

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: Thursday, January 9, 2025
TIME: 8:15 AM
Courtroom 10

PROBATE CALENDAR

updated 1/8/25 at 9:00 am

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-00012

CASE NAME: Estate of Anthony Michael Hernandez Valadez

THIS CASE IS SET FOR HEARING ON:

First and Final Report of Administrator and Petition for Its Settlement on Waiver of Account, For Allowance of Statutory Attorney's Fees and For Reimbursement of Costs, and For Final Distribution

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

1. Counsel's request for fees is vague potentially ranging from \$20,961.00 to the allowable statutory amount of \$66,235.93. The Petition reflects counsel has agreed to charge on an hourly basis for work performed not to exceed the allowable statutory amount. No supporting documentation has been provided to support the basis of counsel's \$20,961.00 fee request (hourly rate, time spent, work performed). ***Declaration by counsel filed on 1/6/25**

TENTATIVE RULING:

Appearance required.

(continued on next page)

CASE#: 24PR-00150

CASE NAME: Estate of Joseph B. Pacheco

THIS CASE IS SET FOR HEARING ON:

Continued from July 3, 2024 re: Status of Inventory and Appraisal

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

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

TENTATIVE RULING:

Appearance required. The Administrator to advise the Court on the status of filing the Inventory and Appraisal.

CASE#: 24PR-00335

CASE NAME: Estate of Deborah Joyce Collins

THIS CASE IS SET FOR HEARING ON:

Continued from December 6, 2024 re: Petition for Letters of Administration with Full IAEA Authority

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

1. No Proof of Publication with the corresponding signed affidavit.
Prob Code §8121, §8124 * *Publication is improper as it reflects notice of the previous December 6, 2024 hearing date but reflects publication effectuated on December 12, 2024, December 19, 2024 and December 26, 2024.*
2. Duties & Liabilities Acknowledgment signed by each personal representative has not been filed. Prob Code §8404(a) **Corrected – filed 12/30/24*
3. Proposed Letters and Order for Probate has not been submitted.
Prob Code §8006, §8400 **Lodged on 1/2/25 – proposed Letters and Order for Probate only reflect Co-Petitioner Joseph Alan White and is missing the name of Co-Petitioner James David Buel*

TENTATIVE RULING:

The hearing is continued to February 28, 2025 at 8:15 a.m. in Courtroom 10 for correction of the deficiencies. Re-publication is ordered to reflect the February 28, 2025 hearing date. Proof of Re-Publication to be filed with the Court before the next hearing.

(continued on next page)

CASE#: 24PR-00363

CASE NAME: Estate of Andrew Lopez

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:

None.

TENTATIVE RULING:

The Petition for Letters of Administration with Full IAEA Authority with no bond required is granted. Probate Referee Michael Wright is appointed. A Status Hearing ensuring the filing of an Inventory and Appraisal is hereby set for Monday, June 9, 2025 at 8:15 a.m. in Courtroom 10.

CASE#: 24PR-00427

CASE NAME: Estate of Jose Jesus Maldonado Chavez

THIS CASE IS SET FOR HEARING ON:

Continued from November 20, 2024 re: Petition for Letters of Administration with Will Annexed with Full IAEA Authority

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

1. Will has not been lodged with the Court. Prob Code §8200 **Corrected*
2. Will is not self-proving and requires verified proof of the will (Proof of Subscribing Witness – Judicial Council Form DE-131). Prob Code §§8220, 8221 **Corrected*
3. If a citizen of a foreign country dies without leaving a will or leaves a will without naming an executor, or if it appears that property will pass to a citizen of a foreign country, notice shall be given to a recognized diplomatic or consular official of the foreign country maintaining an office in the United States. Prob Code 8113 **Corrected*

TENTATIVE RULING:

The Petition for Letters of Administration with Will Annexed with Full IAEA Authority with no bond is granted. Decedent's will is admitted into Probate. Probate Referee Michael Wright is appointed. A Status Hearing ensuring the filing of an Inventory and Appraisal is hereby set for Monday, June 9, 2025 at 8:15 a.m. in Courtroom 10.

(continued on next page)

CASE#: 24PR-00475

CASE NAME: Estate of Rebecca Lynn Hyde

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 *Corrected – filed 1/3/25

TENTATIVE RULING:

The Petition for Letters of Administration with Full IAEA Authority with no bond required is granted. Probate Referee Michael Wright is appointed. An Inventory and Appraisal was filed on January 3, 2025. A Status Hearing ensuring the Closing of the Estate to be set for February 18, 2026 at 8:15 a.m. in Courtroom 10. **updated 1/8/25 at 9:00 a.m.*

CASE#: 24PR-00476

CASE NAME: Estate of Peggy L. Fairbank

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. Amount of Bond requested to be posted appears to be insufficient for full IAEA Authority requested by the Petitioner. Prob Code §§8482, 8571, CRC 7.201
2. Proposed Order for Probate has not been lodged. Prob Code §8006, §8400

TENTATIVE RULING:

Appearance required in Courtroom 10. **updated 1/8/25 at 9:00 a.m.*

(continued on next page)

CASE#: 24PR-00477

CASE NAME: Estate of Charles Albern Scoggins

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:

None.

TENTATIVE RULING:

The Petition for Letters of Administration with Full IAEA Authority with no bond required is granted. Probate Referee Michael Wright is appointed. A Status Hearing ensuring the filing of an Inventory and Appraisal is hereby set for Monday, June 9, 2025 at 8:15 a.m. in Courtroom 10.

(End of Tentative Rulings)