

**THIS OPINION HAS NO PRECEDENTIAL VALUE. IT SHOULD NOT BE
CITED OR RELIED ON AS PRECEDENT IN ANY PROCEEDING
EXCEPT AS PROVIDED BY RULE 268(d)(2), SCACR.**

**THE STATE OF SOUTH CAROLINA
In The Supreme Court**

Seyed D. Tahaei (a.k.a., David Tahaei), Petitioner,

v.

Sherri L. Tahaei (f.k.a., Sherri L. Smith), Respondent.

Appellate Case No. 2012-213623

Lower Court Case No. 2005-DR-15-0316

ON WRIT OF CERTIORARI TO THE COURT OF APPEALS

Appeal From Colleton County
The Honorable Frances P. Segars-Andrews, Family
Court Judge

Memorandum Opinion No. 2014-MO-021
Submitted June 24, 2014 – Filed July 2, 2014

REVERSED

Thomas James Rode, of Thurmond Kirchner Timbes &
Yelverton, PA, of Charleston, for Petitioner.

Sherri L. Tahaei, *Pro Se* Respondent, of Summerville.

PER CURIAM: Petitioner seeks a writ of certiorari to review the Court of Appeals' decision in *Tahaei v. Tahaei*, 2012-UP-078 (S.C. Ct. App. filed Aug. 1, 2012). We grant the petition, dispense with further briefing, and reverse the Court of Appeals' decision.

The Court of Appeals erred in reviewing the trial court's decision de novo. An action to determine the existence of a common law marriage is an action at law, but the question of whether a common law marriage exists is one of fact. *Campbell v. Christian*, 235 S.C. 102, 104, 110 S.E.2d 1, 2 (1959). In an action at law, on appeal from a case tried without a jury, the findings of fact of the trial court will not be disturbed on appeal unless found to be without evidence which reasonably supports the trial court's findings. *Townes Assoc., Ltd. v. City of Greenville*, 266 S.C. 81, 86, 221 S.E.2d 773, 775 (1976). Under the proper "any evidence" standard of review, we find the record contains sufficient evidence to uphold the trial court's findings of fact, including the existence of a common-law marriage. The Court of Appeals erred by supporting its finding of the existence of a common law marriage with its own findings of fact from the record.

Accordingly, the decision of the Court of Appeals is hereby

REVERSED.

**TOAL, C.J., PLEICONES, BEATTY, KITTREDGE and HEARN, JJ.,
concur.**