

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 notify that documents have been filed, 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 or status of orders 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
Los Banos Division
HONORABLE: Jennifer O. Trimble

DATE: Tuesday, March 18, 2025
TIME: 1:30 PM
Courtroom 12

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#: 24PR-00476

CASE NAME: Estate of Peggy L. Fairbank

THIS CASE IS SET FOR HEARING ON:

Evidentiary Hearing re Objection to Appointment of Petitioner as Administrator

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

None.

TENTATIVE RULING OF THE COURT:

Appearance required. The Tentative Ruling is reflective of the Court's intention concerning the currently set evidentiary hearing. The Court takes note of the Objection filed by heir Victoria Bann on January 8, 2025 with attached Proof of Service reflecting service by mail on Petitioner's counsel on January 8, 2025. The Court further notes a Reply to the Objection has not been filed by the Petitioner as of March 12, 2025 and intends to deem the lack of Response by the Petitioner as waived per California Rule of Court 7.801.

The Objector in her pleadings states her intention to file a competing Petition requesting the appointment of a neutral third party to serve as administrator. To date a competing Petition has not been filed with the Court. The Court is aware of the complexities concerning the relationship between the parties who are the estate's heirs. Absent any Objection, it is the Court's intention to appoint the Public Administrator or a neutral disinterested person as the parties can agree per Probate Code 8467.

(End of Tentative Rulings)