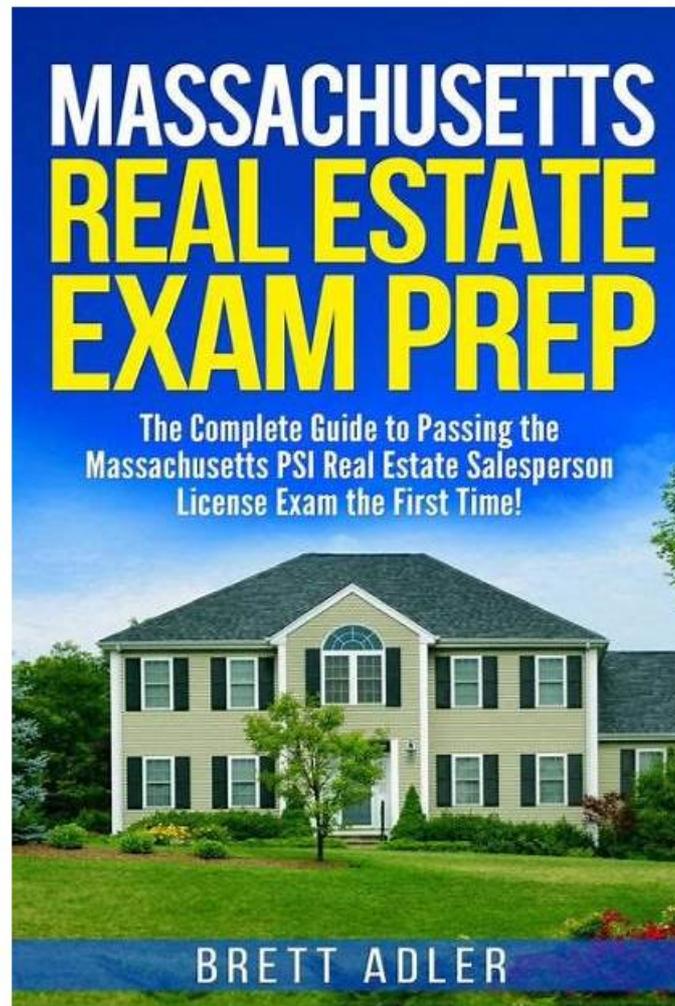


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### Real Estate Massachusetts Real Estate Salesperson Exam Sample Questions (Q38-Q43):

#### NEW QUESTION # 38

A buyer and seller agreed upon a selling price for a property and both signed a written agreement. As part of the contract, the buyer reserved the right to cancel the sale if the buyer's house, which was on the market, did not sell within 30 days. This contract is

- A. an implied contract.
- B. an executed contract.
- C. a unilateral contract.
- **D. an executory contract.**

**Answer: D**

Explanation:

Comprehensive and Detailed Explanation (150-250 words):

An executory contract is one in which one or more terms remain to be performed. In this case, although the purchase agreement is signed, the buyer's performance is contingent upon selling their home within 30 days.

Until that contingency is satisfied, the contract remains executory.

A (executed contract): would mean all terms have been performed.

B (unilateral contract): involves only one party making a promise, e.g., an option. This is bilateral.

D (implied contract): arises by conduct, not by a written agreement.

Thus, the correct answer is C: executory contract.

Reference: Massachusetts Real Estate Salesperson Candidate Handbook - Contracts; Executory vs. Executed Contracts.

#### NEW QUESTION # 39

The two clauses in a mortgage which allow the lender to proceed with a foreclosure sale are which of the following?

- A. escalation clause and alienation clause
- B. foreclosure clause and alienation clause
- C. escalation clause and power of sale clause
- **D. acceleration clause and power of sale clause**

**Answer: D**

Explanation:

Comprehensive and Detailed Explanation (150-250 words):

Two key clauses permit a lender to enforce foreclosure:

Acceleration clause - allows the lender to declare the entire debt immediately due and payable if the borrower defaults. Without this clause, the lender could only sue for past-due installments.

