

The following document attached as an exhibit hereto is incorporated by reference herein:

| Exhibit No. | Document |
|-------------|-------------------------------------------------|
| 99.1 | FIFTH AMENDING AGREEMENT TO CREDIT AGREEMENT |

SIGNATURES

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, thereunto duly authorized.

BAYTEX ENERGY TRUST

(Registrant)

By: Baytex Energy Ltd.

Date: October 5, 2009

By: /s/ W. Derek Aylesworth
Name: W. Derek Aylesworth
Title: Chief Financial Officer
