

AFFIDAVIT OF COMMON LAW NAME CHANGE

Georgia Attorney General Opinion No. 75-49 provides:

For the following reasons, it is my official opinion that a married woman's surname is that of her husband **but that she may change her name for all legal purposes, including issuance of a driver's license**, by judicial decree **or by consistent usage of another name without resort to judicial proceedings.**

...

"At common law a man may lawfully change his name or by general usage or habit acquire another name than that originally borne by him, and this without the intervention of either the sovereign, the courts, or Parliament " 21 Am. & Eng. Ency. of Law (2nd Ed.), p. 311

...

However, because of the wording of Ga. Code § 79-501, I believe that it is most probable that Georgia courts would follow the majority rule and thus that a married woman, **as well as other persons**, may acquire a new legal name **by usage without resort to the proceedings provided by Ga. Code Ch. 79-5.**

O.C.G.A. § 1-1-10 provides:

(c) The following specific laws and parts of laws **are not repealed** by the adoption of this Code and **shall remain of full force and effect**, pursuant to their terms, until otherwise repealed, amended, superseded, or declared invalid or unconstitutional:

(1) An Act for reviving and enforcing certain laws therein mentioned and **adopting the common laws of England as they existed on May 14, 1776**, approved February 25, 1784. (For the adopting Act of 1784, see Prince's 1822 Digest, p. 570; Cobb's 1851 Digest, p. 721; and Code of 1863, Section 1, paragraph 6.)

State of Georgia

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

State of Georgia

County of _____

This instrument was acknowledged before me this _____ day of _____ (month), _____ (year), by _____
(name of signer).

Personally Known

Produced Identification

Type and # of ID _____

(Seal)

(Signature Notary)

Name of Notary Typed, Stamped or Printed)

Notary Public, State of Georgia