

AFFIDAVIT OF COMMON LAW NAME CHANGE

Degerberg v. McCormick, 184 A. 2d 468 - Del: Court of Chancery 1962 states:

At common law, of course, **a person could adopt any name which he chose** so long as the change of name was not for an improper purpose. In most states, as in Delaware, there now exist statutes which authorize a proceeding to judicially effect a change of name. Such statutes are universally held **not to affect** the common law **right**. They are regarded as merely providing a procedure to establish a court record of the change.

United States v. McKay 2 F.2d 257 further states:

Under the common law a man can change his name **at will**, provided it is not done with a fraudulent purpose; he may **sue and be sued by such adopted name, and will be bound by any contract into which he enters in his adopted name**. This is true in the absence of a restrictive statute, and is not abrogated by the fact that a procedure is provided by statute for the change of one's name. 20 Standard Ency. 250; In re McUlta (D. C.) 189 Fed. 250; Linton v. Bank (C. C.) 10 Fed. 894.

Kreuter v. United States, 201 F. 2d 33 further states:

In the absence of a statutory prohibition, a person, **without abandoning his real name**, may adopt or assume a name, and he *may use such assumed name to identify himself in the transaction of his business, the execution of contracts and the carrying on of his affairs.*

STATE OF Delaware

ss.}

COUNTY OF _____

_____, previously known as _____, affirms the following:

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

State of Delaware
County of _____

This instrument was acknowledged before me on _____ (date) by _____ (name(s) of person(s)). _____
(Seal, if any)

Notary Public signature
My commission expires: _____