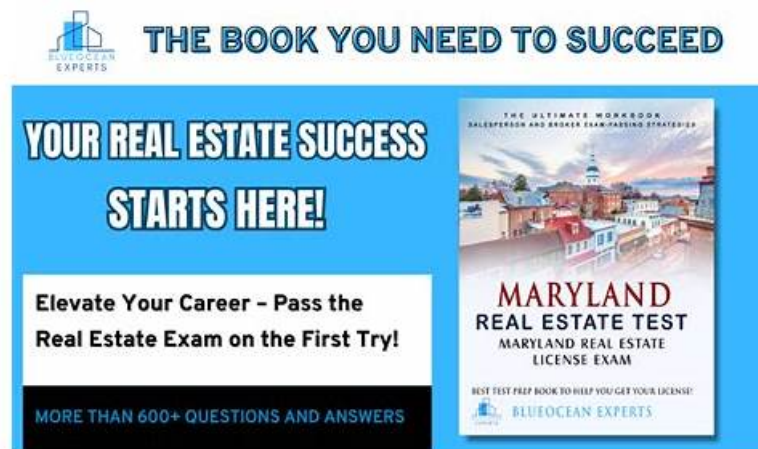


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Real Estate Maryland Real Estate Salesperson Examination Sample Questions (Q74-Q79):

NEW QUESTION # 74

A statement such as "This is a dream home with the best views in town" made by a licensee is an example of what?

- A. A lie
- B. Positive misrepresentation
- C. Intentional misrepresentation
- D. Puffery

Answer: D

Explanation:

Puffery refers to subjective statements of opinion or sales talk that a reasonable person would not take as a factual representation. Phrases like "best views," "dream home," or "finest neighborhood" are considered puffing, not misrepresentation.

Maryland's pre-licensing course distinguishes puffery (legally permissible) from misrepresentation, which involves false statements of material fact that can lead to disciplinary action or liability.

Reference (Maryland Source):

- Maryland 60-Hour Principles and Practices Course, Ethical Conduct and Misrepresentation section.
- Maryland Business Occupations and Professions Article 17-322 (Grounds for Disciplinary Action).

NEW QUESTION # 75

The courts use three primary tests to determine whether something is personal property or real property. What are the names of the three tests?

- **A. Method of attachment, agreement, and adaptation**
- B. Method of attachment, agreement, and accessory
- C. Method of reimbursement, agreement, and adaptation
- D. Method of attachment, acknowledgement and adaptation

Answer: A

Explanation:

Courts commonly consider (1) method of attachment (annexation), (2) adaptation to the property's use, and (3) agreement of the parties to determine whether an item is a fixture (real property) or personal property. "Acknowledgement," "accessory," and "reimbursement" are not part of the legal fixture tests.

Reference: Maryland pre-licensing curriculum - Real Property and the Law (fixtures; annexation, adaptation, and agreement tests).

NEW QUESTION # 76

_____ can be defined as everything that's not real property.

- A. Land property
- B. Private property
- C. Real estate
- **D. Personal property**

Answer: D

Explanation:

Comprehensive and Detailed Explanation From Exact Extract of Maryland 60-Hour Principles and Practices of Real Estate Pre-Licensing Course:

Personal property (also known as chattel) refers to movable items that are not permanently attached to the land or the improvements on it.

Examples include furniture, vehicles, and trade equipment. In contrast, real property includes land, improvements, and the legal rights associated with ownership.

The distinction between real and personal property is a core principle of real estate law covered early in the Maryland 60-Hour Course under "Real Property and the Law." Reference:

Maryland 60-Hour Principles and Practices of Real Estate Pre-Licensing Course - "Real Property and the Law" Module Common Law Property Definitions recognized by the Maryland Real Estate Commission.

NEW QUESTION # 77

Which of the following is an example of positive misrepresentation?

- A. An inadvertent error occurred.
- B. It results in a positive outcome.
- C. An agent made an unintentional error that resulted in a positive outcome.
- **D. An agent knowingly made a false statement that caused harm.**

Answer: D

Explanation:

In real estate, positive (affirmative) misrepresentation occurs when a licensee makes an affirmative statement of fact that is false. When the statement is knowingly false and causes reliance and harm, it rises to fraudulent misrepresentation-but it is still a positive (affirmative) misrepresentation because it is an overt, false assertion (as opposed to concealment/nondisclosure, sometimes called passive misrepresentation).

* Option A describes an affirmative false statement that causes harm (i.e., a classic example of positive misrepresentation; intent makes it fraudulent).

* Options B and C describe innocent/negligent errors but don't clearly state an affirmative false statement of material fact.

* Option D confuses "positive" with "beneficial outcome," which is not what the term means.

References (Maryland Pre-Licensing Core Content):

* Maryland 60-Hour Course: "Real Estate Brokerage and the Law of Agency" (truthful dealing; material facts; affirmative vs. passive misrepresentation; fraudulent vs. negligent vs. innocent misrepresentation).

* COMAR 09.11.02 (standards of practice: honesty, fair dealing, and prohibition against misrepresentation).

NEW QUESTION # 78

You represent a buyer of a \$1 million property. The seller's agent offers a 2.5% cooperative agent compensation. Who's your client?

- **A. The buyer**
- B. The seller's agent
- C. The seller's agent's broker
- D. The seller

Answer: A

Explanation:

Comprehensive and Detailed Explanation From Exact Extract of Maryland 60-Hour Principles and Practices of Real Estate Pre-Licensing Course:

Under Maryland law, agency relationships are determined by who the licensee represents, not by who pays the compensation.

Even though the buyer's agent may receive payment from the listing broker via a cooperative compensation (often shared through the MLS), that payment does not make the buyer's agent an agent of the seller.

The licensee's fiduciary duties-loyalty, confidentiality, disclosure, obedience, reasonable care, and accounting-belong solely to the buyer, the client under the brokerage agreement.

This principle is detailed under the Maryland Agency Law section of the pre-licensing course.

Reference (Maryland Source):

- Maryland 60-Hour Principles and Practices Course, Law of Agency module.
- Business Occupations and Professions Article §17-530 through §17-534.
- COMAR 09.11.07.01 - Disclosure of Agency Relationships.

NEW QUESTION # 79

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