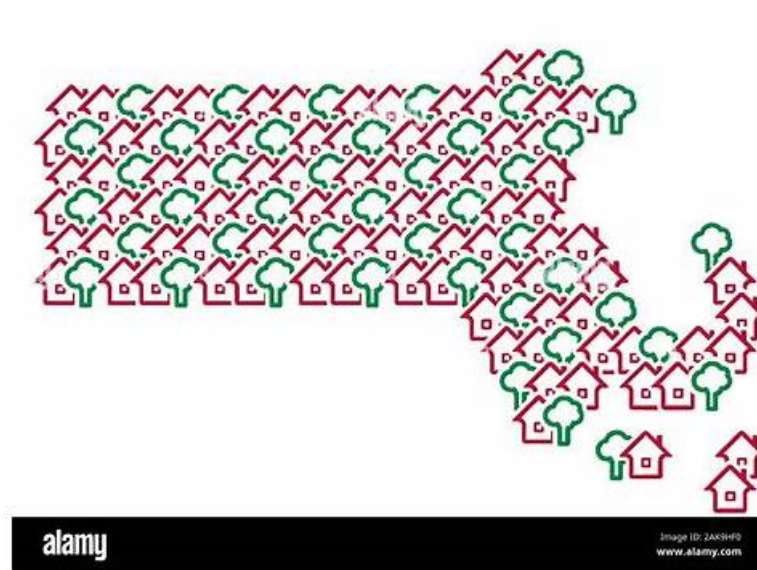


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Real Estate Massachusetts Real Estate Salesperson Exam Sample Questions (Q31-Q36):

NEW QUESTION # 31

Broker N has five affiliated salespersons. On Monday at 10:00 a.m., Salesperson J submitted an offer to purchase from a prospective buyer. The offer price was \$300,000. An hour later, Salesperson R submitted an offer of \$296,000. However, Broker N held the second offer until the seller rejected the first offer. Broker N's conduct in this situation is

- **A. Not permissible because a broker must present all offers to the principal forthwith.**
- B. Permissible as long as both salespeople share a commission on either of the offers accepted by the seller.
- C. Permissible as long as both salespeople knew of Broker N's action.
- D. Not permissible because a broker must inform all potential buyers of existing offers.

Answer: A

Explanation:

Massachusetts law and professional practice require that all offers must be presented to the seller forthwith (immediately). A broker may not withhold or delay offers, regardless of their order of arrival, price, or terms.

In this scenario, Broker N violated fiduciary duty to the seller by withholding the second \$296,000 offer until the first was rejected. The seller is entitled to see all offers promptly in order to make an informed decision.

The broker has no authority to filter, delay, or prioritize offers.

The law does not require informing other buyers about competing offers (that would be a separate issue of disclosure), but the broker's obligation is always to the client-the seller-to present all offers immediately.

Reference: 254 CMR 3.00 - Duties of Licensees; NAR Code of Ethics, Article 1.

NEW QUESTION # 32

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

Answer: A

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 # 33

Which of the following is among the typical responsibilities of a residential property manager?

- **A. making decisions about structural changes that will enhance the property value**

- B. selecting tenants to provide a diverse environment
- C. requesting that the tenant's employer withhold the past due rent from wages
- **D. negotiating leases between the property owner and potential tenants**

Answer: D

Explanation:

Comprehensive and Detailed Explanation (150-250 words):

A residential property manager typically handles marketing, tenant screening (within fair-housing compliance), lease negotiation and execution, rent collection, coordination of maintenance, and reporting to the owner. Of the choices, negotiating leases between the owner and prospective tenants (D) squarely fits the manager's role. Option A (wage garnishment) is a legal remedy available only through court order-not something a manager can unilaterally request from an employer. Option B (deciding structural changes) exceeds a manager's authority; capital improvements require owner approval. Option C is problematic:

attempting to "select tenants to provide a diverse environment" risks steering or discriminatory practices in violation of fair housing laws; tenant selection must be based on neutral, consistent criteria (income, credit, rental history) applied uniformly. Massachusetts exam content highlights the manager's duty to act within the management agreement, comply with fair housing, and conduct lease negotiations consistent with owner directives. Therefore, D is the correct answer.

References: Massachusetts Real Estate Salesperson Candidate Handbook - Property Management; Fair Housing compliance responsibilities.

NEW QUESTION # 34

The Massachusetts Sanitary Code requires landlords to

- A. Provide a statement of condition within 30 days of the lease.
- B. Notify a tenant 24 hours prior to entering a property.
- **C. Maintain their properties in a safe and habitable condition.**
- D. Inspect the property every six months.

Answer: C

Explanation:

The Massachusetts State Sanitary Code (105 CMR 410) establishes minimum standards for human habitation.

Landlords are required to ensure that rental units are kept in a safe, sanitary, and habitable condition at all times. This includes maintaining heating systems, hot water, structural integrity, pest control, and ensuring compliance with health and safety standards.

While landlords may provide a statement of condition when collecting a security deposit (per M.G.L. c. 186, § 15B), this is not part of the Sanitary Code itself. Similarly, no law requires inspections every six months or a 24-hour notice of entry (although reasonable notice is considered best practice and is recommended in case law).

The essential legal requirement is habitability. Tenants have the right to withhold rent or seek remedies if the landlord fails to maintain the property in compliance with the Sanitary Code. Local boards of health enforce these regulations.

Reference: Massachusetts Sanitary Code, 105 CMR 410; M.G.L. c. 186, § 14; Massachusetts Real Estate Salesperson Study Guide - Landlord/Tenant Law.

NEW QUESTION # 35

Standard title insurance would protect a buyer

- A. if after closing, the HOA placed a lien on the property for the previous owner's unpaid dues.
- **B. when the seller has forged an ex-partner's signature on the deed.**
- C. for the purchase of a property bought sight unseen where the buyer discovers a tenant living at the property.
- D. in a purchase where the buyer had knowledge of a shed violating setback requirements.

Answer: B

Explanation:

Comprehensive and Detailed Explanation (150-250 words):

Standard title insurance protects against defects in title that existed prior to closing and were not discovered in the public record.

Covered risks include:

Forged deeds or signatures.

Fraud in the chain of title.

Undisclosed heirs.

Mistakes in recording.

Therefore, if a seller forged a co-owner's (ex-partner's) signature on the deed, title insurance would cover the buyer.

B: Post-closing liens (such as new HOA liens) are not covered.

C: Known defects or issues (shed violating setbacks) are not covered.

D: Occupancy issues are outside the scope of standard title coverage.

Thus, the correct answer is A.

Reference: Massachusetts Real Estate Salesperson Candidate Handbook - Transfer of Title; Title Insurance.

NEW QUESTION # 36

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