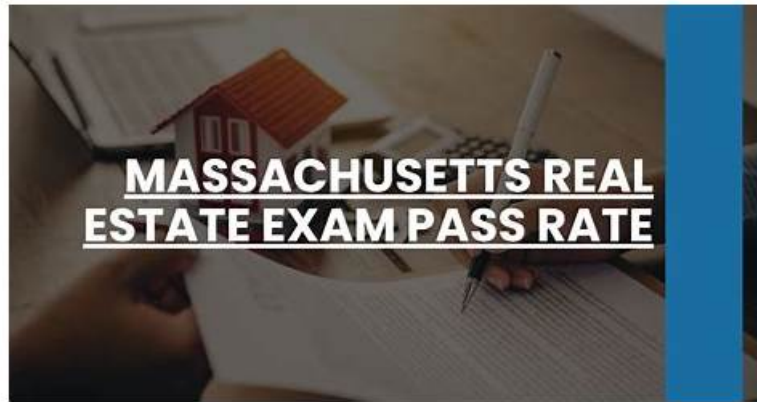


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Real Estate Massachusetts Real Estate Salesperson Exam Sample Questions (Q49-Q54):

NEW QUESTION # 49

Which of the following activities may result in a fine from the Massachusetts Commission Against Discrimination (MCAD) against a licensee?

- **A. Blockbusting**
- B. Acting in the dual capacity of broker and undisclosed principal in the same transaction
- C. Knowingly making any substantial misrepresentation
- D. Failing to give both the buyer and the seller a copy of the purchase and sales agreement

Answer: A

Explanation:

The Massachusetts Commission Against Discrimination (MCAD) is the state agency responsible for enforcing the Massachusetts Fair Housing Law (M.G.L. c. 151B). Blockbusting is the illegal practice of inducing homeowners to sell by suggesting that protected classes of people (such as minorities, families with children, or people receiving public assistance) are moving into the neighborhood, often suggesting declining property values.

This practice is explicitly prohibited under both federal law (Fair Housing Act) and Massachusetts General Law. MCAD has the authority to investigate complaints of housing discrimination and levy fines against licensees found guilty of such violations.

While misrepresentation or undisclosed dual capacity may lead to disciplinary action by the Massachusetts Board of Registration of Real Estate Brokers and Salespersons, only violations of fair housing law, such as blockbusting, steering, or refusing to deal with members of protected classes, fall under the jurisdiction of MCAD.

Reference: Massachusetts General Laws c. 151B; MCAD Fair Housing Guidelines; 254 CMR 3.00.

NEW QUESTION # 50

A licensee listed a property that had an unfinished garage. The licensee received an offer subject to the garage being finished. Was a contractual obligation created?

- A. Yes, because a definite and certain offer was made by the buyer.
- B. Yes, because both the seller and buyer offered to enter into a contract.
- C. No, because contractual obligations must be in writing and notarized.
- **D. No, because the seller has not accepted the offer.**

Answer: D

Explanation:

A contract is only created when there is an offer, acceptance, and consideration. In this case, the buyer made an offer subject to a condition (the garage being finished). However, until the seller accepts the offer, no contractual obligation exists. The mere existence of an offer-even if definite and certain-does not bind either party until acceptance has been communicated.

Massachusetts real estate exam law and practice stress that the offer to purchase is not binding on the seller until accepted. Once the seller accepts, it becomes a valid and enforceable contract, provided that all other legal elements (consideration, competent parties, lawful purpose, and in writing per the Statute of Frauds) are satisfied. The requirement for notarization is not necessary for a valid sales contract in Massachusetts; notarization is only required in the case of deeds or certain recorded instruments.

Thus, since the seller had not yet accepted, there was no contract-only a pending offer with a condition.

Reference: Massachusetts Real Estate Salesperson Exam Content Outline - Contracts; Massachusetts General Laws Chapter 259 (Statute of Frauds).

NEW QUESTION # 51

A buyer is looking in several different cities for land to purchase for a shopping center. The buyer has decided to hire several real estate licensees, each representing the buyer in that licensee's city. Which type of agreement would protect the buyer from owing multiple commissions?

- A. exclusive agency representation
- **B. nonexclusive buyer-agency**
- C. exclusive right to sell
- D. nonexclusive right-to-lease

Answer: B

Explanation:

Comprehensive and Detailed Explanation (150-250 words):

A nonexclusive buyer-agency agreement allows the buyer to work with multiple agents at the same time. The buyer is only responsible for paying commission to the agent who actually finds the property they purchase.

This prevents the buyer from being obligated to pay multiple commissions.

A (exclusive agency representation): binds the buyer to only one agent, but allows self-procurement.

B: Refers to leases, not purchases.

D: Exclusive right-to-sell applies to sellers, not buyers.

Thus, the correct agreement is C: nonexclusive buyer-agency.

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

NEW QUESTION # 52

Quality Supermarkets has taken occupancy of a retail building and has a long-term lease. As part of their fit-up, they bolt to the floor their meat and dairy coolers, shelves, and check-out stands.

When Quality Supermarkets vacates the property at the end of the lease, will Quality Supermarkets be legally entitled to remove these fixtures?

- A. No, because they are bolted to the floor.
- B. No, because they are trade fixtures.
- C. Yes, because they are appurtenances.
- **D. Yes, if removed prior to the end of the lease.**

Answer: D

Explanation:

Comprehensive and Detailed Explanation (150-250 words):

Trade fixtures are items of personal property installed by a commercial tenant for the purpose of conducting business (such as refrigeration units, shelving, or check-out counters). Even though they may be attached (bolted, wired, or plumbed) to the property, they legally remain the tenant's property as long as they are removed before the lease ends and without substantial damage to the premises.

A is incorrect: they are trade fixtures, but trade fixtures are removable by the tenant.

B is incorrect: appurtenances are rights or benefits that run with the land.

C is incorrect: attachment does not override the legal classification of trade fixtures.

Thus, the correct answer is D: Yes, if removed prior to the end of the lease.

Reference: Massachusetts Real Estate Salesperson Candidate Handbook - Property Ownership; Fixtures vs. Trade Fixtures.

NEW QUESTION # 53

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

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

Answer: A

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 # 54

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