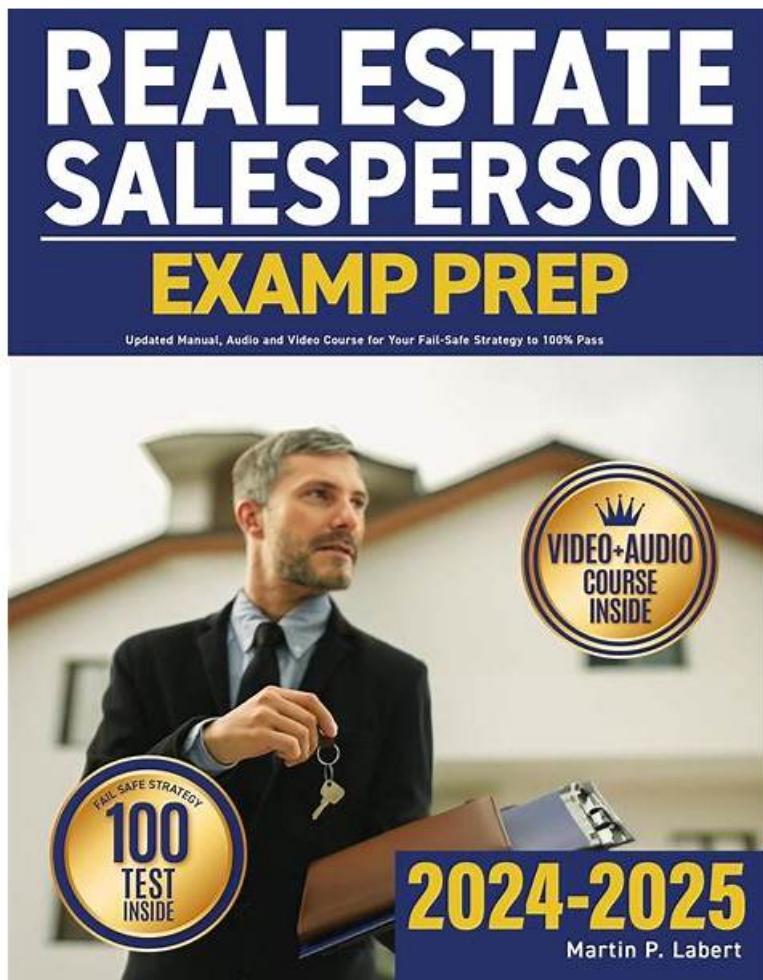


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Real Estate Massachusetts Real Estate Salesperson Exam Sample Questions (Q65-Q70):

NEW QUESTION # 65

Time is of the essence means

- A. the closing must occur as soon as possible.
- B. every act under the contract must be performed on the exact date specified.
- **C. time limits set forth in the contract must be carefully observed.**
- D. time limits stated in the contract may not be modified, even by mutual agreement of the parties.

Answer: C

Explanation:

The phrase "time is of the essence" is a standard clause in Massachusetts real estate contracts. It means that contract deadlines are legally binding and must be strictly observed. Failure to perform within the time specified constitutes a breach of contract.

It does not mean that the closing must occur "as soon as possible" (A) but rather on the date agreed upon.

C overstates - while performance must be timely, contracts may allow flexibility in exact timing if not specified.

D is incorrect because deadlines may be modified if both parties agree in writing.

Thus, the best legal definition is B: time limits set forth in the contract must be carefully observed.

Reference: Massachusetts Real Estate Salesperson Candidate Handbook - Contracts; M.G.L. c.106, Uniform Commercial Code §2-309 (time requirements).

NEW QUESTION # 66

Two top licensees in a small town have agreed not to show listings of a new real estate firm charging a low commission rate to sellers. This behavior is a violation of the

- A. Equal Credit Opportunity Act.
- **B. Sherman Antitrust Act.**
- C. Blue-Sky laws.
- D. federal fair housing laws.

Answer: B

Explanation:

The Sherman Antitrust Act is a federal law that prohibits any contract, combination, or conspiracy that restrains trade or creates monopolies. In the context of real estate, antitrust violations include price fixing, market allocation, group boycotts, and tie-in arrangements.

The situation described - where two licensees agree not to show listings from a competing brokerage charging lower commissions - is a classic example of a group boycott. By conspiring to cut out competition, they are restraining trade and harming both consumers and the new brokerage.

The Equal Credit Opportunity Act (A) deals with lending discrimination, Blue-Sky laws (B) regulate securities, and federal fair housing laws (D) prohibit housing discrimination. Only the Sherman Antitrust Act applies here.

Massachusetts licensees are specifically tested on recognizing antitrust violations. The penalties for Sherman Act violations are severe, including fines, loss of license, and even imprisonment.

Reference: Massachusetts Real Estate Salesperson Candidate Handbook - Real Estate Practice & Antitrust Laws; Sherman Antitrust Act, 15 U.S.C.1-7.

NEW QUESTION # 67

A home warranty for a previously owned home would usually cover which of the following items?

- A. structure or flooding issues after closing
- B. major appliances, the buyer's personal property, and any seller added fixtures
- C. only home systems such as the roof, plumbing, and foundation
- D. major appliances and home systems such as electric, heating, and plumbing

Answer: D

Explanation:

Comprehensive and Detailed Explanation (150-250 words):

A home warranty (separate from homeowners insurance) is a service contract that covers the cost of repair or replacement of major home systems and appliances due to normal wear and tear. Typical coverage includes heating and cooling systems, electrical, plumbing, and major appliances such as ovens, dishwashers, and refrigerators.

A: Structural or flooding issues are generally covered by homeowner's insurance or flood insurance, not warranties.

B: Roofs and foundations may not be covered unless optional riders are purchased.

D: Buyer's personal property and seller's fixtures are not part of warranty coverage.

Thus, the best answer is C.

Reference: Massachusetts Real Estate Salesperson Candidate Handbook - Property Condition and Warranties; HUD Home Warranty Guidance.

NEW QUESTION # 68

The Massachusetts Consumer Protection Act requires that

- A. The seller's information be kept confidential.
- B. The buyer be informed of all offers.
- C. The seller disclose all offers received.
- D. The broker disclose known material defects.

Answer: D

Explanation:

The Massachusetts Consumer Protection Act (M.G.L. c. 93A) prohibits unfair or deceptive practices in trade or commerce. In real estate, this means that a broker must disclose known material defects to prospective buyers. Failing to do so constitutes a deceptive act and can subject the broker to liability, including double or treble damages, attorney's fees, and court costs.

While sellers and buyers have their own disclosure obligations, the statute specifically imposes consumer protection responsibilities on businesses, including real estate brokers. Confidentiality of client information is a fiduciary duty under agency law, not a requirement of Chapter 93A. Offers themselves must always be presented to clients, but Chapter 93A focuses primarily on material misrepresentation and nondisclosure.

Reference: M.G.L. c. 93A; 254 CMR 3.00; Massachusetts Real Estate Candidate Information Bulletin - Consumer Protection Law.

NEW QUESTION # 69

In Massachusetts, deeds are recorded at the

- A. County registry.
- B. State registry.
- C. Massachusetts Board of Registration.
- D. City or town hall.

Answer: A

Explanation:

In Massachusetts, deeds are recorded at the county registry of deeds. The county registry is where all real estate documents (such as deeds, mortgages, and liens) are officially recorded. These records are public and provide legal notice of ownership and other property rights.

City or town halls may have certain records, such as local property tax assessments, but deeds must be recorded at the county level. The Massachusetts Board of Registration handles licensing and disciplinary actions for real estate professionals, but it does not record deeds.

NEW QUESTION # 70

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