

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  
PROBATE CALENDAR  
HONORABLE: Donald Proietti

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DATE: Wednesday, May 22, 2024  
TIME: 8:15 AM  
Courtroom 10  
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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#:** 23PR-00078

**CASE NAME:** Estate of George D. Hathaway, Jr.

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

Petition for First and Final Report of Administration, Waiver of Accounting, Allowance of Executor's Statutory Fees and Waiver of Attorneys' Fees and Waiver of Attorney Statutory Fees and Petition to Close Probate Estate

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

1. Clarification needed as the Petition and proposed Order reflect the estate cash on hand at "\$1,5353.11".
2. Proposed Order should reflect the specific amount concerning the cash distribution for each beneficiary.

**TENTATIVE RULING:**

Appearance required.

(continued on next page)

**CASE#:** 23PR-00436

**CASE NAME:** In re The Bruce 2010 Living Trust Dated October 8, 2010

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

Continued from March 13, 2024 re: Petition for First and Final Account of Trustee, Petition for Settlement thereof, For Payment of Attorney's Compensation, Reimbursement of Costs Advances and for Approval to Fund the Special Needs Trust

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

1. Additional information needed concerning the payment of property taxes paid in February 2023 when the real property was sold in December 2022. [\\*Corrected](#)
2. Why did Trustee reimbursed herself \$300.00 on 1/31/23 in Check #1009 for repayment of loan when Trustee's Inv# 22-526 dated 7/31/22 reflects the trust was billed the \$300.00 that was paid by the trustee on 1/31/22 in Check #1010. [\\*Corrected](#)
3. Accounting does not account for missing check #1011 and #1012. [\\*Corrected](#)
4. Missing Invoice 22-663 for \$375.17. [\\*Corrected](#)
5. Amount Trustee paid herself on 1/31/22 in Check #1010 in the amount of \$13,766.89 for July -Dec 2022 invoices that is not supported by the documentation provided which supports the amount of \$13,691.72 [\\*Corrected](#)
6. Trustee payments totaling \$17,660.59 were paid for both normal and extraordinary trustee service. The submitted invoices contain lump sum amounts for services provided and does not specifically breakdown and distinguish the time spent for normal and extraordinary services. [\\*Addressed in Supplement filed 4/16/24](#)
7. Court's discretion if Trustee's compensation is reasonable as deemed per the Trust document. Prob Code §§15680, 15686, CRC 7.776 [\\*Addressed in Supplement filed 4/16/24](#)
8. Court's discretion regarding Trustee's request for extraordinary fees. [\\*Addressed in Supplement filed 4/16/24](#)
9. Court's discretion if bond is to be required of nominated Successor Trustee Elizabeth Paladini. [\\*Addressed in Supplement filed 4/16/24](#)
10. The Petition does not provide any detail of any services provided and any benefit, time expended by counsel who is seeking the Court's approval of the paid legal fees and costs. [\\*Addressed in Supplement filed 4/16/24](#)

**TENTATIVE RULING:**

Appearance required.

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**CASE#:** 24PR-00034

**CASE NAME:** The Nona Madgelane Savage Living Trust Dated January 23, 2004

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

Petition for Construction of Trust Instrument, For Order Determining Trust Title to Real Property and Confirming Successor Trustee, and For Order Determining Distribution of Trust Property

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

1. Trust document provides for Diana Lynn Ristine as the current Trustee. A resignation by Diana Lynn Ristine as Trustee has not been filed or attached to the Petition. \*Addressed
2. The chain of title may be clouded if the trust is bypassed with a direct distribution to one beneficiary. \*Addressed
3. Notice has not been provided utilizing mandatory Judicial Council form *Notice of Hearing on Petition to Determine Claim to Property* (DE-115). Prob Code §851 \*Corrected

**TENTATIVE RULING:**

Petition for Construction of Trust Instrument, For Order Determining Trust Title to Real Property and Confirming Successor Trustee, and For Order Determining Distribution of Trust Property is granted. Counsel to submit a new proposed Order reflecting the current hearing date.

**CASE#:** 24PR-00091

**CASE NAME:** In the Matter of the Johnathan Daniel Truax Living Trust

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

Petition for Order Transferring Real and Personal Properties to Trust

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

1. Notice has not been provided utilizing mandatory Judicial Council form *Notice of Hearing on Petition to Determine Claim to Property* (DE-115). Prob Code §851

**TENTATIVE RULING:**

Hearing is continued to June 26, 2024 at 8:15 a.m. in Courtroom 10 for correction of deficiency.

(End of Tentative Rulings)