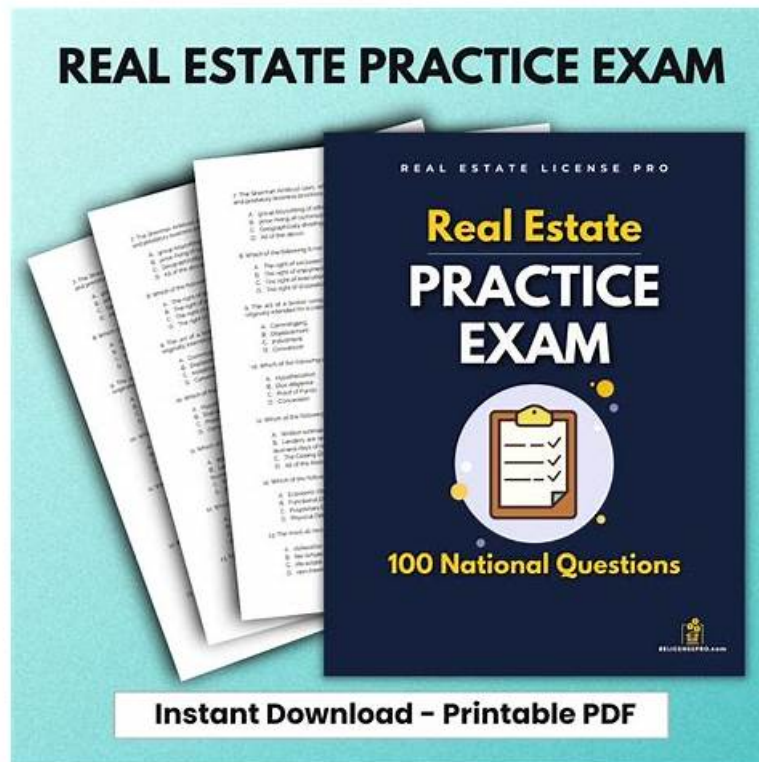


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Real Estate Massachusetts Real Estate Salesperson Exam Sample Questions (Q46-Q51):

NEW QUESTION # 46

To avoid triggering full disclosure under TILA when advertising financing availability on a listed property, which of the following

statements must a real estate licensee avoid using?

- A. buy for less than \$650 per month
- B. FHA and VA financing available
- C. assumable loan
- D. owner willing to finance

Answer: A

Explanation:

The Truth in Lending Act (TILA, Regulation Z) regulates advertising of credit terms. If an advertisement contains a triggering term such as the amount of down payment, monthly payment, interest rate, or repayment period, then full disclosure of all financing terms must be provided.

"Buy for less than \$650 per month" (D) is a triggering term because it states a specific monthly payment. This requires full disclosure of the APR, down payment, term, and total cost of financing.

"Assumable loan" (A), "owner willing to finance" (B), and "FHA and VA financing available" (C) are general financing terms that do not trigger mandatory disclosure.

Thus, the correct answer is D.

Reference: Federal TILA (Regulation Z), 12 C.F.R.1026; Massachusetts Real Estate Salesperson Candidate Handbook - Financing

NEW QUESTION # 47

A prescriptive easement is proven by a

- A. quiet title action.
- B. recorded abstract.
- C. previous recorded deed.
- D. title policy.

Answer: A

Explanation:

A prescriptive easement is established through open, notorious, continuous, and adverse use of another's land for a statutory period (in Massachusetts, typically 20 years).

To legally recognize and establish the easement, the claimant must usually bring a quiet title action in court.

This court proceeding clarifies ownership rights and confirms the existence of the easement.

A (deed): not applicable since prescriptive easements arise without written agreements.

C (abstract): summarizes recorded documents but would not establish prescriptive rights.

D (title policy): insures title, does not prove an easement.

Thus, the correct answer is B: quiet title action.

Reference: Massachusetts Real Estate Salesperson Candidate Handbook - Easements & Rights; M.G.L. c. 187, §2.

