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Real Estate Massachusetts Real Estate Salesperson Exam Sample Questions (Q54-Q59):

NEW QUESTION # 54

What is the function of a promissory note or bond when used in conjunction with a mortgage?

- A. It provides the elements necessary to make the mortgage valid.
- B. In case of default, it limits the lender's rights to interest only.
- C. It furnishes a complete legal description of the property.
- D. It makes the borrower personally obligated to pay the debt.

Answer: D

Explanation:

In Massachusetts real estate law and as covered in the Massachusetts Real Estate Salesperson Study Guide, a promissory note (sometimes called a bond) is a written promise by the borrower to repay a specific amount of money to the lender under agreed terms. The note functions as evidence of the debt and creates a personal obligation for the borrower to pay the debt according to the specified schedule. This personal obligation is what differentiates the note from the mortgage document itself.

While the mortgage creates a lien against the property and provides security for the loan (giving the lender rights to the property in case of default), the promissory note represents the actual debt and the borrower's promise to repay it. Without the note, the mortgage lien alone is insufficient because it only secures the loan; it does not obligate repayment.

The promissory note generally contains the principal amount, interest rate, payment schedule, maturity date, and any penalties for default. If the borrower defaults on payments, the lender can take legal action based on the note. The mortgage provides the lender the right to foreclose on the property if the note is not paid, but the note itself establishes the borrower's personal liability.

This is explicitly stated in official Massachusetts real estate law references and study guides:

"The note is the borrower's personal promise to pay the debt."

"The mortgage is the security instrument that pledges the property as collateral." Reference: Massachusetts Real Estate Salesperson Study Guide, Chapter 8: Financing Instruments and Mortgages.

NEW QUESTION # 55

According to the CAN-SPAM Act, every email advertisement for real estate services must do all of the following EXCEPT

- A. advise the recipient that it will take 180 days to remove the recipient's name from this email list.
- B. inform the recipient of the name and location of the brokerage firm.
- C. allow a method for the recipient to opt out and not receive future emails.
- D. clearly indicate the nature of the content of the email.

Answer: A

Explanation:

Comprehensive and Detailed Explanation (150-250 words):

The CAN-SPAM Act of 2003 governs commercial email. Key requirements include:

Emails must not use misleading subject lines (A).

Must include the sender's valid physical postal address (B).

Must provide a clear, simple way to opt out of future emails (C).

Opt-out requests must be honored within 10 business days, not 180 days.

Thus, advising that it will take 180 days to remove an email address is not compliant.

Correct answer: D.

Reference: CAN-SPAM Act (15 U.S.C. 7704); Massachusetts Real Estate Salesperson Candidate Handbook

- Advertising Compliance.

NEW QUESTION # 56

If a deed creating a tenancy in common does NOT state the fractional interest of each co-owner, it

- A. is void.
- B. becomes a joint tenancy.
- C. is presumed each owner has an equal interest.
- D. must be determined by a majority vote of the tenants.

Answer: C

Explanation:

In tenancy in common, two or more individuals hold title together, each with an undivided right to possess the property. The co-owners may hold unequal shares, but unless otherwise specified in the deed, the law presumes equal ownership interests.

For example, if three people take title as tenants in common without specifying percentages, Massachusetts law assumes they each

own one-third. The deed is not void (A), fractional shares are not decided by "vote" (C), and tenancy in common does not convert into joint tenancy (D) unless explicitly stated with survivorship rights.

Thus, the correct answer is B: presumed equal interest.

Reference: Massachusetts Real Estate Salesperson Candidate Handbook - Forms of Ownership; M.G.L. c. 184.

NEW QUESTION # 57

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

Answer: D

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 # 58

A married couple owns property as tenants by the entirety. If they were to divorce, their ownership would be

- A. Tenancy in severalty.
- **B. Tenancy in common.**
- C. Tenancy by the entirety.
- D. Joint tenancy.

Answer: B

Explanation:

Tenancy by the entirety is a special form of ownership available only to married couples in Massachusetts. It provides rights of survivorship and protection from individual creditors of one spouse.

Upon divorce, the law automatically converts a tenancy by the entirety into a tenancy in common, unless otherwise stated in the divorce decree. In tenancy in common, each former spouse owns an undivided share of the property without survivorship rights, and they are free to transfer or sell their interest independently.

It does not convert into joint tenancy or tenancy in severalty unless agreed to or ordered by the court.

Reference: M.G.L. c. 209, 1; Massachusetts Real Estate Candidate Information Bulletin - Forms of Ownership.

NEW QUESTION # 59

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