



GOLDIRONHAMRICK

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MEMO

To: Scott Henderson – Personalized Management Services
From: Drew Hamrick
Date: November 30, 2007
Re: Common Law Marriage

Colorado allows people to be Common Law married. There does not have to be any documentation to support the marriage. All that is required is that the two married parties have the same mental intent to be married and communicate that intent to the world.

However, allowing tenants to occupy a rented unit in excess of the City's occupancy limits, based on their oral representation to you that they have a common law marriage creates problems. You will be going to be battling with some Code Enforcement Officer with no proof that your tenants are married and, therefore, no proof that you are complying with the City Ordinance. Additionally, the City is not reasonable in its dealings with landowners over code enforcement.

Consequently, I wouldn't be willing to rely on the tenants' claim of Common Law Marriage unless I had written proof of that marriage. Just because they don't have to document their marriage doesn't mean they can't document it. These particular tenants' statement that "most places consider us to be Common Law Married" is odd in that it doesn't claim that they are married under Common Law. It certainly sounds like they're trying to be cagey to me.

At any rate, I have prepared the attached Affidavit of Common Law Marriage for your use. If you have tenants that are willing to sign this, I think it is reasonably safe to then consider them married and rely on the statement. A word of warning, however... If they weren't married before they signed this document, they will be afterwards and there is no such thing as Common Law Divorce.

ACH/jh

AFFIDAVIT OF COMMON LAW MARRIAGE

The undersigned _____ and _____
hereby swear, attest and publish that they have entered into a Common Law Marriage under the laws
of the State of Colorado.

The undersigned further communicates their married status to the holder of this Affidavit.

Subscribed and sworn to before me this ____ day of _____, 200__.

Notary Public

My commission expires: _____