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## **Real Estate Massachusetts Real Estate Salesperson Exam Sample Questions (Q109-Q114):**

### **NEW QUESTION # 109**

The Massachusetts Consumer Protection Act (M.G.L. c. 93A) does NOT apply to which of the following persons?

- A. Owners who sell their homes privately
- B. Listing brokers who receive only a percentage of commissions
- C. Builders who sell fewer than ten homes a year
- D. Salespersons since they are obligated to their employing brokers only

**Answer: A**

Explanation:

The Massachusetts Consumer Protection Act (M.G.L. c. 93A) prohibits "unfair or deceptive acts or practices in the conduct of any trade or commerce." This law applies to persons engaged in business transactions, including brokers, salespersons, and builders selling homes.

However, a private homeowner selling their own home without engaging in trade or commerce is exempt.

Courts have consistently held that Chapter 93A applies to persons "engaged in business" and does not cover purely private, non-business transactions such as a homeowner selling their own single residence.

Thus, while brokers, agents, and even builders are covered by c. 93A (even if they build/sell fewer than ten homes), a private owner selling without brokerage or business involvement is exempt.

### NEW QUESTION # 110

What is the difference between a license to use property and an easement?

- A. There must be consideration paid for an easement.
- B. There must be consideration paid for a license.
- C. An easement can be cancelled by the issuer.
- D. A license can be cancelled by the issuer.

**Answer: D**

Explanation:

A license is a personal, revocable privilege to enter or use another person's land for a specific purpose (e.g., a ticket to a sporting event). A license does not create an interest in land and may be revoked at any time by the issuer.

An easement, however, is a non-possessory interest in land that grants a legal right to use the property of another (e.g., a right-of-way). Easements are generally permanent, run with the land, and cannot simply be canceled by the property owner at will.

Massachusetts law distinguishes between the two: easements are formal property interests that usually require a written grant and may only be terminated by agreement, expiration, or court action, while licenses are informal, temporary, and revocable.

Thus, the correct answer is A: A license can be cancelled by the issuer.

Reference: Massachusetts Real Estate Salesperson Candidate Handbook - Property Interests and Rights; M.G. L. c. 183.

### NEW QUESTION # 111

The commission rate included in a listing contract is determined by

- A. national trade organizations.
- B. state statute.
- C. negotiation.
- D. local custom

**Answer: C**

Explanation:

Comprehensive and Detailed Explanation (150-250 words):

Real estate commissions are always negotiable between the broker and the client. Neither the state, local customs, nor trade associations (like NAR) may fix commission rates, as that would violate the Sherman Antitrust Act (prohibiting price-fixing and restraint of trade).

A: Massachusetts does not set commission rates by statute.

B: Local custom does not determine commissions.

C: Trade organizations may publish surveys but cannot set rates.

Thus, commission terms are agreed to by negotiation between the broker and client in the listing contract.

Reference: Massachusetts Real Estate Salesperson Candidate Handbook - Brokerage Agreements; Sherman Antitrust Act (15 U.S.C. 1).

### NEW QUESTION # 112

Which of the following property valuation estimates or reports would have to be prepared by a licensed or certified appraiser?

- A. a value analysis for a non-residential property valued below \$250,000
- B. a comparative market analysis
- C. a reconciliation report for an FHA loan
- D. a broker's price opinion

**Answer: C**

Explanation:

Under federal law (FIRREA - Financial Institutions Reform, Recovery, and Enforcement Act of 1989), any appraisal used in connection with a federally related transaction (such as FHA-insured or VA-guaranteed loans) must be prepared by a state-licensed

or state-certified appraiser.

While brokers and salespersons in Massachusetts may prepare broker price opinions (BPOs) and comparative market analyses (CMAs), these are considered marketing tools and cannot substitute for a certified appraisal in federally related transactions.

Likewise, although smaller non-residential properties under \$250,000 may sometimes qualify for alternative valuation methods, FHA loan underwriting requires a formal appraisal with reconciliation prepared by a licensed appraiser.

Thus, the correct answer is C: reconciliation report for an FHA loan.

Reference: Massachusetts Real Estate Salesperson Candidate Handbook - Appraisal; FIRREA (12 U.S.C. 3331-3351).

#### **NEW QUESTION # 113**

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

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

**Answer: B**

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 # 114**

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