

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. Updates to the Probate Examiner's Notes typically will be posted 3 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](mailto: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.

Superior Court of California, County of Merced  
Los Banos Division  
HONORABLE: Jennifer O. Trimble

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DATE: Wednesday, April 24, 2024  
TIME: 8:30 AM  
Courtroom 12  
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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-00005

**CASE NAME:** Estate of Rose Ellen Silva

**THIS CASE IS SET FOR HEARING ON:**

Continued from April 10, 2024 for Waiver of Account from St. Jude Children's Research Hospital.

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

1. Accounting still lists non-cash assets of stocks, securities, and jewelry. Clarification needed re why decedent's Will not followed in B. of the Fourth paragraph, that her "estate is to be sold" and "net proceeds shall be distributed" to the hospital. Probate Code §8404; §21120. **\*Corrected**
2. The amount of \$39,310.13 remains unaccounted for in the cash portion of the Account. Probate Code §1064. **\*Corrected**
3. Schedule C disbursements are approximately five times greater than receipts in Schedule A. Clarification needed whether disparity should be considered in allowing additional compensation for extraordinary services by the personal representative. Probate Code §10801(a).

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**CASE#:** 22PR-00005

**CASE NAME:** Estate of Rose Ellen Silva

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

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4. Submit verification a bond is still in place in this matter. \*Corrected, but bond premium appears to have been paid from an unknown account and the amount is not documented in Executor's accounting.
5. No notice of the 4/10/2024 hearing filed with the Court. Probate Code §1200  
\*Corrected
6. No waiver of account filed by beneficiary/hospital. Probate Code §10954

**PROBATE EXAMINER'S RECOMMENDATION:**

Appearance required.

(End of Probate Notes)