

MAINE SUPREME JUDICIAL COURT

Reporter of Decisions
Decision No. Mem 25-78
Docket No. Wal-24-536

DESIREE J. (VIEL) WILSON

v.

LAWRENCE W. VIEL JR.

Submitted on Briefs June 23, 2025
Decided July 10, 2025

Panel: STANFILL, C.J., and MEAD, HORTON, LAWRENCE, DOUGLAS, and LIPEZ, JJ.

MEMORANDUM OF DECISION

Lawrence W. Viel Jr. appeals from a judgment of the District Court (Belfast, *E. Walker, J.*) entered on Desiree J. (Viel) Wilson's complaint for divorce. We are not persuaded by Viel's arguments and affirm the court's well-reasoned decision. As the court decided, Viel failed to prove that Wilson's nonmarital property increased in value during the marriage; Viel thus could not prove any marital component to such an increase. *See* 19-A M.R.S. § 953(2)(E) (2025); *Hedges v. Pitcher*, 2008 ME 55, ¶ 15, 942 A.2d 1217; *Findlen v. Findlen*, 1997 ME 130, ¶ 6, 695 A.2d 1216; *Huber v. Williams*, 2005 ME 40, ¶ 15, 869 A.2d 737. The evidence amply supported the court's finding as to the amount of Wilson's gross income through self-employment after considering evidence of her "gross receipts minus ordinary and necessary expenses." 19-A M.R.S. § 2001(5)(C) (2025); *Payne v. Payne*, 2006 ME 73, ¶ 7, 899 A.2d 793. Finally, the court acted well within its discretion in determining that it was in the child's best interest to reside primarily with Wilson due to the child's age, stated preference, success and comfort in Wilson's home, exposure to negative comments about Wilson when in Viel's care, and anxiety about Viel's emotional

volatility. *See* 19-A M.R.S. § 1653(3)(A)-(I), (N) (2025); *Akers v. Akers*, 2012 ME 75, ¶ 2, 44 A.3d 311.

The entry is:

Judgment affirmed.

Colin Donovan, Esq., Fethke Law Offices, Searsport, for appellant Lawrence Viel, Jr.

James C. Munch, III, Esq., Vafiades, Brountas & Kominsky, Bangor, for appellee Desiree J. Viel

Belfast District Court docket number FM-2022-150
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