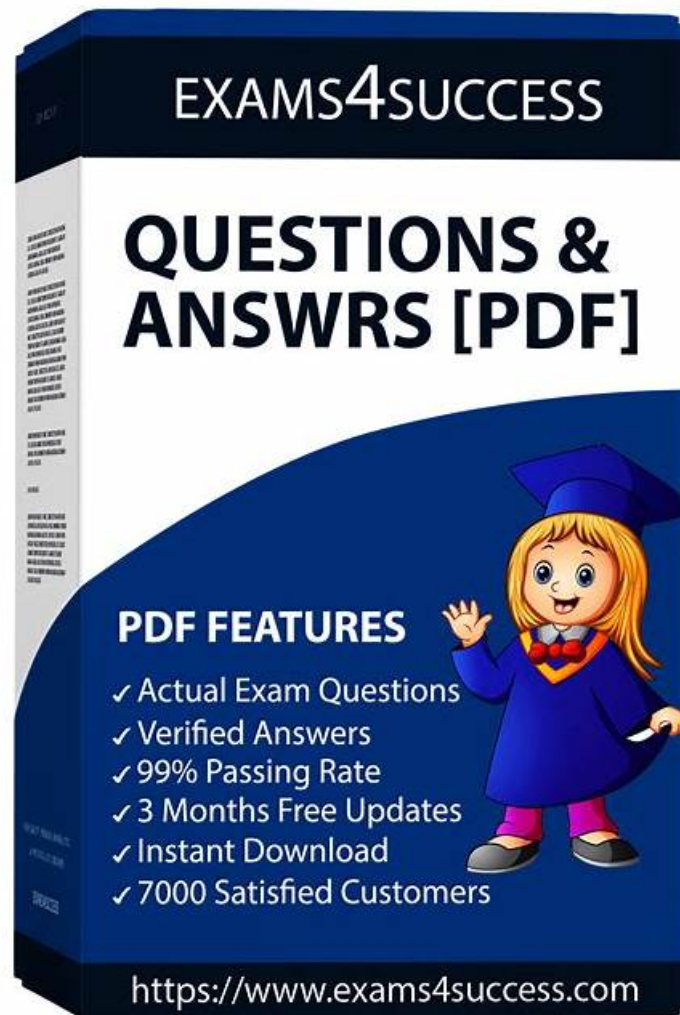


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Real Estate Massachusetts Real Estate Salesperson Exam Sample Questions (Q89-Q94):

NEW QUESTION # 89

A buyer and a seller have a purchase agreement that contains a home inspection contingency. The buyer has applied for a VA mortgage. After the home inspection is completed, the buyer writes an addendum requesting that the seller pay to repair several items found by the home inspector. The seller counters the addendum by requiring that the buyer agree that the repairs will be made, but that no further expenses will be incurred by the seller. The VA appraisal inspection has not been conducted. Under these circumstances, which of the following is correct?

- A. The original contract is still in effect.
- B. There is no longer a valid contract.
- C. The VA inspection is not necessary because the buyer's home inspection report will be sent to the mortgage company.
- D. The licensee should encourage the seller to place the home back on the market.

Answer: A

Explanation:

Comprehensive and Detailed Explanation (150-250 words):

In this scenario, the parties have entered into a binding purchase agreement with a home inspection contingency. The buyer submitted an addendum requesting seller repairs, but the seller countered. Since the buyer has not yet accepted, the counter is not binding - therefore, the original contract remains in effect until both parties agree to a modification.

Additionally, because the financing is a VA loan, the VA still requires a VA appraisal (separate from the buyer's home inspection) to determine value and minimum property requirements. The VA inspection cannot be waived by substituting the home inspector's report.

Thus, the correct answer is B: the original contract is still in effect.

Reference: Massachusetts Real Estate Salesperson Candidate Handbook - Contracts; VA Loan Program Guidelines.

NEW QUESTION # 90

A licensee lists a property and discovers that the property is too far away to market effectively. The licensee's firm retains the listing, but does not advertise or show it. Which of the following has been violated?

- A. seller disclosure laws
- B. fiduciary responsibility
- C. Consumer Protection Act
- D. statute of frauds

Answer: B

Explanation:

When a broker accepts a listing agreement, they enter into a fiduciary relationship with the seller. This relationship requires loyalty, obedience, disclosure, confidentiality, accounting, and reasonable care/diligence.

