

# AFFIDAVIT OF COMMON LAW NAME CHANGE

*IN RE THIBAUT, Bankr. Court, D. Massachusetts 2014 (Case No. 13-31204, Adversary Proceeding No. 14-3001., US Bankruptcy Court, D. Massachusetts, Western Division)* states:

In Massachusetts, unless adopted for fraudulent or other nefarious reasons, a persons' *chosen* name...has legal effect: "[A]t common law a person may change his name at will, **without resort to legal proceedings**, by merely adopting another name, provided that this is done for an honest purpose." A person may be known by, **and use, more than one name**, and the business he transacts under such names will be valid and binding if unaffected by fraud. Commonwealth v. Clark, 846 N.E.2d 765, 771, 446 Mass. 620 (2006) (quoting Merlovitz, petitioner, 70 N.E.2d 249, 250, 320 Mass. 448 (1946)) (additional citations omitted); see also Young v. Jewell, 87 N.E. 604, 604, 201 Mass. 385 (1909) ("Where a person is in fact **known by two names, either one can be used**. This principle has been applied in about every connection."). **SECRETARY OF THE COMMONWEALTH & another vs. CITY CLERK OF LOWELL & others.** 373 Mass. 178 further states: We recognize that a foolish choice of name may have undesired consequences. "But freedom to choose is freedom to choose foolishly." Hershkoff v. Registrars of Voters of Worcester, 366 Mass. 570 , 578 (1974). City and town clerks **are not empowered to prevent such folly**... Neither the common law nor our statutes give them any greater right to review surnames.

Commonwealth of Massachusetts

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.
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

On this \_\_\_\_ day of \_\_\_\_\_, 20\_\_, before me, the undersigned notary public, personally appeared \_\_\_\_\_(name of document signer), proved to me through satisfactory evidence of identification, which were \_\_\_\_\_, to be the person whose name is signed on the preceding or attached document, and who swore or affirmed to me that the contents of the document are truthful and accurate to the best of his knowledge and belief.

(official signature and seal of notary): \_\_\_\_\_

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

**GOD SAVE THE COMMONWEALTH OF MASSACHUSETTS!!**