

**AFFIDAVIT OF COMMON LAW MARRIAGE**

**PARTICIPANT'S NAME:** \_\_\_\_\_ **SOCIAL SECURITY NO.** \_\_\_\_\_

**ADDRESS:** \_\_\_\_\_

**PARTICIPANT DATE OF BIRTH:** \_\_\_\_\_ **SPOUSE DATE OF BIRTH:** \_\_\_\_\_

We hereby certify that on or about \_\_\_\_\_ (date of marriage), \_\_\_\_\_ (Participant Name) and \_\_\_\_\_ (Spouse Name) established a common law marriage. We have satisfied the requirements of the State of \_\_\_\_\_ (State of Marriage) for treatment of our relationship as a common law marriage.

We understand that a common law marriage can only be dissolved by death or a formal divorce. We agree to notify the Plan within thirty-one (31) days of the dissolution of our common law marriage and to submit a court order in the event of a divorce or a death certificate in the event of a death.

We understand that providing false information or concealing important facts can be considered a violation of the law and may be punishable by a fine, imprisonment, or both. We further understand that it can result in adverse tax consequences to the Participant and intended common law spouse and/or the Plan's recovery of any benefits improperly paid.

We declare that we are common law married and live in the same household as a married couple and hold ourselves out as a married couple (typically means some or all of the following: using the same last name, noting marital status as "married" on records/applications/documents, filing joint income tax returns, holding joint accounts and joint ownership of assets). We further declare that we each consent to being married to the other, we have an actual and mutual agreement that we are married, and we intend that we actually are a married couple.

Attached to this affidavit is a copy of formal documentary evidence of a common law marriage. One of the following **must** be provided: 1) certificate of common law marriage/informal marriage (or other comparable document) issued by a county clerk's office or other authorized issuer within the State in which the common law marriage was established; or 2) copy of the most recent federal income tax return (whether filed jointly or separately) indicating filing status as "married" that includes name of common law spouse; or 3) legal opinion letter from an attorney that concludes the couple meets the requirements of a common law marriage.

We certify that the above statements are true and that any attached papers are true copies.

\_\_\_\_\_  
(Date)

\_\_\_\_\_  
(Participant Signature)

\_\_\_\_\_  
(Date)

\_\_\_\_\_  
(Signature of Spouse)

Sworn and subscribed before me this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_ by \_\_\_\_\_  
(Participant).

[SEAL]

\_\_\_\_\_  
(Signature of Notary)

Sworn and subscribed before me this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_ by \_\_\_\_\_  
(Spouse of Participant).

[SEAL]

\_\_\_\_\_  
(Signature of Notary)

## CONSEQUENCES OF COMMON LAW MARRIAGE

A Common Law Marriage occurs when two (2) unmarried people of the live together with the present intent to be married and present themselves to others as a married couple.

Even though you have not been married in a civil or church ceremony and have not obtained a marriage license, if you have entered into a Common Law Marriage, then you are treated under the law as being legally married. You need to see your own attorney for advise as to all the legal consequences of a Common Law Marriage. However, in general terms, those consequences include:

1. The parties to a marriage are jointly and severally liable for family expenses (unless the parties are living apart).
2. Once formed, a Common Law Marriage can be terminated only by death or dissolution. Upon dissolution, either spouse may be required to pay separate maintenance, attorneys' fees, child support for any child of the marriage, and the Court is free to apportion marital property acquired during the marriage regardless of how titled and apportion the increase in value of the separate property of either spouse.
3. The Common Law Spouse may be entitled to inherit from the deceased spouse.

The Plan required that those parties joined in Common Law Marriage complete the above affidavit verifying the existence of the marriage in order to submit a claim for your spouse or other dependents acquired through this marriage. **Your cooperation providing this information will help to efficiently process future claims.**