NEW QUESTION # 48

A client makes an offer on a residential property and provides a check for \$2,000 as earnest money. The client instructs his buyer agent to hold the check for five days so it will clear the bank. What should the agent do with the check?

- A. Provide the check to his broker immediately with the client's instruction to hold it for five days before depositing it in the escrow account.
- B. Refuse to present the offer to the seller's agent until the earnest money can be deposited.
- C. Hold it for five days before submitting the check to his broker for deposit in the escrow account.
- D. Inform the client that the offer will be presented without any earnest money since the agent is required to submit all offers.

Answer: A

Explanation:

Under 254 CMR 3.10 and Massachusetts escrow rules, all deposits must be turned over immediately to the broker for deposit into the escrow account. However, if the buyer gives written instructions that the check is to be held (for example, for a certain number of days), the broker must honor those instructions.

The correct procedure is to deliver the check to the broker right away, along with the buyer's instruction to hold it for five days before depositing. The agent may not personally hold the check, nor may the agent refuse to present the offer due to escrow timing. All offers must be submitted promptly regardless of deposit status.

Reference: 254 CMR 3.10 - Handling of Client Funds; Massachusetts Real Estate Candidate Information Bulletin - Escrow Rules.

NEW QUESTION # 49

A private integrated club refused to rent one of its condos to a minority family. The club explained that it did not rent the condos to the public since the condos were for members only. Is the club in violation of the federal Fair Housing Act, and if so, how?

- A. Yes, because the club had minority members, and therefore was not eligible for exemptions from the federal Fair Housing Act.
- B. No, because as an integrated club, they could discriminate on the basis of race in renting facilities.
- **C. Yes, because when race is involved, no exceptions to the federal Fair Housing Act exist.**
- D. No, because a private club may restrict the rental of its own lodgings to its members as long as the lodgings are not operated commercially.

Answer: C

Explanation:

Comprehensive and Detailed Explanation (150-250 words):

The federal Fair Housing Act (Title VIII of the Civil Rights Act of 1968) prohibits housing discrimination based on race, color, religion, sex, national origin, familial status, or disability. While the Act contains limited exemptions for private clubs and religious organizations, no exemption applies when race is involved.

Therefore, even if the club limits occupancy to members, it cannot refuse to rent based on race. Race discrimination is always illegal, regardless of ownership type or membership restrictions.

B is incorrect: minority membership status does not determine exemption.

C is false: no private club exemption allows racial discrimination.

D misstates the exemption; private clubs may limit lodging to members, but not on the basis of race.

Thus, the correct answer is A: when race is involved, no exemptions apply.

Reference: Fair Housing Act, 42 U.S.C. 3604; Massachusetts Real Estate Salesperson Candidate Handbook

- Fair Housing

NEW QUESTION # 50

A veteran has applied for a VA loan to purchase a house with a sale price of \$90,000. The Department of Veterans Affairs (VA) appraised the house at \$85,000. In this situation, the veteran

- A. may buy the property with the VA loan only if the price is reduced to \$85,000.
- B. cannot secure a VA loan because such loans are limited to a maximum of \$75,000.
- **C. may use the VA loan to buy the house after making a down payment of \$5,000.**
- D. may buy the property with the VA loan only if the seller agrees to take back a second mortgage for \$5,000.

Answer: C

Explanation:

Comprehensive and Detailed Explanation (150-250 words):

The VA loan program guarantees part of the loan, but it is always based on the VA's Notice of Value (NOV), which is capped at the appraised value (\$85,000 in this case). The veteran may still purchase at the higher price (\$90,000), but must make up the difference in cash:

90

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85

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90,000#85,000=5,000

Thus, the veteran can proceed with a \$5,000 down payment plus the VA-guaranteed loan of \$85,000.

B: Incorrect; VA loans are not capped at \$75,000.

C: The seller does not have to lower the price, though they may.

D: VA loans do not allow secondary financing to cover the appraisal gap.

Correct answer: A.

Reference: VA Lender's Handbook (Chapter 3 - The Appraisal Process); Massachusetts Real Estate Salesperson Candidate Handbook - Financing/VA Loans.

NEW QUESTION # 51

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