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SC Court of Appeals

THE STATE OF SOUTH CAROLINA
In The Court of Appeals

APPEAL FROM McCORMICK COUNTY
Court of Common Pleas
Frank R. Addy Jr., Circuit Court Judge

Case No.: 2026-001015

Ty Evans,

Appellant,

v.

Sara Riedel, as Personal Representative of the Estate of Holly
Riedel,

Respondent.

INITIAL BRIEF OF APPELLANT

R. Jamison Tinsley Jr.
109 Oak Ave.
Greenwood, SC 29646
(864) 223-0770
Attorney for Appellant

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STATEMENT OF ISSUE ON APPEAL

Whether the circuit court erred in holding that Ty Evans ("Evans") was time barred from claiming he is the common-law spouse of Decedent Holly Riedel when his filings with the Court were timely.

STATEMENT OF CASE

This appeal is of the circuit court's Form 4 order dated March 24, 2026. (Form 4 filed March 24, 2026.)

On December 4, 2024, Evans filed a summons and petition for determination of a common-law spouse with the McCormick County Probate Court. (Summons and Petition.) He served this document on P.R.

Previously in November 2024, Evans filed an information form about Holly Riedel's death with the probate court. (McCormick County Probate Information Form.) This document is a form regularly used by the probate court and gave biographical information, life insurance information, banking information, and property information. On this document, Evans listed Holly Riedel as his spouse. Evans also listed Sara Riedel ("P.R.") as Holly Riedel's only living adult child.

P.R. filed a motion to dismiss pursuant to SCRCF 12(b)(6) on January 31, 2025, and served a copy on Evans on February 3, 2025. (Motion to dismiss.) The probate court held a hearing on Sara Riedel's motion to dismiss the petition on May 8, 2025. Each party submitted a brief in favor of its position. (Memorandum in Support of Motion to Dismiss; Petitioner's Brief in Opposition of Motion to Dismiss.) The probate court issued an order granting P.R.'s motion on June 3, 2025. (Order Granting Motion to Dismiss.) Evans filed and served a motion to reconsider on June 13, 2025. (Petitioner's Motion to Reconsider.) The probate court initially issued an order that reserved an additional sixty days to rule on Evans' motion and found that P.R. was responsible for

reimbursing Evans for funeral costs and expenses. (Order titled Motion to Reconsider dated July 2, 2025.) The Court issued another order on September 25, 2025, that still dismissed Evans' petition but reaffirmed that Evans was entitled to reimbursement from P.R. for all funeral expenses. (Order titled Motion to Reconsider dated September 25, 2025.)

Evans then filed and served a notice of appeal with the circuit court on October 10, 2025. (Notice of Appeal to Circuit Court.) On December 16, 2025, the circuit court consolidated that appeal with Case No. 2025-CP-35-00065. (Order of Consolidation.) That case involved P.R. appealing the probate court's decision to order that P.R. reimburse Evans' funeral expenses. The Court held a hearing on February 23, 2026. The Court then issued a Form 4 order on March 24, 2026, that affirmed the probate court's findings. (Form 4 filed March 24, 2026.) Evans then filed and served this notice of appeal from that order on April 20, 2026. (Notice of Appeal to Court of Appeals.)

FACTS

Holly Riedel died on Mah 18, 2024, from blunt force trauma of her head, neck, and chest suffered in a car wreck. (Death Certificate.) At the time of her death, she was living at 260 L.W. Lyons Road, Plum Branch, SC 29845 with Evans. (Petition ¶ 5; Tr. p. 6, ll. 19-20.) She died without a will. (Tr. p. 6, ll. 18-19.) Evans alleged that they had been holding themselves out as married in the community for more than fifteen years prior to Holly Riedel's death. (Petition ¶ 6.) P.R. is Holly Riedel's sole surviving child. Evans requested that the probate court determine that he was Holly Riedel's common-law husband at the time of her death. (Petition.)

STANDARD OF REVIEW

When deciding a motion to dismiss for failure to state a claim pursuant to Rule 12(b)(c), SCRCF, "the question is whether, in the light most favorable to the plaintiff, and with every doubt

resolved in his behalf, the complaint states any valid claim for relief.” Plyer v. Burns, 373 S.C. 637, 647, S.E.2d 188 (2007). “A motion to dismiss pursuant to Rule 12(b)(6) must be based solely on the allegations set forth in the complaint, and [the court] must presume all well-pled facts to be true.” Gressette v. South Elec. And Gas Co., 370 S.C. 377, 635 S.E.2d 538, rehearing denied (2006) (internal citations omitted). “A motion to dismiss under Rule 12(b)(6) should not be granted if facts alleged and inferences reasonably deduced therefrom entitle the plaintiff to relief under any theory. The complaint should not be dismissed merely because the court doubts the plaintiff will prevail in the action.” Bergstrom v. Palmetto Health Alliance, 358 S.C. 388, 596 S.E.2d 42, rehearing denied (2004). “A judgment on the pleadings is considered to be a drastic measure,” so a motion to dismiss under Rule 12(b)(6) should not be granted if facts alleged and inferences reasonably deducible therefrom entitled a plaintiff to any relief under any theory of the case. Overcash v. S.C. Elec. & Gas Co., 364 S.C. 569, 572, 614 S.E.2d 619, 620 (2005).

