

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

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
PROBATE CALENDAR
HONORABLE: Brian McCabe

DATE: Monday, November 29, 2021
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. **To limit the spread of the COVID-19 virus, the court will only conduct remote hearings. 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.**

***Parties on calendar for
Monday, November 29, 2021
with cases not specifically
addressed in the Probate Notes
are directed to make an appearance.***

(continued on next page)

CASE#: 20PR-00299

CASE NAME: Estate of Angel Cancino

THIS CASE IS SET FOR HEARING ON:

Continued from October 25, 2021 re: Petition for Administration with Limited Authority

TENTATIVE RULING:

Appearance required.

CASE#: 20PR-00374

CASE NAME: Estate of Angel Cancino

THIS CASE IS SET FOR HEARING ON:

Continued from October 25, 2021 re: Spousal Property Petition

TENTATIVE RULING:

Appearance required.

(continued on next page)

CASE#: 21PR-00133

CASE NAME: Estate of Donald Theodore Westmoreland

THIS CASE IS SET FOR HEARING ON:

Continued from September 27, 2021 re: Petition for Letter of Testamentary with Full IAEA Authority

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

1. Petition (item #3h) does not reflect if Petitioner is a resident of the U.S.
Prob Code §8402 *Corrected
2. Will not attached to the Petition as required by item #3f(2) of the Petition.
*Corrected
3. No Notice to all heirs, beneficiaries & executors. Prob Code §8100, §8110
*Notice remains deficient for the 11/29/21 hearing. Proof of Service filed November 15, 2021 does not reflect the date service was effectuated and is missing the signature and date of the person who was to have effectuated service. The Proof of Service does not identify which Petition was to have been served.
4. No Proof of Publication with the corresponding signed affidavit.
Prob Code §8121, §8124 *Corrected
5. Need Statement of Permanent Address for nonresident personal representative.
Prob Code §8573 *Corrected
6. No proposed Order for Probate has been submitted. Prob Code §8006,8400
*Corrected

PROBATE EXAMINER'S RECOMMENDATION:

Continue hearing to December 20, 2021 at 8:15 a.m. for correction of deficiencies.

(continued on next page)

CASE#: 21PR-00144

CASE NAME: Estate of Bruce Gray

THIS CASE IS SET FOR HEARING ON:

Continued from July 26, 2021 re: Trial Setting and Case Management Conference

TENTATIVE RULING:

Appearance required. Counsel to appear and update the Court as to status.

CASE#: 21PR-00335

CASE NAME: Estate of Russell Leonard Mowers

THIS CASE IS SET FOR HEARING ON:

Petition for Administration with Full IAEA Authority

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

None.

PROBATE EXAMINER'S RECOMMENDATION:

Recommend Petition be granted. Letters to issue upon posting of the \$472,000.00 bond.

(End of Tentative Rulings)