

1 VIRGINIA ACTS OF ASSEMBLY — CHAPTER

2 *An Act to amend and reenact § 34-17 of the Code of Virginia, relating to garnishment.*

3 [H 2740]

4 Approved

5 **Be it enacted by the General Assembly of Virginia:**6 **1. That § 34-17 of the Code of Virginia is amended and reenacted as follows:**

7 § 34-17. When exemption may be set apart.

8 A. The real or personal estate which a householder is entitled to hold as exempt may be set apart at
9 any time before it is subjected by sale under creditor process, or, if such creditor process does not
10 require sale of the property, before it is turned over to the creditor. To claim an exemption in
11 bankruptcy, a householder who (i) files a voluntary petition in bankruptcy or (ii) against whom an
12 involuntary petition in bankruptcy is filed shall set such real or personal property apart on or before the
13 fifth day after the date initially set for the meeting held pursuant to 11 USC § 341, but not thereafter. A
14 householder who converts a case from Chapters 11, 12, or 13 to Chapter 7 shall set such real or
15 personal property apart on or before the fifth day after the date initially set for the meeting held
16 pursuant to 11 U.S.C. § 341 in the Chapter 7 case, but not thereafter. Nothing in this section shall affect
17 the right of the trustee in bankruptcy, with the approval of the court, to proceed immediately with the
18 sale or other disposition of personal property which the trustee determines to be perishable or
19 particularly susceptible to price deterioration.

20 B. A claim of homestead exemption to protect garnished wages may be filed by the debtor at any
21 time after the garnishment summons is served on the employer and shall be recognized by the
22 garnishing court.

ENROLLED

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