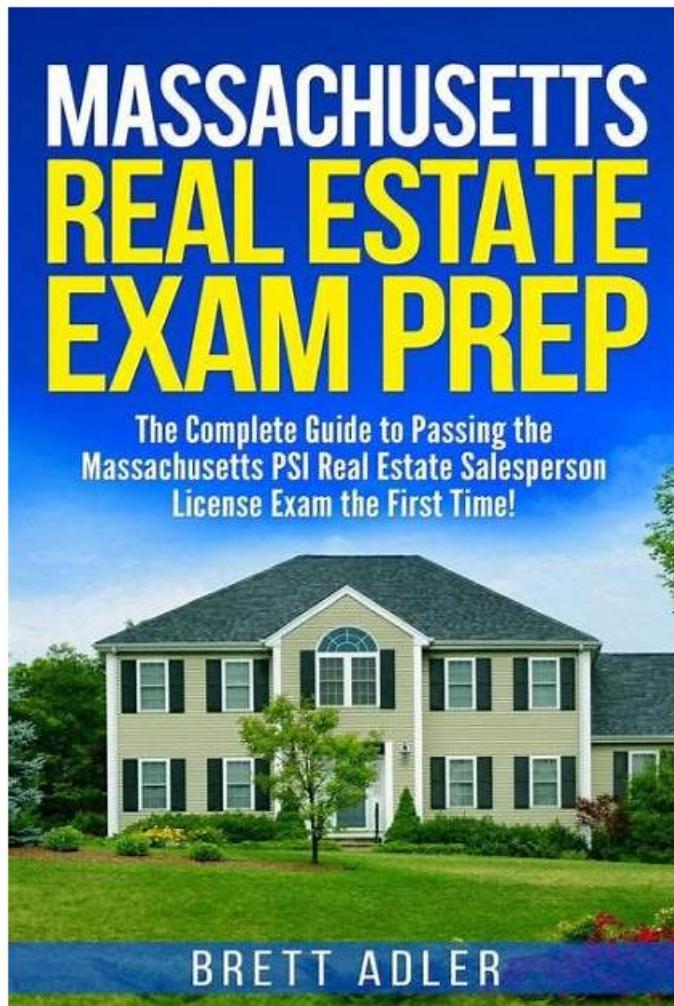


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Real Estate Massachusetts Real Estate Salesperson Exam Sample Questions (Q57-Q62):

NEW QUESTION # 57

Rules for Truth in Lending and RESPA call for disclosure documents to borrowers. How can a managing broker best prepare associated licensees to manage these disclosures?

- A. The managing broker should train licensees to advise borrowers to accept the Loan Estimate right away.
- B. The buyer's broker can provide samples so that when the licensee and the borrower prepare the forms they are following a good example.
- C. Because the listing broker will be primarily responsible for completing the Loan Estimate to send to the lender, the broker should train associated licensees to collect all the necessary information in a timely fashion.
- D. Because the lender has primary responsibility to provide these forms, the broker and licensees should be aware of the items required for the lender to comply.

Answer: D

Explanation:

Comprehensive and Detailed Explanation (150-250 words):

Under TILA-RESPA Integrated Disclosure (TRID) rules, lenders are responsible for providing the Loan Estimate (LE) within three business days of application and the Closing Disclosure (CD) at least three business days before closing. Brokers and agents do not prepare these forms but must understand their content so they can answer client questions and ensure compliance.

The managing broker's best preparation is to train licensees to be knowledgeable about the disclosures and timelines, and to understand what information lenders require from buyers to complete them. This helps prevent delays and ensures borrowers are protected.

Options A, C, and D are incorrect because licensees neither prepare the LE/CD nor advise acceptance "right away." The lender bears responsibility; brokers must only ensure that clients understand their rights and obligations.

Thus, the correct answer is B.

Reference: CFPB TRID Rule (12 C.F.R.1026); Massachusetts Real Estate Salesperson Candidate Handbook

- Financing/RESPA.

