

# AFFIDAVIT OF COMMON LAW NAME CHANGE

**New Mexico Statutes 38-1-3 provides:**

In all the courts in this state the common law as recognized in the United States of America, shall be the rule of practice and decision.

**Petition of Variable for Change of Name v. Nash, 190 P. 3d 354 - NM: Court of Appeals 2008** provides:

Petitioner has a right under the common law to assume any name that he wants so long as no fraud or misrepresentation is involved. In re Ferner, 295 N.J.Super. 409, 685 A.2d 78, 80 (Ct. Law Div.1996); In re Rivera, 165 Misc.2d 307, 627 N.Y.S.2d 241, 244 (Civ.Ct.1995). He may do so without making any application to the state. Thus, under the common law, Petitioner may exercise his right to free speech and use any name at all.

STATE OF New Mexico

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 New Mexico

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

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

SEAL

\_\_\_\_\_  
Signature of notarial officer

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