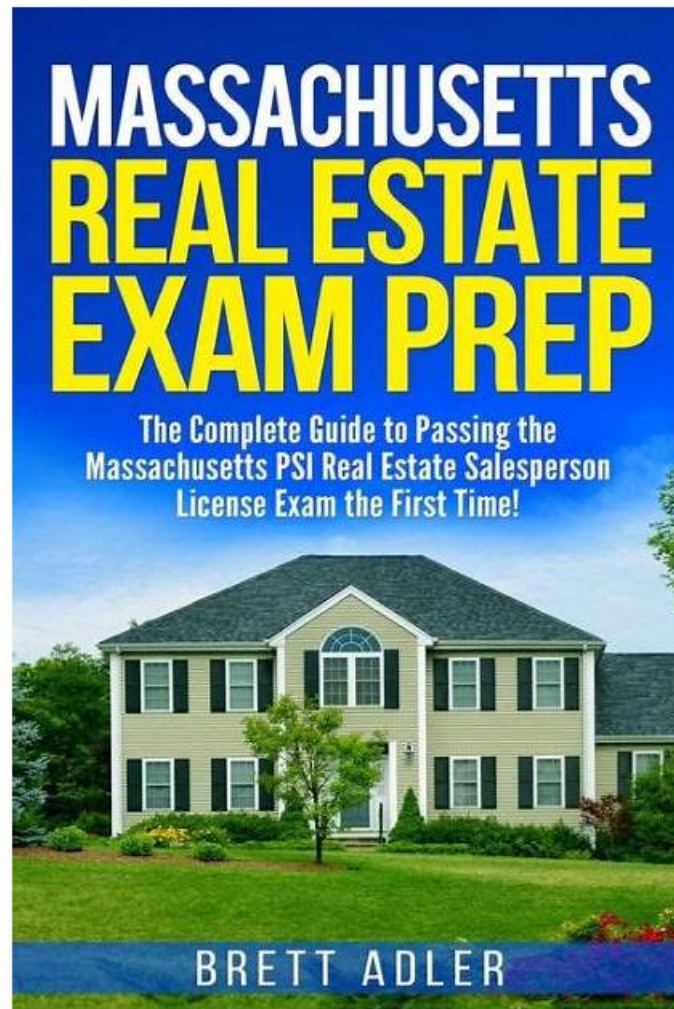


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Real Estate Massachusetts Real Estate Salesperson Exam Sample Questions (Q115-Q120):

NEW QUESTION # 115

While inspecting a tenant-occupied property, the buyer was told by the seller that the microwave oven would be included in the sale price. Upon possession, the buyer learned that the microwave oven belonged to the tenant and not the seller. Is the buyer entitled to the microwave oven?

- A. Yes, because all oral contracts for the sale of real property are enforceable.
- **B. No, because the seller did not have the right to include the microwave in the sale.**
- C. No, because the microwave was the real property of the tenant.
- D. Yes, because the buyer's offer to purchase included all real property.

Answer: B

Explanation:

Comprehensive and Detailed Explanation (150-250 words):

In a real estate sale, the seller can only transfer property they own. Personal property belonging to a tenant is not part of the seller's estate and cannot be conveyed, regardless of oral promises.

A: Incorrect - microwave ovens are personal property, not automatically real property.

B: Oral contracts are generally unenforceable under the Statute of Frauds.

C: Incorrect because the microwave is personal property, not real property of the tenant.

D: Correct - the seller had no ownership interest and therefore no authority to include it in the sale.

Thus, the buyer is not entitled to the microwave.

Reference: Massachusetts Real Estate Salesperson Candidate Handbook - Property Ownership (Fixtures vs. Personal Property); Statute of Frauds.

NEW QUESTION # 116

The Massachusetts State Sanitary Code requires

- **A. A stove in good repair in any rental unit.**
- B. Tenants to pay for their own water and/or sewer costs.
- C. Separate meters for all heating and electric systems.
- D. The property owner to provide a refrigerator in working order.

Answer: A

Explanation:

The Massachusetts State Sanitary Code (105 CMR 410) sets minimum standards for safe and habitable housing. One explicit requirement is that every rental unit must be equipped with a stove in good repair provided by the landlord.

