

AFFIDAVIT OF COMMON LAW NAME CHANGE

Utah Code 68-3-1 provides:

The common law of England so far as it is not repugnant to, or in conflict with, the constitution or laws of the United States, or the constitution or laws of this state, and so far only as it is consistent with and adapted to the natural and physical conditions of this state and the necessities of the people hereof, is hereby adopted, and shall be the rule of decision in all courts of this state.

In re Cruchelow, 926 P. 2d 833 - Utah: Supreme Court 1996 provides:

It is generally recognized that statutes similar to sections 42-1-1 and -2, which set forth procedures to be followed in changing one's name, merely provide a codified process to aid an **individual's common law right** to adopt another name **at will**. See Isom v. Circuit Court of the Tenth Jud. Circuit, 437 So.2d 732, 733 (Fla. Dist. Ct. App. 1983) (citing 57 Am. Jur. 2d Name § 11; In re Application of Knight, 36 Colo. App. 187, 537 P.2d 1085 (1975)).

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 Utah

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 before me on this _____ of _____, in the year 20_____,
by _____.

Witness my hand and official seal.

(notary signature)

(seal)