“On appeal, the appellate Court applies the same standard of review [as the trial court].” Benedict College v. National Credit Systems, Inc., 400 S.C. 538, 544, 735 S.E.2d 518, 521 (Ct. App. 2012). “In deciding whether the trial court properly granted the motion to dismiss, the appellate court must consider whether the complaint, viewed in the light most favorable to the plaintiff, states any valid claim for relief.” Spence v. Spence, 368 S.C. 106, 116, 628 S.E.2d 869, 874 (2006).

ARGUMENT

THE CIRCUIT COURT ERRED IN HOLDING THAT EVANS WAS TIME BARRED FROM PURSUING HIS CLAIM AS HOLLY RIEDEL’S COMMON-LAW SPOUSE WHERE HE TIMELY ASSERTED TO THE PROBATE COURT THAT HE WAS THE SPOUSE.

The Court should reverse the circuit court’s order affirming the dismissal of Evans’ petition to be determined to be Holly Riedel’s common-law spouse. The Court relied on S.C. Code Section

62-2-802(b), which excludes someone from being a surviving spouse unless “established to be a common law spouse by an adjudication commenced ... within the later of eight months after the date of death of the decedent or six months after the initial appointment of a personal representative.” S.C. Code Ann. § 62-2-802(b)(4).

The circuit court erred in affirming the dismissal of Evans’ petition at this stage of the litigation. The circuit court should have found that Evans commenced this action when he filed the information sheet with the Court in November 2024, within the eight-month timeframe. (McCormick County Probate Information Form.) Evans claimed in that document that Holly Riedel was his spouse, which is sufficient to commence the action. He then filed a more formal petition with the assistance of counsel and perfected service of that document on Sara Riedel, the personal representative.

“Whenever the claim or defense asserted in the amended pleading arose out of the conduct, transaction, or occurrence set forth or attempted to be set forth in the original pleadings, the amendment dates back to the date of the original pleading.” Rule 15(c), SCRCP; Patton v. Miller, 420 S.C. 471, 494, 804 S.E.2d 252, 264 (2017), reh’g denied (Sept. 27, 2017). “Rule 8(f), SCRCP, requires that ‘[a]ll pleadings shall be construed to do substantial justice to all parties.’ We agree with the committee note on amended Fed. R. Civ. P. 15(c) that rule 8(f), SCRCP, is applicable and the rules should be liberally construed.” Hughes v. Water World Water Slide, Inc., 314 S.C. 211, 214, 442 S.E.2d 584, 586 (2011) (internal citations omitted).

In the case at bar, the circuit court should have remanded the case to the probate court with instructions that the probate court treat the formal pleading, the second document, as an amendment of the first document for the purpose of determining when Evans commenced this action. The probate court should have then let Evans proceed on his claim for being the common-

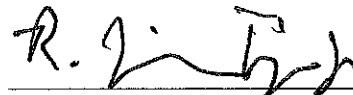
law spouse. The orders of the circuit court and probate court just summarily rejected the relation-back arguments without analyzing them. (Form 4 filed March 24, 2026; Order titled Motion to Reconsider dated July 2, 2025; Order titled Motion to Reconsider dated September 25, 2025.)

The statute just states that the action must be commenced within the six- or eight-month time period, whichever is later. Any defects in the original filing by Evans were corrected by the filing of the more formal petition, which was filed on December 4, 2024, and the circuit court should have remanded to the probate court with instructions that the probate court treat the formal petition as an amended filing. Given the procedural history, the circuit court erred in granting the drastic measure of dismissing Evans' petition and should have let the case proceed.

CONCLUSION

For the reasons argued above, the Court should reverse the circuit court's order dismissing Evans' petition to be determined to be Holly Riedel's common-law spouse. Evans' initial filing with the Court that listed Holly Riedel as his spouse was timely so the subsequent petition should be treated as an amendment. Evans' timely commenced this case so the Court should remand the case to the probate court allowing Evans' case to proceed.

TINSLEY & TINSLEY, P.C.
Attorney for Appellant



R. Jamison Tinsley Jr.
109 Oak Ave.
Greenwood, SC 29646
(864) 223-0770
Fax: (864) 377-8278
Tinslerj@gmail.com
S.C. Bar No. 79903

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Greenwood, South Carolina