

In re Hernandez, Case No. 09-14639-BKC-AJC

Prepetition garnishment does not reach postpetition earnings

Creditor sought prepetition garnishment of wages against Debtor, and Debtor sought sanctions for violation of the stay for pursuing garnishment postpetition. Bankruptcy Court found *Giles* inapplicable as no garnishment lien became effective prepetition. The Court found *Iwan* to be on point, as Debtor's employer had no funds in its possession at the time of the filing of the petition; thus, no lien was created and the Creditor had a duty to release the garnishment postpetition.