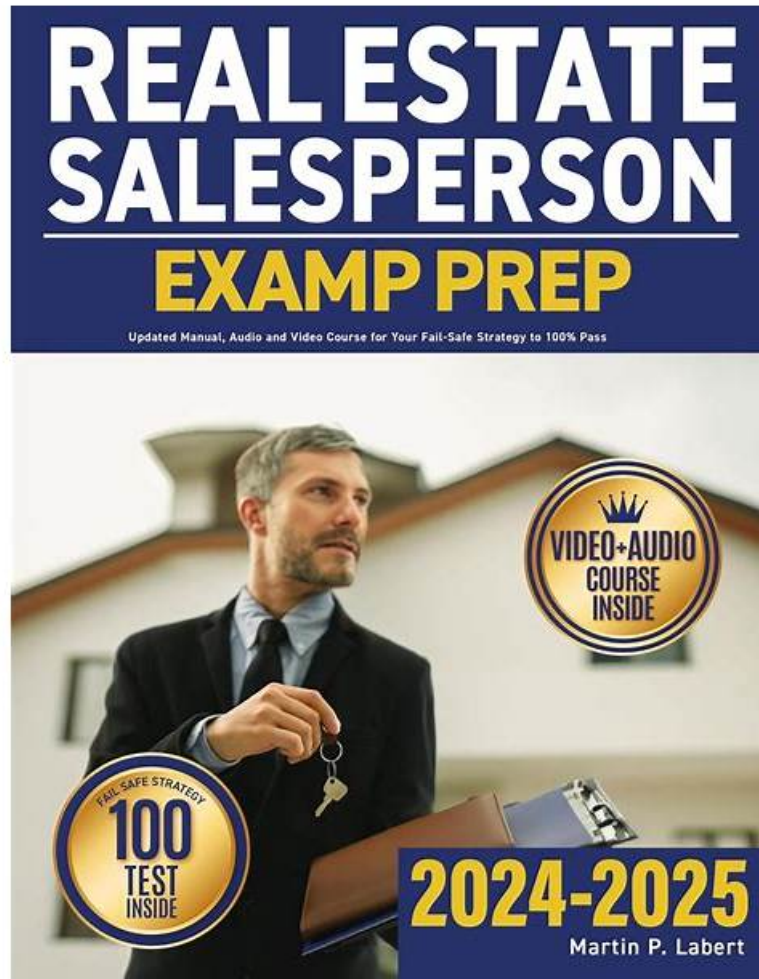


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## **Real Estate Massachusetts Real Estate Salesperson Exam Sample Questions (Q79-Q84):**

### **NEW QUESTION # 79**

A contract is delivered to the listing broker by a cooperating broker. The listing broker makes an appointment with the owner to present the offer at 7 p.m. of that day. Before 7 p.m., two more offers arrive on the same property. Which offer should be presented to the owner at the 7 p.m. appointment?

- A. The first offer received
- B. The offer most favorable to the seller, including price and all terms
- C. The offer with the highest sale price
- **D. All three of the offers**

**Answer: D**

Explanation:

A Massachusetts real estate licensee has a fiduciary duty of full disclosure and obedience to the client (the seller). That means the listing broker must present all offers promptly and in full to the seller, regardless of the order received or whether one seems more favorable.

The Massachusetts Board of Registration of Real Estate Brokers and Salespersons emphasizes that withholding offers or "screening" them based on price, terms, or timing constitutes a violation of fiduciary duty and can result in disciplinary action. The seller has the exclusive right to decide which offer to accept, reject, or counter. The broker's responsibility is only to deliver all offers in a timely fashion.

Therefore, at the 7 p.m. appointment, the listing broker must present all three offers that had been received. It would be improper to withhold later offers or to select the "best" offer unilaterally.

Reference: Massachusetts Real Estate Salesperson Candidate Information Bulletin; 254 CMR 3.00: Obligations to the Client; National Association of REALTORS Code of Ethics, Article 1.

### **NEW QUESTION # 80**

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. broker.
- **C. seller.**
- D. listing agent on behalf of 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 # 81**



The common area of a condominium development is owned by

- A. any individuals who pay a prorated share of the taxes and maintenance.
- **B. all owners as tenants in common.**
- C. those owners who were original owners of the units.
- D. its duly elected Board of Directors.

**Answer: B**

Explanation:

Comprehensive and Detailed Explanation (150-250 words):

In a condominium, each unit owner holds fee simple title to their individual unit, plus an undivided interest in the common areas (hallways, lobbies, grounds, recreational facilities). This interest is shared as tenants in common with all other owners, meaning no single owner can claim exclusive rights to any portion of the common elements.

A: The Board of Directors manages the property but does not own the common areas.

B: Original ownership does not confer unique rights; ownership passes with each sale.

C: Paying a prorated share of expenses is required, but ownership is based on deeded rights, not payment.

Therefore, the correct answer is D: all owners as tenants in common.

Reference: Massachusetts Condominium Act (M.G.L. c.183A); Massachusetts Real Estate Salesperson Candidate Handbook - Property Ownership.

## NEW QUESTION # 82

Which of the following statements concerning a security deposit is correct?

- A. It may not exceed the first month's rent.
- **B. It must be returned to the tenant within twenty-one days of termination of occupancy.**
- C. It must be transferred to the tenant when the building is sold.
- D. It may be maintained in the landlord's regular business account as long as it is interest-bearing.

**Answer: B**

Explanation:

Under M.G.L. c. 186, 15B, Massachusetts law regulates security deposits strictly:

The maximum allowable deposit is one month's rent.

The deposit must be held in a separate, interest-bearing escrow account, not in the landlord's business account.

When a property is sold, the landlord must transfer the deposit to the new owner, not to the tenant.

Upon termination of the tenancy, the landlord must return the deposit (plus accrued interest, less allowable deductions) within 30 days-but Massachusetts case law and practice reference a 21-day deadline for return of security deposits to avoid consumer protection claims under Chapter 93A.

Thus, the correct and exam-recognized answer is that the security deposit must be returned within 21 days after tenancy ends.

Reference: M.G.L. c. 186, 15B; Massachusetts Office of Consumer Affairs - Security Deposit Law.

## NEW QUESTION # 83

The Massachusetts Sanitary Code requires landlords to

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

**Answer: B**

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 # 84

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