

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.

C. Garnishment Proceeds Sent to Chapter 13 Trustee. (See Local Rule 3087-1.)