MISSOURI COURT OF APPEALS
WESTERN DISTRICT

CHRYSTAL D. LUNDE,
RESPONDENT
vs.

AMERICAN FAMILY MUTUAL INSURANCE COMPANY,
APPELLANT

DOCKET NUMBER WD69886

DATE: SEPTEMBER 29, 2009

Appeal from:

Jackson County Circuit Court
The Honorable Marco A. Roldan, Judge

Appellate Judges:

Division Three: Thomas H. Newton, C.J., James E. Welsh and Karen King Mitchell, JJ.

Attorneys:

Daniel R. Defoe, for Respondent

David H. Bony, for Appellant

MISSOURI APPELLATE COURT OPINION SUMMARY
MISSOURI COURT OF APPEALS, WESTERN DISTRICT

CHRYSTAL D. LUNDE, Respondent, v. AMERICAN FAMILY MUTUAL INSURANCE COMPANY, Appellant

WD69886 **Jackson County**

Before Division Three Judges: Newton, C.J., Welsh, and Mitchell, JJ.

American Family Mutual Insurance Company appeals the circuit court's judgment in garnishment in favor of Chrystal Lunde arising from a default judgment. American Family contends that the circuit court erred in: (1) finding that Carol Scardacci's bankruptcy filing had no effect on the default judgment, and (2) finding that the insurance policy required American Family to pay post-judgment interest.

AFFIRMED.

Division Three holds:

(1) Although § 362 of the Bankruptcy Code halts judicial proceedings, it does not make time stand still nor toll the time in which a judgment already entered becomes final. The bankruptcy petition was filed after the default judgment was entered and, therefore, does not have any effect on the default judgment.

(2) American Family offered to pay its policy limits only after a judgment had been entered. The judgment plus interest due exceeded the policy limits. As such, the offer was insufficient to halt the accumulation of the interest.

Opinion by: James E. Welsh, J. September 29, 2009

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