

NOT DESIGNATED FOR PUBLICATION

STATE OF LOUISIANA

COURT OF APPEAL

FIRST CIRCUIT

NUMBER 2006 CA 0097

KENNITH W. MATHEWS

VERSUS

RBO CUSTOM HOME BUILDERS, INC., ABEK REAL ESTATE, INC.,
DONNA WARREN, ABC INSURANCE COMPANY,
DEF INSURANCE COMPANY, XYZ INSURANCE COMPANY

Judgment Rendered: November 3, 2006

Appealed from the
Twenty-second Judicial District Court
In and for the Parish of St. Tammany, Louisiana
Trial Court Number 2004-13035

Honorable Patricia T. Hedges, Judge

Charles M. Raymond
New Orleans, LA

Attorney for
Plaintiff – Appellant
Kennith W. Mathews

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Defendants – Appellees
RBO Custom Home Builders,
Inc., R. Bruce Olivier
Management, Inc., and R.
Bruce Olivier

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Defendants – Appellees
Donna Warren and ABEK Real
Estate, Inc.

BEFORE: KUHN, GAIDRY, AND WELCH, JJ.

WELCH, J.

In this case, plaintiff appeals a trial court judgment sustaining the defendants' peremptory exceptions raising the objection of prescription and dismissing the plaintiff's claims with prejudice. The sole issue for our review is whether the plaintiff's suit for damages is prescribed. Plaintiff allegedly sustained damages due to the difference between the advertised and actual square footage of the house he purchased, but did not file suit until approximately fifteen months after the date he discovered the alleged defect. After a thorough review of the record, we find no manifest error in the trial court's factual findings and no legal error. Accordingly, the trial court's judgment is affirmed in accordance with Uniform Courts of Appeal Rule 2-16.2A(6) and (8). All costs of this appeal are assessed to plaintiff, Kenneth W. Mathews.

AFFIRMED.