

# AFFIDAVIT OF COMMON LAW MARRIAGE

**NOTICE - YOUR SIGNATURE ON THIS DOCUMENT MAY BE CONSIDERED PROOF OF A COMMON LAW MARRIAGE. A COMMON LAW MARRIAGE CARRIES THE SAME RIGHTS AND RESPONSIBILITIES AS A SOLEMNIZED MARRIAGE. IF YOU HAVE ANY QUESTIONS ABOUT THE EFFECT OF THIS DOCUMENT, YOU SHOULD CONTACT AN ATTORNEY.**

We, the undersigned, being of lawful age, attest to the following facts:

1. We have lived together continuously as husband and wife from \_\_\_\_\_ to the present time. During this period we have professed to be husband and wife and we have held ourselves out to the community as being married.
2. That we are 18 years of age or older, or if between the ages of 16 and 18, have obtained appropriate parental guardian consent. We (do/do not) use the same last name and the children (if any) born in this marriage will use the last name of \_\_\_\_\_.
3. There is no legal impediment to our marriage, including, but not limited to, a prior marriage of either party that has not been legally terminated by death or divorce.
4. The following children have been born to us and we hereby acknowledge such children to be our lawful children: (List full names and birth dates):

\_\_\_\_\_  
\_\_\_\_\_

NAME OF HUSBAND (PRINTED)

NAME OF WIFE (PRINTED)

\_\_\_\_\_

\_\_\_\_\_

Signature of Husband

Signature of Wife

Date: \_\_\_\_\_

Date: \_\_\_\_\_

Subscribed and sworn before me this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_\_.

\_\_\_\_\_  
Notary Public for the State of Montana

My Commission expires: \_\_\_\_\_

Residing at: \_\_\_\_\_

\*\*\*\*\*

COMPLETE THIS FORM, SIGN IT BEFORE A NOTARY AND HAVE THE FORM RECORDED AT YOUR COUNTY CLERK AND RECORDER'S OFFICE. THERE IS A FEE FOR FILING AND FOR RECEIVING CERTIFIED COPIES.