

# AFFIDAVIT OF COMMON LAW NAME CHANGE

SC Code 14-1-50 provides:

All, and every part, of the common law of England, where it is not altered by the Code or inconsistent with the Constitution or laws of this State, is hereby continued in full force and effect in the same manner as before the adoption of this section.

**Stevenson v. Ellisor, 243 SE 2d 445 - SC: Supreme Court 1978** recognized common law name changes:

We conclude a derivative of one's given name, **properly acquired under the common law** and used in good faith for honest purposes is not proscribed by Code Section 7-13-320.

**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 McUlla (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.*

\_\_\_\_\_ County, South Carolina

\_\_\_\_\_, previously known as \_\_\_\_\_, appearing before the undersigned notary and being duly sworn (or affirmed), says that:

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

Sworn and Subscribed before me On this \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_

\_\_\_\_\_  
Notary Public for South Carolina

Commission Expires: \_\_\_\_\_