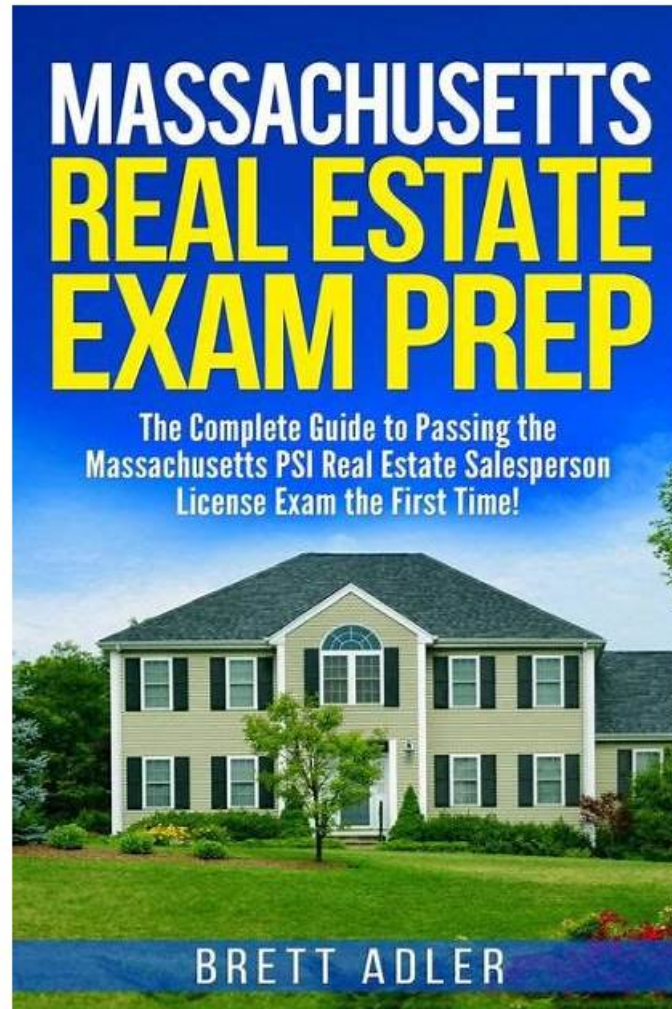


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>> Hot Massachusetts-Real-Estate-Salesperson Spot Questions <<

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Real Estate Massachusetts Real Estate Salesperson Exam Sample Questions (Q35-Q40):

NEW QUESTION # 35

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

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 # 36

A seller has entered into an exclusive right to sell agreement with a broker. The buyer presents the seller with an offer to purchase which is 20% less than the list price. Which of the following is appropriate?

- A. The seller is obligated to make a counteroffer to the buyer if the offer is unacceptable.
- B. The seller is obligated to pay the buyer a commission or the offer price if the seller rejects the offer.
- C. The seller has 72 hours to submit a counteroffer or else the offer is considered to be accepted.
- **D. The seller is under no obligation to accept the offer or make a counteroffer.**

Answer: D

Explanation:

Comprehensive and Detailed Explanation (150-250 words):

A listing agreement gives the broker the right to market the property and earn a commission if a ready, willing, and able buyer is

found, but it does not obligate the seller to accept any offer. Even if the offer is below asking price, the seller can accept, reject, or counteroffer. The seller has full discretion to decide, and no automatic acceptance or commission liability arises just because the offer is refused.

A: Incorrect, seller never owes buyer a commission.

C: There is no automatic "72-hour" acceptance rule unless specifically written into the offer.

D: Seller is not required to counter.

Thus, the correct answer is B.

Reference: Massachusetts Real Estate Salesperson Candidate Handbook - Brokerage Agreements; Agency Duties.

NEW QUESTION # 37

In a firm whose business model is designated agency, who represents the client named in the consumer licensee disclosure form?

- A. All the licensees
- B. All other designated buyer agents
- C. Only the individual agent(s) named on the consumer licensee disclosure form
- D. All other designated seller agents

Answer: C

Explanation:

In a designated agency model, a brokerage allows for agents within the firm to represent different parties in the same transaction, provided they are designated to do so. The client is represented by only the agent(s) named on the consumer licensee disclosure form.

This model ensures that the interests of both the buyer and seller are separately represented by agents who have been specifically appointed by the broker to represent each party. Other agents in the firm do not have fiduciary duties to the client unless explicitly designated.

The designated agency structure allows for more specialized attention and reduces conflicts of interest, as only the designated agent represents the client.

Reference: 254 CMR 3.00 - Agency Relationships; Massachusetts Real Estate Candidate Information Bulletin.

NEW QUESTION # 38

An escrow or trust account is often held by a lender to pay

- A. property taxes and insurance payments.
- B. interest on a loan.
- C. the bank's outstanding invoices.
- D. mortgage payments.

Answer: A

Explanation:

Comprehensive and Detailed Explanation (150-250 words):

Lenders often require borrowers to establish an escrow (or impound) account as part of their monthly mortgage payment. The lender collects a portion of property taxes and hazard insurance premiums along with principal and interest each month. When taxes or insurance are due, the lender pays them from the escrow account.

This protects the lender by ensuring the property remains insured and free of unpaid tax liens, both of which could threaten the lender's collateral.

A (mortgage payments): Paid directly as P&I, not through escrow.

B (interest): Already part of monthly mortgage payments, not escrow.

C (bank invoices): Escrow is never used for the bank's expenses.

Thus, the correct answer is D: property taxes and insurance payments.

Reference: Massachusetts Real Estate Salesperson Candidate Handbook - Financing; RESPA Escrow Rules.

NEW QUESTION # 39

A prescriptive easement is proven by a

- A. previous recorded deed.

- B. recorded abstract.
- C. title policy.
- **D. quiet title action.**

Answer: D

Explanation:

A prescriptive easement is established through open, notorious, continuous, and adverse use of another's land for a statutory period (in Massachusetts, typically 20 years).

To legally recognize and establish the easement, the claimant must usually bring a quiet title action in court.

This court proceeding clarifies ownership rights and confirms the existence of the easement.

A (deed): not applicable since prescriptive easements arise without written agreements.

C (abstract): summarizes recorded documents but would not establish prescriptive rights.

D (title policy): insures title, does not prove an easement.

Thus, the correct answer is B: quiet title action.

Reference: Massachusetts Real Estate Salesperson Candidate Handbook - Easements & Rights; M.G.L. c.

187, §2.

NEW QUESTION # 40

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