

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](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 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: Mark Bacciarini

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DATE: Friday, March 7, 2025  
TIME: 8:15 AM and 8:30 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. **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#:** 24PR-00177

**CASE NAME:** Estate of Rebecca Carrie Bennett

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

Continued from January 24, 2025 re: Status of Filing an Inventory and Appraisal

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

(continued on next page)

**CASE#:** 24PR-00200

**CASE NAME:** Estate of Victor Manuel Loera

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

Continued from August 23, 2024 re: Status on Filing of an Inventory and Appraisal

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

1. The Amended Inventory and Appraisal filed September 26, 2024 valuing the estate at \$365,000.00 consisting solely of real property located at 3152 Sweat Pea Ave., Merced, CA APN: 061-595-006-000 is:
  - a. Missing the appraisal values on page 1, Items #1 & 2.
  - b. The Appraisal also appears to be stale dated with the Administrator's signature dated on September 25, 2020 (3 years and 8 months prior to the filing of the Petition and approximately 2 ½ years prior to the decedent's death).

**TENTATIVE RULING:**

No appearance required. A corrected Inventory and Appraisal to be filed prior to the Petition for Final Distribution. A Status Hearing ensuring the Closing of the Estate to be set for October 23, 2025 at 8:15 a.m. in Courtroom 10.

**CASE#:** 24PR-00510

**CASE NAME:** Estate of Jo Ann Williams Perry

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

Continued from January 30, 2025 re: Petition for Letters of Testamentary with Full IAEA Authority

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

1. Petition is missing Attachment 3f(2) is missing (copy of will). *\*Corrected*
2. Mandatory Judicial Council *Duties & Liabilities Acknowledgment* form (DE-147) signed the personal representative has not been filed. Prob Code §8404(a) *\*Corrected*
3. Notice is improper as it has been effectuated by the Petitioner who is a party to the action. CCP §1013a(1)
  - a. *Proof of Service filed on February 25, 2025 is problematic as it reflects service of the March 7, 2025 hearing effectuated by mail on December 30, 2024. The Court had not set the March 7, 2025 hearing date when service was purportedly effectuated on December 30, 2024.*
  - b. *No notice to all beneficiaries and interested parties of the Amended Petition filed on 2/25/25. Prob Code §§8100, 8110, CRC 7.53(a)*
4. No Proof of Publication with the corresponding signed affidavit.  
Prob Code §8121, §8124
5. Proposed Letters for Probate have not been lodged.  
Prob Code §8006, §8400 *\* Proposed Letters lodged on 2/21/25 are incorrect as they identify the Petitioner as both the Executor and Administrator of the Estate.*

**TENTATIVE RULING:**

The hearing is continued to April 17, 2025 at 8:15 a.m. in Courtroom 10 for correction of deficiencies. Any corrective pleadings to be filed with the Court by the close of business on April 4, 2025.

(continued on next page)

**CASE#:** 25PR-00025

**CASE NAME:** Estate of Armando Granado

**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. Proposed Letters have not been lodged.  
Prob Code §8006, §8400

**TENTATIVE RULING:**

The Petition for Letters of Administration with Full IAEA Authority is granted. Bond is hereby at \$234,000.00. Counsel to submit proposed Letters to be issued by the Clerk's Office upon the posting of the appropriate bond in the amount of \$234,000.00. Probate Referee Michael Wright is appointed. A Status Hearing ensuring the Closing of the Estate is set for August 7, 2025 at 8:15 a.m. in Courtroom 10.

(continued on next page)

**CASE#:** 23PR-00148

**CASE NAME:** In the Matter of the Ricarda Aguirre Martinez Living Trust

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

Continued from December 16, 2024 re: Status Review of Response by the Trustee to the Probate Notes

