

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, October 21, 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#: 23PR-00287

CASE NAME: Estate of James M. O'Rear

THIS CASE IS SET FOR HEARING ON:

Continued from July 1, 2024 re: Status on Closing of the Estate

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

1. An Ex Parte Petition For Final Discharge And Order (DE-295) has not been submitted. Prob Code §12250

TENTATIVE RULING:

The hearing is continued to December 11, 2024 at 8:15 a.m. in Courtroom 10 to allow counsel additional time to file the Ex Parte Petition for Final Discharge.

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CASE#: 23PR-00465

CASE NAME: Estate of Rachel Gonzalez

THIS CASE IS SET FOR HEARING ON:

Petition for Final Distribution on Waiver of Account, First and Final Report of Administrator, and Petition for Compensation of Statutory Fees and Costs to Attorney

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

1. Creditor's Claim filed by DHCS has not been addressed using the mandatory Allowance or Rejection of Creditor's Claim (Judicial Council Form DE-174). Probe Code §9250 and CRC 7.401.
2. Is there any pending agreement with DHCS concerning the proposed payment of the Creditor's Claim? Wel & I C §14009.5(a)(3)

TENTATIVE RULING:

The hearing is continued to November 22, 2024 at 8:15 a.m. in Courtroom 10 for correction of deficiencies.

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CASE#: 24PR-00111

CASE NAME:

In the Matter of the Robert E & Beatrice Joyce Ellington Family Living Trust,
dated June 5, 2001 Trust

THIS CASE IS SET FOR HEARING ON:

Continued from August 12, 2024 re:

1. Petition for Instructions and to Determine Construction of Trust and to Whom Trust Property Shall Pass
2. Petition for Preliminary Distribution of Trust Estate and For Order Rejecting the Accounting and for Removal of Trustee and Appointment of Interim Trustee filed by Beneficiary Douglas Edward Ellington

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

1. Santa Clara County Superior Court case has not been received by the Merced Superior Court as per the Change of Venue Motion granted on May 16, 2024 in Santa Clara County Superior Court in case #20PR-189202.
2. No Proof of Service reflecting service on the Trustee, counsel representing the trustee or any other interested party of the *Objection filed on May 31, 2024 by Douglas Edward Ellington*. CCP §1005(c)
3. *Petition for Preliminary Distribution of Trust Estate and For Order Rejecting the Accounting and for Removal of Trustee and Appointment of Interim Trustee filed by trust beneficiary Douglas Edward Ellington on May 31, 2024:*
 - a. Notice of Hearing with Proof of Service was filed on May 31, 2024 reflects service by mail on May 29, 2023.
 - b. No service is reflected on any estate representative, heirs or beneficiaries for deceased beneficiary David Ellington. Prob Code §17203(c)

TENTATIVE RULING:

No appearance required. The hearing is continued to January 30, 2025 at 8:15 a.m. in Courtroom 10 for correction of deficiencies and for the transferred case to be received from the Santa Clara Superior Court.

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CASE#: 24PR-00377

CASE NAME: Estate of Anthony Joseph Santagato

THIS CASE IS SET FOR HEARING ON:

Petition for Letters of Testamentary with Full IAEA Authority

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

1. No Notice to all heirs, beneficiaries & executors. Prob Code §8100, §8110
2. No Proof of Publication with the corresponding signed affidavit.
Prob Code §8121, §8124
3. Proposed Letters and Order for Probate has not been submitted.
Prob Code §8006, §8400

TENTATIVE RULING:

The hearing is continued to November 22, 2024 at 8:15 a.m. in Courtroom 10 for correction of deficiencies.

CASE#: 24PR-00382

CASE NAME: Estate of Melissa Marie Fries

THIS CASE IS SET FOR HEARING ON:

Petition for Letters of Administration with Will Annexed with Full IAEA Authority

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

1. No Notice to all heirs, b. Prob Code §8100, §8110
2. No Proof of Publication with the corresponding signed affidavit.
Prob Code §8121, §8124
3. The Petition is missing Attachment 3e(3) that includes the referenced Waiver of Bond. Prob Code §§8480-8482 , CRC 7.201(b)
4. Duties & Liabilities Acknowledgment signed by each personal representative has not been filed. Prob Code §8404(a)
5. Proof of Holographic Instrument form (DE-135) has not been submitted.
Prob Code §§8222, CCP 2015.5
6. Proposed Letters and Order for Probate has not been submitted.
Prob Code §8006, §8400

TENTATIVE RULING:

The hearing is continued to November 22, 2024 at 8:15 a.m. in Courtroom 10 for correction of deficiencies.

(End of Tentative Rulings)