

AFFIDAVIT OF COMMON LAW NAME CHANGE

Kansas statute 77-109 states:

77-109. Common law. The common law as modified by constitutional and statutory law, judicial decisions, and the conditions and wants of the people, shall remain in force in aid of the General Statutes of this state; but the rule of the common law, that statutes in derogation thereof shall be strictly construed, shall not be applicable to any general statute of this state, but all such statutes shall be liberally construed to promote their object.

In re Application to Change Name, 706 P. 2d 480 - Kan: Court of Appeals 1985 provides:

It is well recognized that in the absence of a statutory or constitutional provision to the contrary, the rule of **the common law still remains in effect in this state**. K.S.A. 77-109; Board of Neosho County Comm'rs v. Central Air Conditioning Co., Inc., 235 Kan. 977, 981, 683 P.2d 1282 (1984). Furthermore, the common law regarding name changes was that so long as no 627*627 fraud was intended, any person, including a minor, had **the right to change his name without legal formality by simply using the new name**. Laks v. Laks, 25 Ariz. App. 58, 540 P.2d 1277 (1975); In re Staros, 280 N.W.2d 409, 411 (Iowa 1979), and cases cited therein. Since there is **nothing** in the Kansas statute which abrogates this rule, it would seem that petitioner could have accomplished her name change **without any sanction by the court**. However, it has also been held that statutory provisions setting up a legal procedure for name changes are intended as aids and affirmations of the common-law rule and **not as an abrogation or substitution** for the informal procedure.

STATE OF Kansas

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 Kansas

ss.}

COUNTY OF _____

Signed and sworn to (or affirmed) before me on _____ by _____.

(Signature of notarial officer) (Seal)