

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

1. Court's discretion regarding the Safety Deposit Box – possibly in the name of the Kajjoka Family 1983 Trust.
2. No notice to all interested parties and persons named as executors of the decedent's will. Prob Code §13651, 13655 *Corrected

TENTATIVE RULING:

Appearance required.

CASE#: 24PR-00506

CASE NAME: Estate of Carmen Morales Martinez

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:

1. No Proof of Publication with the corresponding signed affidavit.
Prob Code §8121, §8124

TENTATIVE RULING:

Appearance required.

(continued on next page)

CASE#: 24PR-00507

CASE NAME: Estate of Walter Cecil Reynolds

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:

1. Proof of Publication is missing the case number. Prob Code §8100

TENTATIVE RULING:

Appearance required.

CASE#: P20182

CASE NAME: Conservatorship of Javiel S. Costilla

THIS CASE IS SET FOR HEARING ON:

Seventh Account and Report of Conservator, Petition for Allowance of Fees to Conservator, and For Allowance of Attorney Fees

*****Also set for an Annual Review on January 24, 2025 at 8:15 a.m.*****

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

Under review.

TENTATIVE RULING:

Due to the Court's impacted calendar the Probate Examiner is requesting additional time to review the accounting. The request is to continue the hearing to April 4, 2025 at 8:15 a.m. in Courtroom 10.

8:30 AM CALENDAR

CASE#: 19PR-00308

CASE NAME: Estate of Kenneth Wheaton

THIS CASE IS SET FOR HEARING ON:

Continued from January 3, 2025 re: Status Review Hearing

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.

(continued on next page)

CASE#: 21PR-00146

CASE NAME: Conservatorship of Perry Wheaton

THIS CASE IS SET FOR HEARING ON:

Continued from January 3, 2025 re: Status Review Hearing

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:

This case is trailing and awaiting the final distribution to be approved from case #19PR-308 Kenneth Wheaton.

CASE#: 24PR-00093

CASE NAME: Estate of Angelo Espinola Picanco

THIS CASE IS SET FOR HEARING ON:

Continued from January 3, 2025 re: Status on Filing of Inventory and Appraisal

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

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

TENTATIVE RULING:

Appearance required.

CASE#: 20PR-00158

CASE NAME: Estate of Robert Alan Hunter

THIS CASE IS SET FOR HEARING ON:

1. Continued from November 24, 2024 re: Review of Case Status
2. Petition for the Court to Order Double Damages, Costs and Attorney Fees

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

1. *Petition* is not verified. Prob Code §1021
2. A Notice of Hearing to accompany the *Petition for the Court to Order Double Damages, Costs and Attorney Fees* has not been filed. Prob Code §§1220-1221
3. *Position Statement* filed on 12/10/24 by Respondent Sheila Hunter-Tellez is not verified and does not reflect service on the Petitioner and other interested parties. Prob Code §§1021(a)(2), 1215

TENTATIVE RULING:

Appearance required.

(continued on next page)

CASE#: 23PR-00054

CASE NAME: Conservatorship of Michael Mason

THIS CASE IS SET FOR HEARING ON:

Continued from November 14, 2024 re:

1. Accounting
2. Annual Review
3. Order to Show Cause as to the former Conservator Carol McCauley and her bonding company to appear and Show Cause why the Conservator of the Estate should not be surcharged \$19,000 for unaccounted for expenditures during the period Carol McCauley served as Temporary and General Conservator of the Estate

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

NOTED: **No changes/updates have been made since the 11/15/24 hearing and the previously noted issues below are posted for informational purposes only as the accountings remain before the Court for approval.*

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. McCauley*
 - 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: **Addressed in 10/1/24*
 1. May 2023 through July 2023
 2. September 2023 through December 2023
 - 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. McCauley*
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.

(continued on next page)

CASE#: 23PR-00054

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

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:
[*Addressed in](#)
 - 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.
 - 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](#)

(continued on next page)

CASE#: 23PR-00054

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

13. Conservatee's beneficial interest in the Sturtz Trust has not been included in any Inventory and Appraisal.
14. What the 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)