

AFFIDAVIT OF COMMON LAW NAME CHANGE

Leone v. COM'R, BUREAU OF MOTOR VEHICLES, 933 NE 2d 1244 - Ind: Supreme Court 2010
states:

“The very nature of a common-law name change means **it does not require a court's approval**. All states have enacted similar statutes, and all but two have concluded that they do not abrogate but instead supplement the common law.”

In re Doe, 148 NE 3d 1147 - Ind: Court of Appeals 2020 states:

“At common law, a natural person has long been permitted to change his or her name **without resort to any legal proceedings**, as long as the name change does not interfere with the rights of others and is not done for a fraudulent purpose. See Leone v. Commissioner, 933 N.E.2d 1244, 1252 (Ind. 2010); Petition of Hauptly, 262 Ind. 150, 312 N.E.2d 857, 859-60 (Ind. 1974); Reslover, 979 N.E.2d at 672.”

Indiana code § 1-1-2-1 provides: Sec. 1. The law governing this state is declared to be:
Fourth. The common law of England, and statutes of the British Parliament made in aid thereof prior to the fourth year of the reign of James the First? [FN1] (except the second section of the sixth chapter of forty-third Elizabeth, the eighth chapter of thirteenth Elizabeth, and the ninth chapter of thirty-seventh Henry the Eighth,) and which are of a general nature, not local to that kingdom, and not inconsistent with the first, second and third specifications of this section.

State of Indiana

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

This record was acknowledged before me on the ___ day of _____, 20__ by _____

Notary of the State of Indiana