

CHESMORE, KELLY K. AND MICHELLE M., Case No. 06-10078, Chapter 7, (bench ruling, January 18, 2007). **Issue:** Whether Debtors could claim accrued but unpaid wages owing on the date they filed their Chapter 7 petition exempt under S.D.C.L. § 21-18-53? **Ruling:** No. S.D.C.L. § 21-18-53 provides "[t]he earnings of a debtor are exempt from process or levy only to the extent provided in §§ 21-18-51 and 21-18-52." S.D.C.L. §§ 21-18-51 ("Maximum amount subject to garnishment") and 21-18-52 ("Maximum garnishment allowed for support of any person") deal only with garnishments, and Debtors' wages had not been garnished. In addition, by its own terms S.D.C.L. § 21-18-51 does not apply with respect to "any order of any court of bankruptcy under Title 11 of the United States Code."