

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: Donald Proietti

DATE: Monday, December 16, 2024
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.**

CASE#: 22PR-00401

CASE NAME:
Estate of Da Mua

THIS CASE IS SET FOR HEARING ON:
Continued from November 6, 2023 re: Status 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. Counsel to advise the Court on the current case status.

(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 August 22, 2024 re: Review of Second Amended Accounting

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

1. Amended Second Accounting filed on May 22, 2024:
 - a. Accounting is not Probate Code compliant: CRC 7.902
 - i. Trust beneficiaries are not listed in the Petition.
 - ii. Accounting should be one cohesive accounting including all trust assets/activities but is reported in two separate accountings:
 1. Separate Accounting for the trust's interest in real properties
 2. Separate Accounting for recorded receipts and disbursements.
 - b. What is the current status of the trust's interest in the properties? How are these properties being used?
 - c. Bank Statements provided do not appear to be in the name of the Trust and appear to be owned 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)
 - d. Accounting (Schedule D) – Golden 1 C.U. contains numerous unidentified disbursements requiring additional information/documentation from January 5, 2016 through approximately March 26, 2020 including the cash withdrawal on August 23, 2017 for \$1,800.00.
2. Some disbursements identified in the Schedule D as derived 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.

(End of Tentative Rulings)