

OPERATING ENGINEERS HEALTH & WELFARE TRUST FUND FOR COLORADO

ADMINISTRATION OFFICE

P. O. Box 564 ■ Arvada, CO 80001-0564 ■ (303) 412-9021



AFFIDAVIT OF COMMON-LAW MARRIAGE Between Husband and Wife

To be Valid the State of Residence Must Recognize Common Law
Marriages by Legislative Enactment

STATE OF COLORADO _____)
_____ COUNTY OF _____)

_____ (“Insured”) and _____
 (“Spouse”), of lawful age, being first duly sworn upon their oath, state as follows:

1. We have lived together continuously as husband and wife from _____ to the present time.
2. During the aforesaid period of time, we have professed to be husband and wife, and we have held ourselves out to the community in which we live as being married during that time.
3. We hereby publicly acknowledge that we are married by common-law, and that both of us consent and agree to be husband and wife and to assume all legal responsibilities and duties of lawfully married persons.
4. We hereby recognize that once a common law marriage has been established, it can only be dissolved by a judicial divorce decree.
5. The follow children have been born to us and we hereby acknowledge such children to be our lawful issue:

Name	Date of Birth
_____	_____
_____	_____
_____	_____

6. Our relatives, friends, neighbors, and acquaintances generally consider us to be husband and wife at the present time.
7. The Insured hereby certifies that he/she is not presently married to any person other than the above-named Spouse.

8. If the Insured has previously been married to any person other than the above-named Spouse, he/she hereby certifies that said prior marriage has been fully terminated as evidenced by the attached certified copy of the divorce decree dissolving the said prior marriage.
9. The Spouse hereby certifies that he/she is not presently married to any person other than the above-named Insured.
10. If the Spouse has previously been married to any person other than the above-named Insured, he/she hereby certifies that said prior marriage has been fully terminated as evidenced by the attached certified copy of the divorce decree dissolving the said prior marriage.
11. We are each 18 years of age or older. There is no legal impediment to our marriage.

FURTHER, Affiant sayeth not.

Dated this _____ day of _____, 20_____.

Signature of Insured

Signature of Spouse

Print Name of Insured

Print Name of Spouse

Address

Address

City, State & Zip Code

City, State & Zip Code

Subscribed and sworn before me this _____ day of _____, 20_____ by
 _____ and _____, who personally appeared
 before me and who are personally known to me, a Notary Public in the State of Colorado.

My commission expires: _____

Notary Public



CONSEQUENCES OF COMMON LAW

Even though you have not been married by a ceremony, if you have entered into a common law marriage, that is, if you are living with a member of the opposite sex with the present intent to be married and if you represent yourselves to others as husband and wife, then the consequences of marriage follow, including:

1. The parties to a marriage are jointly and severally liable for family expenses.
2. The parties to a marriage are generally required to file their taxes (jointly or separately) with a married filing status (unless special, uncommon exceptions apply - speak with your personal tax advisor or tax attorney).
3. 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, attorney's fees, and child support for any child of the marriage, and the Court is free to apportion marital property on an equitable basis. Marital property includes any property acquired during the marriage regardless of how titled and the increase in value of the separate property of either spouse.
4. The common law spouse is entitled to inherit from the deceased spouse and cannot be disinherited.