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

1. Amended Second Accounting filed on May 22, 2024:
  - a. Trust beneficiaries are not listed in the Petition. CRC 7.902
  - b. Accounting is not Probate Code compliant:
    - i. Accounting should be one cohesive accounting including all trust assets/activities but is reported in two separate accountings:
      1. One Accounting reflects the trust's interest in real properties
      2. A separate Accounting reflects recorded receipts and disbursements for the accounting period.
  - c. What is the current status of the trust's interest in the properties? How are these properties currently being used?
  - d. Supporting bank statements provided do not appear to be in the name of the Trust and appear to be titled as follows:
    - i. Wells Fargo – R. Martinez (individually) and L. Engle POA
    - ii. Tri Counties Accounts #2361 #2807 – R. Martinez (individually)
    - iii. Golden1 C.U Accounts #6633 and 8807 – R. Martinez (individually) and R. Wheeler (joint owner)
    - iv. Citibank Account #5940 – R. Martinez (individually)
  - e. Accounting (Schedule D) – Golden 1 C.U. contains numerous unidentified disbursements described as “*Bills/Supplies/Grocery*” requiring additional information/documentation from January 5, 2016 through approximately March 26, 2020.
2. Some disbursements identified in the Schedule D as withdrawn from the Golden 1 Credit Union account appear to have been withdrawn from the Tri Counties bank account.
3. Accounting reflects overdraft fees on the following dates:
  - a. Overdraft Fees on 10/8/21 - \$30.00
  - b. Overdraft Fees on 10/13/21 - \$30.00
  - c. Overdraft Fees on 2/15/22 - \$30.00
  - d. Overdraft Fees on 2/18/22 - \$30.00
  - e. Overdraft Fees on 3/8/22 - \$30.00
  - f. Overdraft Fees on 7/7/22 - \$30.00
  - g. Overdraft Fees on 8/4/22 - \$30.00

**TENTATIVE RULING:**

Appearance required.

(continued on next page)

**8:30 AM CALENDAR**

**CASE#:** 21PR-00282

**CASE NAME:** Conservatorship of Marlene Knipp

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

Continued from February 14, 2025 re: Second Account and Report of Conservator, Petition for Allowance of Fees to Conservator of the Person and Estate, and to the Attorney

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

Second Accounting:

1. Additional explanation needed for what appears to be overpayments for the conservatee's care in the following months:

September 2022:

- a. 9/28/22 – Ck# 474018 to R&J Business Resources, LLC for Board & Care (for the period September 9/1/22 – 9/22/22) - \$2,660.07
- b. 4/10/23 – Ck# 482187 to San Luis Convalescent Hospital for Board & Care – September 2022 - \$1,384.00

July 2023:

- a. 7/3/23 – Ck#485709 to San Luis Convalescent Hospital – July 2023 - \$1,384.00
- b. 7/17/23 – Ck#486257 to San Luis Convalescent Hospital – July 2023 Increase - \$3,109.00

**TENTATIVE RULING:**

Appearance required.

**CASE#:** 21PR-00336

**CASE NAME:** Estate of Ydalia Perez Rosales

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

Continued from December 20, 2024 re: Status Review Hearing

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

1. A Petition for Final Account or Status Report has not been filed.  
Prob Code §12200-12201
2. Court's discretion concerning possible measures to be imposed for failing to file a Status Report or Petition for Final Account and Order for Distribution within the required statutory time. Prob Code §§ 11050, et seq., 12205

**TENTATIVE RULING:**

Appearance required.

(continued on next page)

**CASE#:** 22PR-00020

**CASE NAME:** Estate of Jose Torres

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

Continued from November 15, 2024 re: Status Hearing

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

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

**TENTATIVE RULING:**

Appearance required. Counsel to update the Court as to the current case status.

**CASE#:** 23PR-00402

**CASE NAME:** Estate of Mark David O'Dell

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

Continued from February 14, 2025 re: Review of Case Status

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

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

**TENTATIVE RULING:**

Appearance required. Counsel to provide the Court with a current case status.

**CASE#:** 23PR-00319

**CASE NAME:** Estate of Jose M. Arroyo

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

Continued from January 3, 2025 re:

1. Status of Filing an Inventory and Appraisal
2. Correction/Amended Orders and Letters for Administration

**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)
2. Probate Examiner is requesting clarification concerning the appropriate IAEA Authority sought by the Public Administrator. The Public Administrator's Petition filed on 5/16/24 requested full IEA Authority and is in contradiction to the Limited IAEA Authority reflected in the Order for Probate signed by the Court on 1/3/25.

**TENTATIVE RULING:**

Appearance required. Counsel to advise the Court on the status of filing an Inventory and Appraisal.

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**CASE#:** 15PR-00217

**CASE NAME:** Conservatorship of Calvin Brown

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

Continued from November 15, 2024 re: Status of Transfer of Assets and Closure of the Estate

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

1. An Order approving the Amended Third and Final Accounting has not been submitted to the Court for signature.
2. An Order approving the First and Final Account and Report of Trustee, Petition for Allowance of Fees to Trustee of the Special Needs Trust and to Attorney has not been submitted to the Court for signature.
3. Distributive Receipts and an Ex Parte Petition For Final Discharge And Order (DE-295) have not been submitted. Prob Code §§11753, 12250

**TENTATIVE RULING:**

Appearance required.

(End of Tentative Rulings)