

# AFFIDAVIT OF COMMON LAW NAME CHANGE

**Iowa Civil Liberties Union v. Critelli, 244 NW 2d 564 - Iowa: Supreme Court 1976** provides:

Constitutional or statutory provisions **do not repeal the common law** by implication unless the intention to do so is plain. *Fabricius v. Montgomery Elevator Co.*, 254 Iowa 1319, 1327, 121 N.W.2d 361, 366 (1963); *Goodwin v. Thompson*, 2 G. Greene 329 (Iowa 1849); 15 Am.Jur.2d Common Law § 16.

**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 Iowa

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 Iowa

County of \_\_\_\_\_

Signed and sworn to (or affirmed) before me on , \_\_\_\_\_ by , \_\_\_\_\_

\_\_\_\_\_  
Signature of Notary Public

(SEAL)

My commission expires \_\_\_\_\_