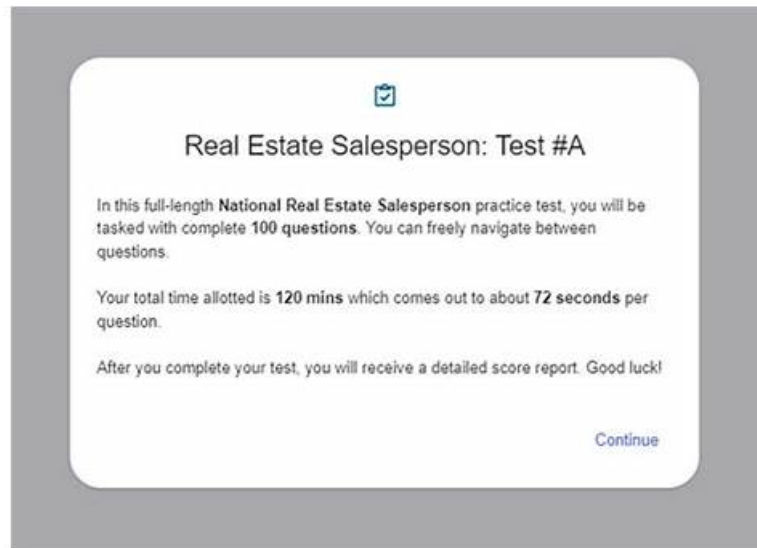


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Real Estate Massachusetts Real Estate Salesperson Exam Sample Questions (Q43-Q48):

NEW QUESTION # 43

The heir to a large estate will be of legal age within 30 days. The heir lists for sale with a broker one of the properties held by the estate. The broker knows of a buyer for the property and sells it within 24 hours of listing, with closing to be in 45 days. Both listing and sale contracts are

- A. voidable.
- B. executory.
- C. fulfilled.
- D. executed.

Answer: A

Explanation:

Comprehensive and Detailed Explanation (150-250 words):

Contracts entered into by a minor (a person not yet of legal age) are generally voidable at the option of the minor. In this case, the heir is still underage when signing both the listing and the sales contract. Although enforceable by the minor, they may be disaffirmed before reaching majority age or within a reasonable time thereafter.

Fulfilled (A) applies only once all terms have been performed.

Executed (B) means fully performed; here, the contracts are not.

Executory (D) means still in progress, which is true, but the critical legal issue is that the contracts are voidable due to minority.

Therefore, both contracts are voidable.

Reference: Massachusetts Real Estate Salesperson Candidate Handbook - Contracts; M.G.L. c.231 §850 (contracts with minors).

NEW QUESTION # 44

Who establishes zoning ordinances?

- A. local authorities
- B. the federal government
- C. regional councils
- D. individual states

Answer: A

Explanation:

Comprehensive and Detailed Explanation (150-250 words):

Zoning ordinances are enacted at the local (municipal) level-cities and towns-under police power delegated by the state. While states pass enabling legislation and can set broad land-use frameworks, the actual creation and administration of zoning (district maps, permitted uses, dimensional regulations, variances, special permits) is done by local authorities such as city or town councils and implemented by local planning and zoning boards. Federal and regional bodies may influence land use through funding or environmental regulations, but they do not enact local zoning ordinances. On the Massachusetts exam, candidates are expected to know that municipalities adopt zoning bylaws/ordinances to promote public health, safety, and welfare, and administer them via local boards, inspectors, and appeals processes. Thus, the correct answer is D.

References: Massachusetts Real Estate Salesperson Candidate Handbook - Land Use Controls (Public restrictions: zoning); M.G.L. c. 40A (The Zoning Act).

NEW QUESTION # 45

A licensee whose license has been suspended is required to

- A. Surrender the license to the Board of Registration.
- B. Stop working, but may still make referrals.
- C. Do nothing; no action is required.
- D. Appeal the decision within 14 days.

Answer: A

Explanation:

When a real estate license is suspended in Massachusetts, the licensee must surrender their license to the Board of Registration immediately. Suspension means the licensee is temporarily prohibited from engaging in real estate activities.

The licensee cannot continue to work, make referrals, or conduct any real estate transactions during the suspension period. They must follow the suspension terms set by the Board, and the license will be reinstated after the suspension period has ended, provided they comply with any further requirements. The licensee may appeal the decision, but this must be done separately from the immediate surrender requirement.

Reference: M.G.L. c. 112, § 87FF; 254 CMR 5.00 - Disciplinary Action.

NEW QUESTION # 46

Which of the following is true of a quitclaim deed?

- A. It cannot be recorded.
- **B. It can be used to remove a cloud on a title.**
- C. It cannot be used to transfer a title held in fee simple.
- D. It has warranties similar to a special warranty deed.

Answer: B

Explanation:

A quitclaim deed is commonly used in Massachusetts to transfer whatever interest the grantor may have in the property, without any warranties of title. The grantor does not guarantee that they own the property or that the title is clear; they are simply releasing ("quitting") any claim they might have.

This makes quitclaim deeds useful for curing defects or removing a cloud on title, such as correcting a name, releasing an interest, or resolving minor disputes. While Massachusetts typically uses quitclaim deeds even in regular sales transactions (where other states may prefer warranty deeds), their primary legal function is still to transfer without guarantees.

The other options are incorrect:

A: It can transfer fee simple interest.

B: It provides no warranties, unlike a special warranty deed.

D: It can be recorded.

Reference: Massachusetts Real Estate Salesperson Candidate Handbook - Transfer of Title; M.G.L. Chapter 183 (Conveyances of Land).

NEW QUESTION # 47

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

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

Answer: D

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 # 48

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