If the licensee fails to market, advertise, or show the property, they are breaching their duty of diligence and care as well as loyalty to the seller's best interests. This is a direct violation of fiduciary responsibility.

The Consumer Protection Act (B) addresses deceptive business practices, seller disclosure laws (C) apply to condition disclosures, and the Statute of Frauds (D) requires certain contracts (like real estate sales) to be in writing. None apply as directly as fiduciary duties in this scenario.

Thus, the correct answer is A: fiduciary responsibility.

Reference: Massachusetts Real Estate Salesperson Candidate Handbook - Agency & Fiduciary Duties; 254 CMR 3.00 (Board of Registration).

NEW QUESTION # 91

Which of the following will NOT be considered relevant if HUD investigates a prospective home buyer's allegation of discriminatory treatment by a licensee in a brokerage office?

- A. records of the houses shown and properties suggested to the prospective buyer
- B. the reports of undercover testers who visited the office
- C. whether the licensee believed they were acting in the best interests of the prospective buyer
- D. whether or not the HUD Equal Housing Opportunity poster is displayed in the office

Answer: C

Explanation:

Comprehensive and Detailed Explanation (150-250 words):

HUD enforces the Fair Housing Act, investigating allegations of discrimination in housing. Relevant evidence in such investigations includes objective records such as listings shown, properties suggested, office policies, whether the HUD Fair Housing poster is displayed, and even reports from undercover testers.

The licensee's personal belief or intent (C) is irrelevant. The law focuses on the effect of the action, not the subjective intent of the broker. Even if the broker believes they were "acting in the client's best interest," if the conduct results in steering, blockbusting, or other discriminatory practices, it is still a violation.

Therefore, the only irrelevant factor is the licensee's personal belief, making C the correct answer.

Reference: Fair Housing Act, 42 U.S.C. 3600; HUD Fair Housing Investigative Procedures; Massachusetts Real Estate Salesperson Candidate Handbook - Fair Housing.

NEW QUESTION # 92

A prospective tenant wishes to rent an apartment and is told by the owner that the owner does not want to rent to anyone with children because of the lead paint. The prospective tenant, who has children ages four, six, and nine years old, is not concerned about lead paint and wants to rent the apartment for six months. The owner agrees to lease them the unit. Concerning the lead paint, the owner must

- A. Not de-lead because this is only a six-month lease.
- B. Write into the lease that the tenant has agreed that de-leading is not necessary.
- C. De-lead or make lead-safe whether the tenant requires it or not.
- D. Wait to de-lead until the owner has sufficient funds.

Answer: C

Explanation:

Under the Massachusetts Lead Law (M.G.L. c. 111, 189A-199B), the presence of lead paint in any residential property built before 1978 where children under six will be residing requires that the property be either delead or brought into interim control (made lead-safe). The law does not exempt short-term leases, and the landlord must comply regardless of the lease term (even for a six-month rental).

Since the tenant has children ages four, six, and nine, the landlord must take appropriate action to either de-lead or make the property lead-safe. The tenant's lack of concern does not exempt the owner from the obligation to comply with the law.

Reference: M.G.L. c. 111, 189A-199B; Massachusetts Lead Poisoning Prevention and Control Law.

NEW QUESTION # 93

Real estate taxes that are paid in advance are prorated on the closing statement as

- A. no entry to buyer; a debit to seller.
- B. a credit to buyer; a debit to seller.
- C. a debit to buyer; a credit to seller.
- D. no entry to buyer; a credit to seller.

Answer: B

Explanation:

When real estate taxes are paid in advance, the seller has already paid for a period extending beyond the closing date. Since the buyer will benefit from part of that prepaid period, the buyer must reimburse the seller for the portion after closing.

In the closing statement, this appears as:

Credit to Buyer (because the buyer is receiving benefit from prepaid taxes).

Debit to Seller (because the seller has already advanced the payment).

This ensures fairness so that each party pays taxes only for the time they own the property.

Reference: Massachusetts Real Estate Salesperson Candidate Handbook - Closing & Settlement; Real Estate Math (Prorations).

NEW QUESTION # 94

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