Other items:

Refrigerators: Landlords are not required to provide them, but if they do, they must be in working order.

Separate meters: Not required for all systems.

Water/sewer: Landlords generally pay unless specific written agreements allow tenant billing (with proper metering).

Thus, the universal requirement is a stove in good repair.

Reference: Massachusetts Sanitary Code, 105 CMR 410.100.

NEW QUESTION # 117

A couple enters into a purchase contract to buy a house, and their parents are providing a \$5,000 earnest money check. The check is deposited in the listing broker's escrow account. The buyers are unable to get financing, and the contract provides for return of the earnest money to the buyers. The buyers and seller agree in writing to the release of the earnest money. The listing broker should

- A. issue a \$5,000 check to the parents.
- B. return the earnest money check, minus expenses, to the buyers.
- C. return the earnest money check, minus expenses, to the parents.
- **D. issue a \$5,000 check to the buyers.**

Answer: D

Explanation:

Under Massachusetts escrow laws, once an earnest money deposit is given, it becomes part of the transaction and must be held in the broker's escrow account until proper written instructions are received. The critical rule is that the earnest money belongs to the buyer, not to the third party who may have supplied the funds.

Therefore, even though the parents wrote the \$5,000 check, the funds legally belong to the buyers under the purchase and sale agreement. When the contract is canceled due to financing failure, and both parties (buyer and seller) agree in writing to release the deposit, the broker must issue the refund to the buyers, not the parents.

Massachusetts regulations (254 CMR 3.00) require brokers to handle escrow strictly according to the agreement and prohibit deductions for "expenses" unless explicitly authorized. Thus, the correct action is to issue the \$5,000 back to the buyers in full.

Reference: Massachusetts Real Estate Salesperson Candidate Handbook - Trust Funds & Escrow; 254 CMR 3.10 (Board of Registration of Real Estate Brokers and Salespersons).

NEW QUESTION # 118

To be legally binding, a listing agreement can be signed for the owner by the

- A. owner's heirs apparent.
- B. broker, upon telephone instructions from the owner.
- C. trust beneficiary acting under a valid trust.
- **D. attorney-in-fact.**

Answer: D

Explanation:

Comprehensive and Detailed Explanation (150-250 words):

A listing agreement must be signed by the legal owner or someone who has proper legal authority to act on the owner's behalf. That authority is established through a written power of attorney; the person acting is called the attorney-in-fact.

A: A broker cannot sign on behalf of an owner without written power of attorney; telephone instructions are not sufficient.

B: A trust beneficiary has no signing authority unless also appointed as trustee.

C: Heirs apparent have no legal rights until the owner passes away and probate is complete.

Thus, only an attorney-in-fact can legally bind the owner in a listing agreement.

Reference: Massachusetts Real Estate Salesperson Candidate Handbook - Contracts; M.G.L. c.190B (Powers of Attorney).

NEW QUESTION # 119

Disclosure of licensee relationships to prospective buyers and sellers is required

- A. When responding to a telephone or internet inquiry.
- B. When discussing any real estate issue.
- **C. At the first personal meeting to discuss a specific single-family property.**
- D. When listing commercial properties.

Answer: C

Explanation:

In Massachusetts, licensee relationship disclosure is governed by M.G.L. c. 112, § 87AAA and 254 CMR

3.00. State law requires that real estate agents disclose their agency relationship to prospective buyers and sellers at the first personal meeting to discuss a specific property. This requirement is primarily intended for residential transactions involving one- to four-family properties.

This disclosure clarifies whether the agent represents the seller, the buyer, or is functioning in another capacity (such as a facilitator). It ensures that consumers are fully informed about where the licensee's loyalty lies before substantive discussions occur. The law does not require agency disclosure for mere inquiries (phone or internet), for general real estate discussions, or for commercial property listings. The specific trigger is the first personal meeting to discuss a specific single-family property. Reference: 254 CMR 3.00; Massachusetts Real Estate License Law Summary; Consumer Guide to Real Estate Agency Relationships.

NEW QUESTION # 120

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