

Appendix D

Sample Affidavit of Consent to Void a Marriage Certificate under former G.L. c.207 §11.

This sample is specific to marriages void under G.L. c. 207 §11. The parties' affidavit should reflect the operative law, if other than §11.

All items must be complete, and all statements must be read and checked as true:

I, _____, duly sworn depose and state:

I am making this Affidavit of Consent (hereinafter Consent) in connection with an application for a Massachusetts license to marry (also known as an Intention to Marry) filed by _____ (name), the second party on my Massachusetts marriage certificate.

I am in agreement that my marriage to _____ (name) on _____ (month, day, year) in _____ (city/town), Massachusetts (hereinafter my marriage or our marriage), was void at the time of our marriage for the following reason:

I was a resident of _____ (state/jurisdiction) and intended to reside in _____ (state/jurisdiction), and at the time of our marriage, our marriage would have been void if contracted there. At the time of our marriage, Massachusetts General Law Chapter 207 §11³ operated to make our marriage null and void because [specify reason and citation to applicable home state law]

To my knowledge, there are no existing judicial judgments, decrees or orders pertaining in any way to the validity of our marriage or pending judicial actions to determine the validity of our marriage,

I consider myself to never have been legally married to the party identified above and on the Massachusetts Certificates of Marriage registered with city/town where I obtained the license and with the Massachusetts Registry of Vital Records and Statistics.

I understand and voluntarily consent to having the registered Certificates of Marriage (and any amendments to such certificates) relating to the aforementioned marriage marked "void" or "annulled" in the records of the City/Town of _____ and in the records of the Massachusetts Registry of Vital Records and Statistics (RVRS).

I know I can consult with an attorney of my choice before signing this Consent if I have any questions or concerns.

I sign this Consent knowingly and voluntarily and forever waive any and all legal claims against state or city/town officials for any consequences arising from my consent to having the registered Certificates of Marriage regarding our marriage marked as "void" or "annulled."

Signed this ____ day of _____ (month) of 20__ under the pains and penalties of perjury

(signature)

On this ____ day of _____, 20__, before me, the undersigned notary public, personally appeared _____ (name of document signer), proved to me through satisfactory evidence of identification, which were _____, to be the person whose name is signed on the preceding or attached document, and who swore or affirmed to me that the contents of the document are truthful and accurate to the best of (his) (her) knowledge and belief.

(official signature and seal of notary)

³ Chapter 207: Section 11. Non-residents; marriages contrary to laws of domiciled state [Text of section effective until July 31, 2008. Repealed by 2008, 216, Sec. 1.]: No marriage shall be contracted in this commonwealth by a party residing and intending to continue to reside in another jurisdiction if such marriage would be void if contracted in such other jurisdiction, and every marriage contracted in this commonwealth in violation hereof shall be null and void.