

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: James LaPorte

DATE: Thursday, January 16, 2025
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-00070

CASE NAME: Estate of Milton Dean Russell

THIS CASE IS SET FOR HEARING ON:

1. First and Final Account and Report of Administrator and Petition for Its Settlement, Final Distribution and Allowance of Compensation to Administrator's Attorneys for Ordinary and Extraordinary Services
2. Continued from September 4, 2024 re: Status Review Hearing/Proof of Deposit

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

None.

TENTATIVE RULING:

No appearance required. The First and Final Account and Report of Administrator and Petition for Its Settlement, Final Distribution and Allowance of Compensation to Administrator's Attorneys for Ordinary and Extraordinary Services is approved. Counsel to submit a proposed Order delineating the specific distributive dollar amount each heir is to receive. A Status Hearing ensuring the Closing of the Estate is hereby set for Monday, April 28, 2025 at 8:15 a.m. in Courtroom 10.

(continued on next page)

CASE#: 22PR-00350

CASE NAME: Estate of Alonzo Marshall

THIS CASE IS SET FOR HEARING ON:

Petition to Terminate Proceedings and Discharge

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

1. Notice of the hearing has not been provided to all interested parties. Prob Code §§1220, 12251

TENTATIVE RULING:

Appearance required.

CASE#: 22PR-00367

CASE NAME: Estate of Dean Arthur Cook

THIS CASE IS SET FOR HEARING ON:

Continued from December 9, 2024 re: Status on 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

TENTATIVE RULING:

Appearance required.

CASE#: 24PR-00355

CASE NAME: Estate of Mike G. Ybarra, Jr.

THIS CASE IS SET FOR HEARING ON:

Petition for Letters of Administration with Full IAEA Authority

TENTATIVE RULING:

Appearance required. Absent any Objection the Court's intention is to grant the Petition for Letters of Administration with Full IAEA Authority with no bond. Probate Referee Michael Wright to be appointed. A Status Hearing ensuring the filing of an Inventory and Appraisal to be set for Monday, June 16, 2025 at 8:15 a.m. in Courtroom 10.

(continued on next page)

CASE#: 24PR-00379

CASE NAME: In the Matter of the Jesus Munoz, Jr. Special Needs Trust

THIS CASE IS SET FOR HEARING ON:

Petition to Establish Special Needs Trust

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

None.

TENTATIVE RULING:

Appearance required.

CASE#: 24PR-00493

CASE NAME: Estate of Giuseppe Castiglione

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. Decedent died testate. Decedent's will is lodged in case #24LW-00109 Will of Giuseppe Castiglione.

TENTATIVE RULING:

Appearance required.

(continued on next page)

CASE#: 24PR-00499

CASE NAME: Estate of Della Martinez

THIS CASE IS SET FOR HEARING ON:

Petition for Probate of Will and Letters Testamentary

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

1. Two purported wills have been lodged with the Court. The only will attached to the Petition is the will lodged in case #24LW-00134.
2. The will attached to the Petition contains both holographic and printed statutory portions:
 - a. Proof of Holographic Will (DE-135) has not been filed. Prob Code §8222
 - b. A typed copy of the holographic portion of the will is not attached to the Petition. Prob Code §8002
 - c. No Declaration is attached to the Petition explaining why the attached will contains both holographic and printed statutory portions. Evid Code §1402
3. No Notice to all heirs, beneficiaries & executors. Prob Code §8100, §8110
4. No Proof of Publication with the corresponding signed affidavit.
Prob Code §8121, §8124
5. Objection filed on 1/7/25 by Henry Avina is not verified. Prob Code §1021(a)(2)
6. No Proof of Service has been filed reflecting service of the Objection on the Petitioner and other interested parties. Prob Code §1215

TENTATIVE RULING:

Appearance required.

(End of Tentative Rulings)