

AFFIDAVIT OF COMMON LAW NAME CHANGE

Piotrowski v. Piotrowski, 247 NW 2d 354 - Mich: Court of Appeals 1976 provides:

Under the common law a person may adopt any 216*216 name he or she wishes, **without resort to any court and without any legal proceedings**, provided it is not done for fraudulent purposes. See Kruzel v Podell, 67 Wis 2d 138, 151; 226 NW2d 458, 464 (1975), Petition of Hauptly, ___ Ind App ___; 312 NE2d 857, 859 (1974), Egner v Egner, 133 NJ Super 403, 406; 337 A2d 46, 48 (1975), Application of Lawrence, 133 NJ Super 408, 411; 337 A2d 49, 51 (1975), In re Marriage of Banks, 42 Cal App 3d 631, 637; 117 Cal Rptr 37, 41 (1974), Application of Halligan, 46 App Div 2d 170, 171; 361 NYS2d 458, 459 (1974). There is **no requirement** that any person go through the courts to establish a legal change of name. Thus, even if a woman changes her name upon marriage, there is nothing which forbids her from changing her name back to her maiden name, or any other name, provided it is not done with fraudulent intent.

In Michigan, as in most states, a statute authorizes procedures by which a court can, upon petition, change the name of any person. MCLA 711.1; MSA 27.3178(561). Such change of name statutes **do not abrogate or supersede the common law**. To the contrary, they affirm the common law right and afford an additional method by which a name change may be effected as a matter of public record. Kruzel v Podell, supra, Petition of Hauptly, supra, Egner v Egner, supra, Application of Lawrence, supra, In re Marriage of Banks, supra, Application of Halligan, supra.

STATE OF Michigan

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

Subscribed and sworn to by _____ before me on the _____ day of _____, _____.

Signature _____

Printed name _____

Notary public, State of Michigan, County of _____

My commission expires _____