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## Real Estate Licensing Virginia Real Estate Salesperson Exam Sample Questions (Q43-Q48):

NEW QUESTION # 43

Which of the following contracts has no legal effect and typically involves an illegal act, fraud, misrepresentation, duress, or undue influence?

- **A. a void contract**
- B. an oral contract
- C. a valid contract
- D. an implied contract

**Answer: A**

Explanation:

A void contract is one that has no legal effect from the beginning. It is not enforceable by law because it lacks essential legal elements or involves unlawful acts. Common reasons:

Illegal act (e.g., contract to sell illegal drugs)

Fraud, misrepresentation, duress, undue influence

Lacks capacity or lawful purpose

Other options:

(B) Valid contract = fully enforceable by law.

(C) Implied contract = created by actions, not words, but still enforceable.

(D) Oral contract = valid (except when required in writing by the Statute of Frauds).

Reference (Virginia Real Estate):

Virginia Code § 11-2 (Statute of Frauds)

Virginia Real Estate Principles - Contract Law section

A490-02REGS.pdf - Contracts & Legal Enforceability

#### **NEW QUESTION # 44**

Lillian is buying a home for \$355,000. She is going to put down \$75,000 as her down payment on her conventional loan. Will Lillian be required to pay private mortgage insurance?

- A. Yes, PMI is required until she reaches 50% equity.
- **B. No, her down payment is large enough to avoid PMI.**
- C. Yes, her down payment does not meet the requirements to eliminate PMI.
- D. No, but it depends solely on her credit score.

**Answer: B**

Explanation:

Private Mortgage Insurance (PMI) is generally required when a borrower puts down less than 20% on a conventional loan.

Lillian's home price = \$355,000

Down payment = \$75,000

Loan amount = \$280,000

Down payment % =  $\$75,000 \div \$355,000 \approx 21.1\%$

Since Lillian's down payment exceeds 20%, PMI is not required.

Other options:

(A) Wrong - PMI is based on equity, not just credit score.

(B) Wrong - PMI never requires 50% equity.

(C) Wrong - She meets the equity threshold.

Reference:

Fannie Mae/Freddie Mac Conventional Loan Guidelines

Virginia Real Estate Exam Outline - Financing Section

#### **NEW QUESTION # 45**

Mindy experienced a foreclosure process that included being named as a defendant in a lawsuit by her lender and seeing her home sold in a foreclosure sale. From that information, what can you guess about the category of foreclosure used and who holds the title to the property?

- A. A judicial foreclosure was necessary because the lender holds the title.
- B. A nonjudicial foreclosure was necessary because a trustee holds the title.
- C. A nonjudicial foreclosure was necessary because Mindy holds the title.

- **D. A judicial foreclosure was necessary because Mindy holds the title.**

**Answer: D**

Explanation:

In Virginia, foreclosures can generally fall into two categories: judicial foreclosure and nonjudicial foreclosure.

Judicial Foreclosure

This process occurs when the lender must file a lawsuit in court against the borrower (the homeowner).

The borrower is named as a defendant in the case.

Judicial foreclosure is required when the borrower (Mindy) holds legal title to the property. In this situation, the court oversees the process, and a foreclosure sale is ordered by the judge.

In the scenario given, Mindy was sued by her lender and named as a defendant. That is a hallmark sign of judicial foreclosure.

Nonjudicial Foreclosure

This process does not involve a lawsuit. Instead, it relies on a power of sale clause in the deed of trust.

In Virginia (a deed of trust state), a trustee typically holds legal title until the loan is repaid. If the borrower defaults, the trustee can sell the property without court involvement.

Because Mindy's case specifically involved a lawsuit and court action, this does not match a nonjudicial foreclosure.

Who Holds Title?

In a judicial foreclosure, the borrower (Mindy) holds legal title to the property until the court authorizes a sale.

The fact that the lender had to sue confirms that Mindy held the title, not the trustee.

Reference (without URLs):

Virginia Code § 55.1-3200 et seq. (Foreclosure laws in Virginia)

Real Estate Regulations (A490-02REGS.pdf) - sections on property rights and foreclosure process included under continuing education requirements  
Virginia Practice: Real Estate Principles and Practices - discussion of judicial vs. nonjudicial foreclosure distinctions in title-holding states versus deed-of-trust states.

## NEW QUESTION # 46

What is a building permit?

- **A. legal document from a local authority that authorizes a construction or remodeling project**
- B. written permission from the government to seize private property for public use
- C. document that permits landowners to use land in a way that is typically not permitted by land use restrictions of zoning law
- D. document that permits changing the zoning of one small area within the existing zoning

**Answer: A**

Explanation:

A building permit is written authorization from a local government (building department) allowing construction, remodeling, or major repair work.

Ensures compliance with zoning, building codes, and safety standards.

Other options:

(A) Refers to eminent domain, not a permit.

(B) Refers to a variance (zoning exception).

(D) Refers to spot zoning (rezoning of a small parcel).

Reference (Virginia Real Estate):

Virginia Uniform Statewide Building Code

Code of Virginia Title 36 (Housing)

A490-02REGS.pdf - Land use & building regulations

## NEW QUESTION # 47

Harry, an agent, transfers some money from an escrow account into his personal savings accounts. What is he doing and is it legal or illegal?

- A. This is commingling, and it is legal.
- B. This is commingling, and it is illegal.
- C. This is conversion, and it is legal.
- **D. This is conversion, and it is illegal.**

**Answer: D**

Explanation:

Commingling occurs when a licensee mixes clients' escrow funds with their own funds in the same account. This is prohibited but usually involves "mixing," not directly taking the money.

Conversion occurs when a licensee uses or transfers client funds for personal use, such as Harry moving money from an escrow account to his personal account.

Conversion is considered a serious violation of Virginia license law and is illegal.

Reference:

Virginia Code §54.1-2108.1 (Maintenance and management of escrow accounts)

## NEW QUESTION # 48

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