Power of sale clause - common in Massachusetts "title theory" mortgages, it authorizes the lender to sell the property at public auction without going through full judicial foreclosure.

The alienation clause (also called a "due-on-sale" clause) allows the lender to demand payoff when the property is transferred, not

for foreclosure. The escalation clause allows interest rate or payment adjustments, not foreclosure. Therefore, the correct pair that authorizes foreclosure is D: acceleration clause and power of sale clause. Reference: Massachusetts Real Estate Salesperson Candidate Handbook - Financing Instruments; M.G.L. c. 183 21 (Power of Sale Foreclosure).

#### NEW QUESTION # 40

A salesperson's client is the lessee. Who does the salesperson represent?

- A. tenant
- B. landlord
- C. lien holder
- D. lender

**Answer: A**

Explanation:

In a leasing transaction, the lessee is the tenant - the party obtaining the right to occupy and use the property. The lessor is the landlord, who owns the property and grants possession through the lease.

Therefore, when a salesperson's client is the lessee, the salesperson represents the tenant in the transaction.

The role is similar to representing a buyer in a purchase transaction - the agent owes fiduciary duties such as loyalty, confidentiality, and disclosure to the tenant client.

The other options do not apply:

Lender (A) provides financing, not leasing services.

Landlord (C) would be the lessor, not the lessee.

Lien holder (D) is a creditor with a security interest in property, unrelated to this relationship.

Thus, the correct answer is B: tenant.

Reference: Massachusetts Real Estate Salesperson Candidate Handbook - Agency Law; M.G.L. c.112,87AAA-112.

#### NEW QUESTION # 41

The Massachusetts Sanitary Code requires landlords to

- A. Maintain their properties in a safe and habitable condition.
- B. Inspect the property every six months.
- C. Provide a statement of condition within 30 days of the lease.
- D. Notify a tenant 24 hours prior to entering a property.

**Answer: A**

Explanation:

The Massachusetts State Sanitary Code (105 CMR 410) establishes minimum standards for human habitation.

Landlords are required to ensure that rental units are kept in a safe, sanitary, and habitable condition at all times. This includes maintaining heating systems, hot water, structural integrity, pest control, and ensuring compliance with health and safety standards.

While landlords may provide a statement of condition when collecting a security deposit (per M.G.L. c. 186, § 15B), this is not part of the Sanitary Code itself. Similarly, no law requires inspections every six months or a 24-hour notice of entry (although reasonable notice is considered best practice and is recommended in case law).

The essential legal requirement is habitability. Tenants have the right to withhold rent or seek remedies if the landlord fails to maintain the property in compliance with the Sanitary Code. Local boards of health enforce these regulations.

Reference: Massachusetts Sanitary Code, 105 CMR 410; M.G.L. c. 186, § 14; Massachusetts Real Estate Salesperson Study Guide - Landlord/Tenant Law.

#### NEW QUESTION # 42

When performing its duties, the Board of Registration protects and safeguards the interests of the

- A. State legislature.
- B. Governor's office.
- C. Licensees.
- D. General public.

**Answer: D**

**Explanation:**

The Massachusetts Board of Registration of Real Estate Brokers and Salespersons is a regulatory agency under the Division of Professional Licensure. Its mission is to protect the general public, not licensees.

The Board enforces the real estate licensing laws (M.G.L. c. 112, §§ 87PP-87DDD), establishes regulations (254 CMR), administers licensing exams, investigates complaints, and disciplines licensees for violations.

Although the Board interacts with licensees, its role is to ensure consumers are protected from fraud, incompetence, or misconduct in real estate transactions.

Thus, the Board's primary duty is safeguarding the general public, not serving the interests of licensees or government branches.

Reference: M.G.L. c. 13, § 54; M.G.L. c. 112, 87PP-87DDD.

**NEW QUESTION # 43**

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