

AFFIDAVIT OF COMMON LAW NAME CHANGE

Traugott v. Petit, 404 A. 2d 77 - RI: Supreme Court 1979 provides:

Under the common law, individuals have the right to change their name as long as they do so with a nonfraudulent purpose. Secretary of the Commonwealth v. City Clerk, 373 Mass. 178, ___, 366 N.E.2d 717, 721 (1977); Stuart v. Board of Supervisors of Elections, 266 Md. 440, 446-47, 295 A.2d 223, 226-27 (1972); Piotrowski v. Piotrowski, 71 Mich.App. 213, 215-16, 247 N.W.2d 354, 355 (1976); Moskowitz v. Moskowitz, N.H. 385 A.2d 120, 122 (1978); Dunn v. Palermo, 522 S.W.2d 679, 682-83 79*79 (Tenn.1975); Kruzel v. Podell, 67 Wis.2d 138, 151, 226 N.W.2d 458, 463-64 (1975). This court has held that Rhode Island has adopted the common law to the extent that it remains applicable in given circumstances. Benevides v. Kelly, 90 R.I. 310, 312-13, 316, 157 A.2d 821, 822, 824 (1960). The common law governs the rights and obligations of citizens in Rhode Island unless that law has been modified by the General Assembly.

In applying this rule to our general name-change statute, § 8-9-9, we note that the General Assembly has not indicated an intent to modify the common law. We therefore hold that § 8-9-9 is an **optional** method that may be employed to change one's name.

STATE OF Rhode Island

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 Rhode Island

County of _____

Subscribed and sworn to before me at _____ this _____ day of _____, 20____.

Notary Public

My Commission Expires: _____