NEW QUESTION # 58

A broker has a single agency relationship with the seller. Any required property condition disclosure would be completed by the

- A. listing agent on behalf of seller.
- B. listing agent on behalf of broker.
- C. seller.
- D. broker.

Answer: C

Explanation:

In Massachusetts, the seller is legally responsible for completing the property condition disclosure form. The listing broker or agent may provide the form and ensure it is delivered to prospective buyers, but they do not complete it on behalf of the seller.

The rationale is that the seller is the party with direct knowledge of the property's condition. Licensees must never fill out the disclosure themselves, as this could expose them to liability for inaccuracies. The broker's duty is limited to ensuring the disclosure is provided in accordance with Massachusetts law (M.G.L. c.93, 114) but not to make representations or complete the document.

Thus, the correct answer is A: seller.

Reference: Massachusetts Real Estate Salesperson Candidate Handbook - Agency & Disclosure Obligations; M.G.L. c. 93,114.

NEW QUESTION # 59

The Massachusetts Consumer Protection Act (M.G.L. c. 93A) does NOT apply to which of the following persons?

- A. Owners who sell their homes privately
- B. Salespersons since they are obligated to their employing brokers only
- C. Builders who sell fewer than ten homes a year
- D. Listing brokers who receive only a percentage of commissions

Answer: A

Explanation:

The Massachusetts Consumer Protection Act (M.G.L. c. 93A) prohibits "unfair or deceptive acts or practices in the conduct of any trade or commerce." This law applies to persons engaged in business transactions, including brokers, salespersons, and builders selling homes.

However, a private homeowner selling their own home without engaging in trade or commerce is exempt.

Courts have consistently held that Chapter 93A applies to persons "engaged in business" and does not cover purely private, non-business transactions such as a homeowner selling their own single residence.

Thus, while brokers, agents, and even builders are covered by c. 93A (even if they build/sell fewer than ten homes), a private owner selling without brokerage or business involvement is exempt.

Reference: M.G.L. c. 93A, § 1; Massachusetts Real Estate Candidate Information Bulletin - Consumer Protection Law.

NEW QUESTION # 60

On which of the following must the landlord pay interest when collecting first month, last month, and security deposit?

- A. First month only
- B. Only if they are deposited in an interest-bearing account
- C. Security deposit and last month
- D. Last month only

Answer: C

Explanation:

Under M.G.L. c. 186, 15B, landlords in Massachusetts must pay interest on both the security deposit and the last month's rent if these funds are held for more than one year. The interest must be paid annually and credited to the tenant's account, unless the tenant and landlord have a written agreement stating otherwise.

The first month's rent is not subject to interest requirements. The landlord must hold the security deposit in a separate, interest-bearing account, and the interest accrues for the benefit of the tenant.

Therefore, the landlord must pay interest on both the security deposit and last month's rent.

Reference: M.G.L. c. 186, 15B; Massachusetts Real Estate Candidate Information Bulletin - Tenant Rights.

NEW QUESTION # 61

A 2-year lease on a property has expired. The owner permits the tenant to remain in the house while a new lease is being negotiated. Which of the following types of interest does the tenant now have?

- A. tenancy at sufferance
- B. tenancy in common
- C. tenancy at will
- D. tenancy from year to year

Answer: C

Explanation:

Comprehensive and Detailed Explanation (150-250 words):

When a lease expires and the tenant remains in possession with the landlord's consent, the tenancy becomes a tenancy at will. This means the tenant occupies the property with the owner's permission but without a fixed lease term. Either party may terminate the tenancy with proper notice, as required by law.

A: Tenancy from year to year (periodic tenancy) arises when rent is paid at regular intervals without a defined end.

C: Tenancy in common refers to ownership, not leasing.

D: Tenancy at sufferance occurs when the tenant remains without the landlord's consent.

Since the landlord has permitted occupancy during negotiation, the correct answer is B: tenancy at will.

Reference: Massachusetts Real Estate Salesperson Candidate Handbook - Leases; M.G.L. c.186 (Landlord- Tenant Law).

NEW QUESTION # 62

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