

# AFFIDAVIT OF COMMON LAW NAME CHANGE

**MANOR HOMES v. Sava, 73 Misc. 2d 660 - NY: City Court, Civil Court 1973** states:

Under the common law — **which *continues in effect* despite the statutory provision** providing for a change of name (Civil Rights Law, art. 6) — one may use ***any name*** in the absence of fraud. (Smith v. United States Cas. Co., 197 N.Y. 420; Matter of Cohen, 142 Misc. 852; Lana v. Brennan, 124 N. Y. S. 2d 136, 137; Matter of Anonymous, 57 Misc 2d 813, 814.)

**United States v. McKay 2 F.2d 257** further states:

Under the common law a man can change his name **at will**, provided it is not done with a fraudulent purpose; he may **sue and be sued by such adopted name, and will be bound by any contract into which he enters in his adopted name**. This is true in the absence of a restrictive statute, and is not abrogated by the fact that a procedure is provided by statute for the change of one's name. 20 Standard Ency. 250; In re McUlta (D. C.) 189 Fed. 250; Linton v. Bank (C. C.) 10 Fed. 894.

**Kreuter v. United States, 201 F. 2d 33** further states:

In the absence of a statutory prohibition, a person, **without abandoning his real name**, may adopt or assume a name, and he **may use such assumed name to identify himself in the transaction of his business, the execution of contracts and the carrying on of his affairs**.

STATE OF NEW YORK

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 York )

) SS

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

Sworn to (or affirmed) and subscribed before me this \_\_\_ day of \_\_\_\_\_ 20\_\_\_, by \_\_\_\_\_

\_\_\_\_\_  
Notary Signature