

BRT REALTY TRUST  
Form 8-K  
October 01, 2009

UNITED STATES  
SECURITIES AND EXCHANGE COMMISSION  
WASHINGTON, D.C. 20549

FORM 8-K

CURRENT REPORT

Pursuant to Section 13 or 15(d) of the  
Securities Exchange Act of 1934

Date of Report (Date of earliest event reported) October 1, 2009

BRT REALTY TRUST  
(Exact name of Registrant as specified in charter)

Massachusetts  
(State or other  
jurisdiction of  
incorporation)

001-07172  
(Commission file No.)

13-2755856  
(IRS Employer  
I.D. No.)

60 Cutter Mill Road, Suite 303, Great Neck, New York  
11021  
(Address of principal executive offices) (Zip code)

Registrant's telephone number, including area code 516-466-3100

Check the appropriate box below if the Form 8-K filing is intended to simultaneously satisfy the filing obligation of the registrant under any of the following provisions (see General Instruction A.2. below):

- .. Written communications pursuant to Rule 425 under the Securities Act (17 CFR 230.425)
- .. Soliciting material pursuant to Rule 14a-12 under the Exchange Act (17 CFR 240.14a-12)
- .. Pre-commencement communications pursuant to Rule 14d-2(b) under the Exchange Act (17 CFR 240.14d-2(b))
- .. Pre-commencement communications pursuant to Rule 13e-4(c) under the Exchange Act (17 CFR 240.13e-4(c))

Item 8.01

Other Events.

As previously announced, BRT Realty Trust (the "Trust") declared a special dividend of \$1.15 per share, payable on October 30, 2009 to record holders of September 30, 2009 in stock and in cash, at the election of each shareholder, subject to certain limitations. The Trust has filed with the Securities and Exchange Commission a prospectus supplement relating to its shares of beneficial interest that may be issued in payment of the dividend. In connection therewith, the Trust has filed as Exhibit 5.1 to this report the opinion of Sonnenschein Nath & Rosenthal LLP as to the legality of the securities.

Item 9.01

Financial Statements and Exhibits.

(d)

Exhibits.

5.1

Opinion of Sonnenschein Nath & Rosenthal LLP.

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Pursuant to the requirements of the Securities Exchange Act of 1934, the registrant has duly caused this report to be signed on its behalf by the undersigned hereunto duly authorized.

BRT REALTY TRUST

Date: October 1, 2009

By: Simeon Brinberg  
Simeon Brinberg  
Senior Vice President