

AFFIDAVIT OF COMMON LAW NAME CHANGE

California Attorney General Opinion No. 00-205 provides:

But resort to the statutory procedure is not necessary either prior to commencing use of a new name, or afterward, for the purpose of rendering a prior name change valid. The statutory method for changing names does not repeal or displace the common law ability to change one's name. (Code Civ. Proc., § 1279.5, subd. (a).) Accordingly, **a person may change his or her name without legal proceedings simply by adopting another name and using it as his or her own.** (In re Ross, supra, 8 Cal.2d at p. 609; Lee v. Superior Court (1992) 9 Cal.App.4th 510, 513-514; In re Ritchie, supra, 159 Cal.App.3d at pp. 1072-1074.)

California Civil Code section 22.2 provides:

"The common law of England, so far as it is not repugnant to or inconsistent with the Constitution of the United States, or the Constitution or laws of this State, is the rule of decision in all the courts of this State."

California Code of Civil Procedure 1279.5 provides:

..nothing in this title shall be construed to abrogate the common law right of any person to change his or her name.

State of California

ss.}

County of _____

_____, who being duly sworn, deposes and says:

1. I am currently ___ years of age, I was born on the ___ day of _____, _____

2. My birth records and other legal documents have the name(s) of:

3. I have since changed my name to _____ **at will** under the Common law of England.

4. I have not changed my name for any fraudulent purpose or to avoid criminal prosecution or any other dishonest purpose.

5. I am making this Affidavit in order to aid appropriate agencies in correcting or adjusting my records.

Current Signature in new name

Previous signature in old name

A notary public or other officer completing this certificate verifies only the identity of the individual who signed the document to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document.

State of California

County of _____

Subscribed and sworn to (or affirmed) before me on this _____ day of _____, 20____, by _____ proved to me on the basis of satisfactory evidence to be the person(s) who appeared before me.

Notary Public Signature _____

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