

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
- 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

DATE: Wednesday, February 26, 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-00301

CASE NAME: Estate of Salvador Abarca

THIS CASE IS SET FOR HEARING ON:

Continued from August 14, 2024 re: Review of Case Status/Filing of Final Accounting

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.

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CASE#: 23PR-00451

CASE NAME: Estate of Robert Torres Lopez

THIS CASE IS SET FOR HEARING ON:

Continued from November 8, 2024 re: Status on Closing of the Estate

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

No appearance required. The Status Review Hearing is continued to May 12, 2025 at 8:15 am allowing counsel additional time to file the appropriate Distributive Receipts and Ex Parte Petition for Final Discharge with the Court.

CASE#: 24PR-00055

CASE NAME: Estate of Barbara G. Santos

THIS CASE IS SET FOR HEARING ON:

Administrator's Final Report Upon Waiver of Account, Confirming Administrator's Actions, Directing Payment of Statutory Compensation to Administrator and Attorney, Directing Distribution of Estate then Remaining to Intestate Decedent's Heir at Law, Exonerating and Discharging Administrator, and Settling the Estate

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

None.

TENTATIVE RULING:

Recommend to approve the *Administrator's Final Report Upon Waiver of Account, Confirming Administrator's Actions, Directing Payment of Statutory Compensation to Administrator and Attorney, Directing Distribution of Estate then Remaining to Intestate Decedent's Heir at Law, Exonerating and Discharging Administrator, and Settling the Estate*. A Status Hearing ensuring the Closing of the Estate to be set for June 12, 2025 at 8:15 a.m.

CASE#: 24PR-00386

CASE NAME: Estate of Marilyn Frances Gorman

THIS CASE IS SET FOR HEARING ON:

Continued from October 23, 2024 re: Status on Filing of an 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. Counsel to advise the Court on the status of filing an Inventory and Appraisal.

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CASE#: 20PR-00003

CASE NAME: Estate of Fred Mishler, Junior

THIS CASE IS SET FOR HEARING ON:

Continued from December 18, 2024 re: Petition for Order Settling First and Final Report of Administrator; For Allowance of Ordinary Compensation to Administrator; For Allowance Extraordinary Compensation to Administrator; For Final Distribution

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

1. What was the final disposition of:
 - a. The household items:
 - i. **The Second Amended Petition states the decedent's household items were sold, donated or discarded. From the items that were sold \$2,500.00 was purportedly received by the estate. The accounting does not include any entry reflecting a \$2,500.00 receipt from the sale of the items that purportedly took place after April 27, 2021.**
 - b. Green Bay Packers stock? Were they sold and/or donated? Were any of these items sold at a gain or loss?
 - i. The identity and age of the granddaughter to whom the stock is proposed to be transferred has not been provided. [*Addressed in Second Amended Petition filed on 11/27/24](#)
 - ii. No agreement or other documentation has been provided to support the heirs purported decision to gift the stock to a granddaughter. [*Addressed in Second Amended Petition filed on 11/27/24](#)
 - iii. Specific request concerning this distribution is not included in the prayer of the Petition. [*Addressed in Second Amended Petition filed on 11/27/24](#)
 - iv. No Notice has been provided to the unidentified granddaughter who is now an interested party to the estate. [*Corrected](#)
2. Additional clarification needed why/how the administrator determined specified receipts/disbursements as community property versus separate property. [*Addressed in Amended Petition filed on 10/30/24](#)
3. The accounting does not reflect any receipts from the sale of the real property and the boat. *Receipts received from the sale of the boat are not reflected in the accounting. [*Addressed in Second Amended Petition \(Schedule B\) filed on 11/27/24](#)
4. Were the decedent and his spouse formally separated or initiated dissolution proceedings? [*Addressed in Amended Petition filed on 10/30/24](#)
5. The Petition only identifies the real property as the decedent's separate property. What is the character of the other estate assets? CRC 7.652 [*Corrected](#)

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CASE#: 20PR-00003

CASE NAME: Estate of Fred Mishler, Junior (continued from previous page)

6. Requested Statutory Compensation does not account for any losses to the estate. CRC 7.705 ***\$1,000.00 loss is not accounted for the requested statutory compensation**
7. Distribution of assets does not comply with the manner provided for in the Probate Code for intestate succession. Prob Code §§240, 6400 et seq. ***Corrected**
8. Proof of Service is undated by T. Simon who effectuated service by mail on July 10, 2024. ***Corrected**
9. **Who is the personal representative of the Estate of Carole Driscoll?**
 - a. ***Remains an issue for the 12/18/24 hearing. Did Carole Driscoll die testate? Intestate? No personal representative for the Estate of Carole Driscoll or other legal remedies by each heir of Carol Driscoll have been presented to the Court concerning the proposed distribution..**
10. Decedent's vehicle identified as being repossessed with a final payment to First Tech has not been included in any Inventory and Appraisal. ***Addressed in Second Amended Petition filed on 11/27/24**
11. Extraordinary Compensation sought by Administrator contains the following concerns/questions: ***Corrected**
 - a. Administrator is seeking compensation for 21 months of visits to the decedent's real property. What period of time was used to reach this calculation? ***Corrected**
 - b. Administrator is seeking a total of \$500.00 for five (5) IRS related telephone calls which appears to be improperly calculated. Five (5) calls at 1.30 hours/per call totals 6.50 hours. $6.50 \text{ hours} \times \$25/\text{hr} = \$162.50$ ***Corrected**
12. Administrator is seeking reimbursement of costs in the amount of \$1,466.40. Documentation attached as Exhibit F supports reimbursement in the amount of \$1,261.40. ***Corrected**
13. Accounting errors may affect each heir's distributive share. ***Addressed in Second Amended Petition filed on 11/27/24**

TENTATIVE RULING:

Appearance required.

(End of Tentative Rulings)