

Local Rules of the United States Bankruptcy Court for the Western District of Missouri

Rule 4003-1. Garnishments

A. Pre-petition Garnishments/Lien Avoidance. Pre-petition property of a debtor subject to a writ of garnishment may be subject to a claim of exemption. If so, debtor's counsel may file a motion to avoid the garnishor's lien, pursuant to § 522(f), and serve the motion upon garnishor (or the garnishor's counsel, if known), the trustee, and the United States Trustee.

B. Post-Petition Garnishment. A writ of garnishment as to post-petition property of a debtor for a pre-petition debt violates the automatic stay, unless the case is under Chapter 13 and the garnishment is to enforce an order for alimony, maintenance, or support to a spouse, former spouse, or child. Debtor or debtor's counsel may file a Motion for Order of Release of Writ of Garnishment as to Wages earned and paid after the date of the filing of the Chapter 7 bankruptcy petition. The motion shall be served on the garnishor or the garnishor's counsel, if known, the garnishee, the trustee, and the United States Trustee.