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Real Estate Massachusetts Real Estate Salesperson Exam Sample Questions (Q91-Q96):

NEW QUESTION # 91

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 # 92

A contract is delivered to the listing broker by a cooperating broker. The listing broker makes an appointment with the owner to present the offer at 7 p.m. of that day. Before 7 p.m., two more offers arrive on the same property. Which offer should be presented to the owner at the 7 p.m. appointment?

- **A. All three of the offers**
- B. The first offer received
- C. The offer most favorable to the seller, including price and all terms
- D. The offer with the highest sale price

Answer: A

Explanation:

A Massachusetts real estate licensee has a fiduciary duty of full disclosure and obedience to the client (the seller). That means the listing broker must present all offers promptly and in full to the seller, regardless of the order received or whether one seems more favorable.

The Massachusetts Board of Registration of Real Estate Brokers and Salespersons emphasizes that withholding offers or "screening" them based on price, terms, or timing constitutes a violation of fiduciary duty and can result in disciplinary action. The seller has the exclusive right to decide which offer to accept, reject, or counter. The broker's responsibility is only to deliver all offers in a timely fashion.

Therefore, at the 7 p.m. appointment, the listing broker must present all three offers that had been received. It would be improper to withhold later offers or to select the "best" offer unilaterally.

Reference: Massachusetts Real Estate Salesperson Candidate Information Bulletin; 254 CMR 3.00:

Obligations to the Client; National Association of REALTORS Code of Ethics, Article 1.

NEW QUESTION # 93

Standard title insurance would protect a buyer

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

Answer: A

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 # 94

A broker lists a property for ninety days. A buyer stops at the owner's residence and makes an offer for the property, which the owner accepts. The broker has no knowledge of the sales agreement between the buyer and the owner. The broker is entitled to a commission from the sale if the agreement the broker had with the owner was a(n)

- A. Exclusive right-to-sell listing.
- B. Exclusive agency listing.
- C. Open listing.
- D. Net listing.

Answer: A

Explanation:

An exclusive right-to-sell listing guarantees that the broker will receive a commission no matter who finds the buyer - even if the owner sells the property themselves. If the broker had an exclusive right-to-sell listing with the owner, the broker is entitled to a commission if the property sells during the listing period, regardless of whether the broker was involved in the sale or not.

Exclusive agency listing only entitles the broker to a commission if they or another agent find the buyer; if the owner sells the property themselves, they do not owe the broker a commission.

Open listing allows the owner to sell the property themselves without owing the broker a commission unless the broker finds the buyer.

Net listing is illegal in Massachusetts as it could encourage brokers to manipulate the sale price for their own benefit.

Thus, the broker is entitled to a commission if the listing was an exclusive right-to-sell.

Reference: Massachusetts Real Estate License Law, M.G.L. c. 112, §§ 87PP-87DDD; 254 CMR 2.00 - Listings.

NEW QUESTION # 95

In Massachusetts, which of the following statements about smoke detectors prior to closing is always correct?

- A. A three-family residence can have either battery-operated or hard-wired smoke detectors.
- B. Smoke detectors are optional in single-family houses.
- C. A smoke detector certificate must be obtained from the local fire department.
- D. All single-family residences must have hard-wired smoke detectors.

Answer: C

Explanation:

In Massachusetts, all single-family homes, multifamily properties, and condominiums must comply with smoke detector requirements prior to closing. Massachusetts law mandates that smoke detectors must be installed in residential properties, and a smoke detector

certificate must be obtained from the local fire department as part of the closing process.

The certificate ensures that the smoke detectors are properly installed and functioning according to state and local regulations. This certificate is required to transfer ownership of the property.

While hard-wired smoke detectors are required in some cases, they are not mandatory for all single-family residences. The rule applies more strictly to multifamily dwellings or properties built after a specific year. The correct answer is that a smoke detector certificate must be obtained from the local fire department.

Reference: 527 CMR 1.00 - Massachusetts Fire Code; M.G.L. c. 148, 26.

NEW QUESTION # 96

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