

KINGSWAY FINANCIAL SERVICES INC.
Notes to Consolidated Financial Statements

Income tax (benefit) expense varies from the amount that would result by applying the applicable U.S. corporate income tax rate of 21% to income from continuing operations before income tax (benefit) expense. The following table summarizes the differences:

(in thousands)	Years ended December 31,	
	2023	2022
Income tax expense at U.S. statutory income tax rate	\$ 4,967	\$ 7,341
Valuation allowance	(7,678)	(10,100)
Indefinite life intangibles	258	106
Non-deductible compensation	435	867
Investment income	(18)	(62)
State income tax, net of Federal benefit	(2)	3,052
Disposition of subsidiary	(18)	3,268
Other	157	353
Income tax (benefit) expense for continuing operations	\$ (1,899)	\$ 4,825

The tax effects of temporary differences that give rise to significant portions of the deferred income tax assets and liabilities are presented as follows:

(in thousands)	December 31,	
	2023	2022
Deferred income tax assets:		
Losses carried forward	\$ 132,302	\$ 137,155
Unpaid loss and loss adjustment expenses and unearned premiums	3,795	3,902
Intangible assets	1,109	1,380
Debt issuance costs	85	474
Investments	—	2,065
Deferred rent	65	64
Deferred revenue	253	147
Compensation	173	306
Other	608	155
Valuation allowance	(129,375)	(130,596)
Deferred income tax assets	\$ 9,015	\$ 15,052
Deferred income tax liabilities:		
Indefinite life intangibles	\$ (4,152)	\$ (3,815)
Depreciation and amortization	(1,180)	(756)
Fair value of debt	—	(7,598)
Land	(47)	(47)
Intangible assets	(3,175)	(2,606)
Deferred revenue	(1,499)	(1,188)
Investments	(168)	—
Deferred acquisition costs	(2,884)	(2,784)
Other	(951)	(434)
Deferred income tax liabilities	\$ (14,056)	\$ (19,228)
Net deferred income tax liabilities	\$ (5,041)	\$ (4,176)

The Company maintains a valuation allowance for its gross deferred income tax assets of \$129.4 million (U.S. operations - \$129.4 million; Other - less than \$0.1 million) and \$130.6 million (U.S. operations - \$130.6 million; Other - less than \$0.1 million) at December 31, 2023 and December 31, 2022, respectively. The Company's businesses have generated substantial operating losses in prior years. These losses can be available to reduce income taxes that might otherwise be incurred on future taxable income; however, it is uncertain whether the Company will generate the taxable income necessary to utilize these losses or other reversing temporary differences. This uncertainty has caused management to place a full valuation allowance on its December 31, 2023 and December 31, 2022 net deferred income tax assets, excluding the deferred income tax asset and liability amounts set forth in the paragraph below.

In 2023, the Company (i) decreased by \$2.1 million its valuation allowance primarily due to deferred tax liabilities assumed from corporate acquisitions; and (ii) increased by \$0.3 million its valuation allowance relating to a change in indefinite life deferred income tax liabilities.

In 2022, the Company (i) increased by \$2.1 million its valuation allowance associated with business interest expense carryforwards with an indefinite life; and (ii) increased by \$0.1 million its valuation allowance relating to a change in indefinite life deferred income tax liabilities.

The Company carries net deferred income tax liabilities of \$5.0 million and \$4.2 million at December 31, 2023 and December 31, 2022, respectively, that consists of:

- \$4.1 million and \$3.8 million of deferred income tax liabilities related to indefinite life intangible assets; and
- \$0.9 million and \$0.4 of deferred state income tax liabilities.

The Tax Cuts and Jobs Act (the "Tax Act") modified the U.S. net operating loss deduction, effective with respect to losses arising in tax years beginning after December 31, 2017. The Tax Act, however, did not limit the utilization, in 2018 and later tax years, of U.S. net operating losses generated in 2017 and prior tax years.